

**МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА  
БЕЗБЕДНОСТА НА ПОСТКОНФЛИКТНИОТ (ЗАПАДЕН)  
БАЛКАН, ТРАНЗИЦИЈАТА И ПРЕДИЗВИЦИТЕ НА  
РЕПУБЛИКА МАКЕДОНИЈА**

**INTERNATIONAL SCIENTIFIC CONFERENCE  
SECURITY IN THE POST-CONFLICT (WESTERN) BALKANS:  
TRANSITION AND CHALLENGES FACED BY THE REPUBLIC OF  
MACEDONIA**



**МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА**

**БЕЗБЕДНОСТА НА  
ПОСТКОНФЛИКТНИОТ (ЗАПАДЕН)  
БАЛКАН,  
ТРАНЗИЦИЈАТА И ПРЕДИЗВИЦИТЕ  
НА РЕПУБЛИКА МАКЕДОНИЈА**

27-28 Мај 2011, Охрид

**Том I**

**СКОПЈЕ, 2011**



**INTERNATIONAL SCIENTIFIC CONFERENCE**

**SECURITY IN THE POST-CONFLICT  
(WESTERN) BALKANS:  
TRANSITION AND CHALLENGES  
FACED BY THE REPUBLIC OF  
MACEDONIA**

*27-28 May 2011, Ohrid*

**Volume I**

**SKOPJE, 2011**



**Издавачи:**

Универзитет „Св. Климент  
Охридски“ Битола  
Факултет за безбедност – Скопје

**За издавачите:**

проф. д-р Златко Жоглев, ректор  
на Универзитетот „Св. Климент  
Охридски“ – Скопје  
проф. д-р Јанко Јакимов, декан  
на Факултетот за безбедност –  
Скопје

**Уредник на изданието:**

Проф. д-р Цане Мојаноски

**Преведувачи:**

м-р Елена Китановска –  
Ристоска  
Нуртен Сулејмани  
Анче Белада

**Компјурерска обработка:**

Проф. д-р Цане Мојаноски  
Корица: Кире Лазаревски

**Печати:**

АД „Киро Дандаро“ - Битола

**Адреса на издавачите:**

Факултет за безбедност  
1000 Скопје  
П. Фах 103  
tel: ++389(0)22546211

**Универзитет „Св. Климент  
Охридски“**

1vi Maj б.б.  
7000 Bitola,  
tel: ++389 (0)47223788

**Publishers:**

University “St. Kliment  
Ohridski”- Bitola  
Faculty of Security- Skopje

**For the Publishers:**

Zlatko Žoglev, PhD, rector of the  
University “St. Kliment  
Ohridski”- Bitola  
Janko Jakimov, PhD, dean of the  
Faculty of Security- Skopje

**Editor in Chief:**

Cane Mojanoski, PhD

**Proofreading:**

Elena Kitanovska- Ristoska, MA  
Nurten Sulejmani  
Anche Belada

**Layout design:**

Cane Mojanoski, PhD  
Kire Lazarevski

**Print:**

AD “Kiro Dandaro”- Bitola

**Address of the Publishers:**

Faculty of Security  
1000 Skopje  
P.O. Box 103  
tel: ++389(0)22546211

**University “St. Kliment  
Ohridski”**

1vi Maj b.b.  
7000 Bitola  
tel: +++389(0)47223788

## **ПОЧЕСЕН ОДБОР**

1. Н. Е. д-р Ѓорѓе Иванов, претседател на Република Македонија
2. д-р Златко Жоглев, ректор на Универзитетот „Св. Климент Охридски“ -Битола
3. Н. Е. м-р Гордана Јанкуловска, министер за внатрешни работи на РМ
4. Н. Е. Зоран Коњановски, министер за одбрана на РМ
5. д-р Јордан Спасески, Факултет за безбедност - Скопје

## **ПРОГРАМСКИ ОДБОР**

- д-р Јанко Јакимов, декан, Факултет за безбедност –Скопје, Република Македонија
- д-р Цане Мојаноски, Факултет за безбедност –Скопје, Република Македонија
- д-р Горан Милошевиќ, декан, Криминалистичко-полициска академија, (КПА), Србија
- д-р Лука Иаманди, ректор на Полициска академија Alexandru Ioan Cuza“, Романија
- д-р Туту Пислеаг, декан на Факултет за полиција, „Alexandru Ioan Cuza“, Романија
- д-р Горзд Мешко, декан, Факултет за безбедносни студии, Словенија
- д-р Звонимир Дујмовиќ, Висока полициска школа на МВР, Хрватска
- д-р Јордан Пенев, Ректор на Академијата на МВР, Бугарија
- д-р Злате Димовски, продекан, Факултет за безбедност –Скопје, Република Македонија
- д-р Росе Смилески, декан, Воена Академија „Генерал Михајло Апостолски“, Република
- м-р Љупчо Тодоровски, директор, МВР, Република Македонија

## **HONORARY COMMITTEE**

- H. E. Gjorge Ivanov, PhD, President of the Republic of Macedonia
- Zlatko Žoglev, PhD, Rector of the University “St. Kliment Ohridski” in Bitola
- H.E.Nikola Todorov, Minister of Education and Science of the Republic of Macedonia
- H.E. Gordana Jankulovska, MA, Minister of Interior of the Republic of Macedonia
- H.E. Zoran Konjanovski, Minister of Defence of the Republic of Macedonia
- Jordan Spaseski, PhD, Faculty of Security - Skopje

## **PROGRAMME COMMITTEE**

- Janko Jakimov, PhD, Dean of the Faculty of Security – Skopje, Republic of Macedonia , President
- Cane Mojanoski, PhD, Faculty of Security – Skopje, Republic of Macedonia
- Goran Milošević, PhD, Dean of the Academy of Criminalistics and Police Studies (ACPS), Serbia
- Luca Iamandi, PhD, Rector of the Police Academy "Alexandru Ioan Cuza", Romania
- Tutu Pisleag, PhD, Dean of the Faculty of the Police "Alexandru Ioan Cuza", Romania
- Gorazd Meško, PhD, Dean of the Faculty of Criminal Justice and Security, Slovenia
- Zvonimnir Dujmović, PhD, Higher Police School, Police Academy, MoI, Croatia
- Yordan Penev, PhD, Rector of the Academy of the Ministry of Interior, Bulgaria
- Zlate Dimovski, PhD, Vice Dean, Faculty of Security – Skopje, Republic of Macedonia



д-р Димитар Мирчев, ФОН,  
Република Македонија  
д-р Трпе Стојановски, директор,  
МАРРИ регионален центар  
м-р Горан Амиџиќ, директор,  
Висока школа за внатрешни работи,  
Република Српска, БиХ  
д-р Миле Шикман, началник,  
Директорат за полициска едукација,  
МВР, Република Српска, БиХ  
д-р Жељко Никаќ, продекан, КПА,  
Србија  
д-р Срѓан Милашиновиќ,  
продекан, КПА, Србија

#### **СЕКРЕТАР**

д-р Стојанка Мирчева, Факултет за  
безбедност – Скопје, Република  
Македонија

#### **ОРГАНИЗАЦИОНЕН ОДБОР**

1. проф. д-р Цане Мојаноски,  
претседател
2. проф. д-р Томе Батковски
3. проф. д-р Оливер Бачановиќ
4. доц. д-р Марина Малиш  
Саздовска
5. доц. д-р Фросина Ташевска-  
Ременски
6. доц. д-р Искра Аќимовска-  
Малетиќ
7. асс. д-р Стојанка Мирчева
8. асс. м-р Никола Дујовски

#### **СЕКРЕТАРИЈАТ**

1. асс. д-р Саше Герасимоски
2. виш лектор м-р Весна Трајковска
3. асс. м-р Марија Миленковска
4. асс. м-р Марјан Ѓуровски
5. Кемал Рушид

**Медиумски покровител:**  
МАКЕДОНСКА  
ИНФОРМАТИВНА АГЕНЦИЈА

Rose Smileski, PhD, Dean of the  
Military Academy, “General Mihajlo  
Apostolski”, Republic of Macedonia  
Ljupčo Todorovski, MA, Director, MoI,  
Republic of Macedonia  
Dimitar Mirčev, PhD, FON, Republic of  
Macedonia  
Trpe Stojanovski, PhD, Director,  
MARRI Regional Centre  
Goran Amidžić, MA, Director of the  
Higher School of Internal Affairs,  
Republic Srpska, BiH  
Mile Šikman, PhD, Head of the  
Directorate for Police Education,  
Ministry of Interior, Republic  
Srpska, BiH  
Željko Nikač, PhD, Vice Dean, ACPS,  
Serbia  
Srđan Milašinović, PhD, Vice Dean,  
ACPS, Serbia

#### **SECRETARY**

Stojanka Mirčeva, PhD, Faculty of  
Security-Skopje, Republic of Macedonia

#### **ORGANIZING COMMITTEE**

Prof. Cane Mojanoski, PhD, President  
Prof. Tome Batkovski, PhD  
Prof. Oliver Bačanović, PhD  
Ass. Prof. Marina Mališ- Sazdovska,  
PhD  
Ass. Prof. Frosina Taševska- Remenski,  
PhD  
Ass. Prof. Iskra Aćimovska- Maletić,  
PhD  
Ass. Prof. Stojanka Mirčeva, PhD  
Fel. Nikola Dujovski, MA

#### **SECRETARIAT**

Ass. Prof. Saše Gerasimoski, PhD  
Sen. Lect. Vesna Trajkovska, MA  
Fel. Marija Milenkovska, PhD  
Fel. Marjan Gjurovski, MA  
Kemal Rušid

**Media Sponsor: MACEDONIAN  
INFORMATION AGENCY**

# СОДРЖИНА

Conference topics: .....	v
Cane Mojanoski, PhD SCOPE OF RESEARCH IN ASPHALIOLOGY .....	1
Oliver Bachanovic, PhD; Angelina Bachanovic, MSc TRAFFICKING IN HUMAN ORGANS AND/OR BODY PARTS - A FORM OF HUMAN TRAFFICKING.....	17
Goran Milošević, PhD; Mirko Kulić, PhD; Željko Nikač, PhD COMBATING SMUGGLING IN SERBIA IN FUNCTION OF INCREASING SECURITY IN THE WESTERN BALKANS AND EUROPEAN INTEGRATION .....	30
Gorazd Meško PhD; Katja Eman MSc THE ISSUES OF THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW IN THE REPUBLIC OF SLOVENIA.....	46
Miodrag Labovic, PhD MEDIA CORRUPTION AND DEMOCRACY IN THE REPUBLIC OF MACEDONIA .....	63
Nikolay Palashev, PhD RISKS OF COMMUNICATION SECURITY.....	75
Mile Sikman, PhD; Stevo Ivetic, MA; Goran Amidzic, MA NEW FORMS OF ORGANIZED CRIME CAUSED BY GLOBAL CHANGE - A REVIEW OF THE REPUBLIC OF SRPSKA AND BIH ....	83
Vojkan Zorić, PhD; Dragan Tatomir, MSc; Bozidar Forca PhD; Stevan Armaković, PhD student; Igor Šetrajić, PhD student; Željko Nikac, PhD; Stevo Jacimovski, PhD ANALYSIS OF SUICIDAL TERRORISM PREVENTION IN ORDER TO PREVENT DISTURBANCE OF STATE STABILITY .....	103
Snezana Nikodinovska-Stefanovska, PhD SECURITY CONCEPTS OF THE EURO-ATLANTIC SECURITY ORGANIZATIONS -FIELD OF COORDINATION, COOPERATION OR COMPETITION?.....	114

Srđan Milašinović, PhD; Želimir Kešetović, PhD; Ljubiša Despotović, PhD INDUSTRIAL CLASHES IN COUNTRIES IN TRANSITION.....	127
Nebojša Teofilović, PhD; Nenad Radović, PhD; Tatjana Teofilović, MSc POLITICAL CORRUPTION AS A FACTOR OF INSTABILITY IN REPUBLIC OF SERBIA .....	140
Viorel Velişcu, PhD MEMBER LIABILITY FOR BREACH OF INTERNATIONAL OBLIGATIONS - FACTOR OF STABILITY IN BALKANS.....	154
Lana Milivojević, LL.M CORRUPTION CRIMES AND ANTI-CORRUPTION STRATEGY IN THE REPUBLIC OF CROATIA.....	162
Lazar Gjurov, MA; Angelina Taneva-Veshovska, PhD; Drage Petrevski, PhD TRANSFORMATIONAL LEADERSHIP AS A KEY FACTOR IN DEALING WITH THE TRANSITIONAL CHALLENGES IN THE WESTERN BALKAN'S REGION .....	176
Snezana Mojsoska, PhD; Gordana Vitanova, PhD; Bozidar Milenkovski, MSc SECURITY IN ELECTRONIC BANKING SYSTEM.....	189
Rina Kirkova, PhD; Nenad Taneski, MA; Marjan Gjurovski, MA DEMOCRACY AS A MECHANISM IN PREVENTION OF ASYMMETRICAL SECURITY THREATS .....	196
Goran Ilic, PhD THE POLICY OF DOMESTICATION: INVESTMENT IN THE REGIONAL AND SECURITY COOPERATION IN THE WESTERN BALKANS.....	205
Drage Petreski, PhD; Andrej Iliev, PhD; Aleksandar Glavinov, PhD; Lazar Gjurov, MA GLOBALIZATION PROCESSES, SECURITY AND SECURITY PERSPECTIVES IN THE REGION .....	215
Toni Mileski, PhD; Nikolco Spasov, MSc GLOBAL, REGIONAL AND LOCAL IMPLICATIONS OF CLIMATE CHANGE ON SECURITY.....	225

Prof. Duško Vejnović, PhD; Gojko Pavlović, MA GLOBALIZATION AND PRIVATIZATION OF SECURITY .....	239
Goran Zendelovski, MA CONTEMPORARY POLITICAL PROCESSES OF GLOBALIZATION – THREAT OR CHANCE FOR THE STATE.....	250
Marjan Arsovski, PhD EUROPEAN UNION’S FOREIGN AND SECURITY POLICY IN THE WESTERN BALKANS.....	258
Zlate Dimovski, PhD; Ice Ilijevski; Kire Babanoski INTELLIGENCE PROCESS AS A KEY LINK IN THE FIGHT AGAINST TERRORISM.....	268
Dragan Arlov, PhD; Radivoje Jankovic, MSc HANDLING THE SERVICE GUN, WITHOUT SHOOTING LIVE AMMUNITION, IN THE FUNCTION OF A HIGHER LEVEL OF PROFESSIONAL TRAINING.....	282
Katja Eman, MSc; Gorazd Meško, PhD MEDIA REPORTING ABOUT ENVIRONMENTAL CRIME IN THE REPUBLIC OF SLOVENIA .....	290
Obrad Stevanović, PhD; Dalibor Kekić, PhD; Slobodan Miladinović, PhD TERRORIST ATTACK USING THE FLU VIRUS AND USAGE OF SLIAR MATHEMATICAL MODEL .....	306
Dragana Kolarić, PhD EUROPEAN STANDARDS ON COMBATING TERRORISM AND THE CRIMINAL CODE OF THE REPUBLIC OF SERBIA .....	319
– CURRENT SITUATION AND PERSPECTIVES.....	319
Simona Strmečki, B.Sc; Krunoslav Antoliš, PhD THE IMPORTANCE OF ICT FOR THE COMMON EU’S FOREIGN AND SECURITY POLICY.....	330
Sergiu Adrian Vasile, PhD; Amalia Nitu PhD RECONFIGURATION AND THE PERSPECTIVES OF SECURITY STRATEGIC AREAS IN THE EUROPEAN .....	337

Aleksandar Doncev, PhD MAINTAINING PEACE AND STABILITY ON THE BALKANS.....	349
Ferdinand Odzakov, MSc ASYMMETRICAL THREATS AS NEW CHALLENGES FOR SECURITY AND INTELLIGENCE COMMUNITY OF THE BALKAN COUNTRIES .....	361
Svetlana Nikoloska, PhD INVESTIGATIONS OF ORGANIZED ECONOMIC- FINANCIAL CRIME TROUGH THE APPLICATTION OF CONCEPT AND METHOD OF TEAMWORK OF DIRECT AND INDIRECT COMPETENT INSTITUTIONA IN THE REPUBLIC OF MACEDONIA .....	368
Oliver Bakreski, PhD; Tanja Milosevska, MSc THE ROLE OF NON-STATE ACTORS IN SECURITY .....	381
Žanet Ristoska, PhD THE RELATIONS BETWEEN MASS-MEDIA AND MODERN SECURITY THREATS WITHIN GLOBAL AND NATIONAL SECURITY SYSTEMS.....	395
Vladimir Urosevic, PhD; Sergej Uljanov ANALYSIS OF CRIMINAL ACTIVITIES OF CYBER CRIMINALS IN THE ONLINE ENVIRONMENT.....	403
Kebir Avziu, PhD INTERNAL CONTROL OF POLICE IN MACEDONIA.....	416
Sergej Cvetkovski THE INSTRUMENTS OF EU ENGAGEMENT IN WESTERN BALKANS STATE .....	428
Angelina Stanojoska TRAFFICKING IN HUMAN BEINGS AND THE POST – CONFLICT BALKANS AS SUITABLE GROUNDS FOR CONTINUOUS CRIMINAL PROCESS .....	439

Aleksandra Dimitrovska	
DETERMINATION OF PERSONALITY PROFILE - LIFE STYLE – OF “NORMAL” HOMICIDES IN ORDER TO SUCCESSFULLY SUPPRESS THIS TYPE OF CRIME.....	453
Viktorija Todorovska	
THE METHODOLOGICAL PARADIGMS IN THE RESEARCH OF SECURITY PHENOMENA.....	468

## **INTERNATIONAL SCIENTIFIC CONFERENCE**

# **SECURITY IN THE POST-CONFLICT (WESTERN) BALKANS: TRANSITION AND CHALLENGES FACED BY THE REPUBLIC OF MACEDONIA**

*(Security Studies and the Science of Security)*

The Faculty of Security in Skopje, Republic of Macedonia in cooperation with the Academy of Criminalistics and Police Studies (ACPS) in Belgrade, Serbia, the Police Academy "Alexandru Ioan Cuza" in Bucharest, Romania, the Faculty of Criminal Justice and Security in Ljubljana, Slovenia, the Higher Police School, Police Academy, Croatia, Academy of the Ministry of Interior, Bulgaria and the Higher School of Internal Affairs in Banja Luka, Republic Srpska, BiH organize the international scientific conference "SECURITY IN THE POST-CONFLICT (WESTERN) BALKANS: TRANSITION AND CHALLENGES FACED BY THE REPUBLIC OF MACEDONIA".

### ***HONORARY COMMITTEE***

H. E. Gjorge Ivanov, PhD, President of the Republic of Macedonia  
Zlatko Žoglev, PhD, Rector of the University "St. Kliment Ohridski" in Bitola  
H.E.Nikola Todorov, Minister of Education and Science of the Republic of Macedonia  
H.E. Gordana Jankulovska, MA, Minister of Interior of the Republic of Macedonia  
H.E. Zoran Konjanovski, Minister of Defence of the Republic of Macedonia  
Jordan Spaseski, PhD, Faculty of Security – Skopje

### ***PROGRAMME COMMITTEE***

Janko Jakimov, PhD, Dean of the Faculty of Security – Skopje, Republic of Macedonia  
Cane Mojanoski, PhD, Faculty of Security – Skopje, Republic of Macedonia  
Goran Milošević, PhD, Dean of the Academy of Criminalistics and Police Studies (ACPS), Serbia

Luca Iamandi, PhD, Rector of the Police Academy "Alexandru Ioan Cuza", Romania  
Tutu Pisleag, PhD, Dean of the Faculty of the Police "Alexandru Ioan Cuza", Romania  
Gorazd Meško, PhD, Dean of the Faculty of Criminal Justice and Security, Slovenia  
Zvonimir Dujmović, PhD, Higher Police School, Police Academy, MoI, Croatia  
Yordan Penev, PhD, Rector of the Academy of the Ministry of Interior, Bulgaria  
Zlate Dimovski, PhD, Vice Dean, Faculty of Security – Skopje, Republic of Macedonia  
Rose Smileski, PhD, Dean of the Military Academy, “General Mihajlo Apostolski”, Republic of Macedonia  
Ljupčo Todorovski, MA, Director, MoI, Republic of Macedonia  
Dimitar Mirčev, PhD, FON, Republic of Macedonia  
Trpe Stojanovski, PhD, Director, MARRI Regional Centre  
Goran Amidžić, MA, Director of the Higher School of Internal Affairs, Republic Srpska, BiH  
Mile Šikman, PhD, Head of the Directorate for Police Education, Ministry of Interior, Republic Srpska, BiH  
Željko Nikač, PhD, Vice Dean, ACPS, Serbia  
Srđan Milašinović, PhD, Vice Dean, ACPS, Serbia

***SECRETARY***

Stojanka Mirčeva, PhD, Faculty of Security-Skopje, Republic of Macedonia

***ORGANIZING COMMITTEE***

Prof. Cane Mojanoski, PhD, President  
Prof. Tome Batkovski, PhD  
Prof. Oliver Bačanović, PhD  
Ass. Prof. Marina Mališ- Sazdovska, PhD  
Ass. Prof. Frosina Taševska- Remenski, PhD  
Ass. Prof. Iskra Aćimovska- Maletić, PhD  
Ass. Prof. Stojanka Mirčeva, PhD  
Fel. Nikola Dujovski, MA



## ***SECRETARIAT***

Ass. Prof. Saše Gerasimoski, PhD

Sen. Lect. Vesna Trajkovska, MA

Fel. Marija Milenkovska, PhD

Fel. Marjan Gjurovski, MA

Kemal Rušid

## **Media Sponsor: MACEDONIAN INFORMATION AGENCY**

The scientific conference is organized with the goal to contribute to the clarification of issues related to the Post-conflict (Western) Balkans, security, transition and challenges faced by the Republic of Macedonia, through presentation of scientific papers and discussions in the context of contemporary Balkan and Euro-Atlantic integrations.

The specific objective of the Conference is the theoretical conceptualization of topical issues, with the task of encouraging and giving impulse to the evaluation of practice, with emphasis on opening discussions on theoretical and epistemological problems of asphaliology (the science of security), especially the need for defining the scope and the development of research methodology for security phenomena and security in general, its structure and forms of occurrence and the relationships between them.

The contemporary (global) security is focused on the issues of security and transition, building democratic relationships, open society, i.e. communities of free citizens, which inevitably requires synergy of science, politics and practice in addressing and solving systemic and acute problems of the contemporary society.

Closely related to the problems of security are also issues related to the erosion of social values and disintegration of the value system and the process of criminalization of society. Social crisis and the positioning of closed societies inevitably lead to the occurrence of authoritative forms of government, accompanied by a certain degree of non-democracy, authority, corruption, organized crime as well as institutions without adequate capacity for performing their own functions.

In the last two decades the (Western) Balkans has been in the process of defining its reform processes and building institutions and institutional structure able to meet the requirements for Euro-Atlantic integration. The countries from this region have achieved the objectives set by the Euro-Atlantic integration, with different levels of efficiency and dynamics.

In the last few years, normative conditions were created in the Republic of Macedonia for increasing and deepening the reform process of its security systems, particularly of the police and the sector for internal affairs in general. That is why it is important to consider the experiences

from the reforms of the security systems, especially the transformation of police systems and organizations. In this sense, the exchange of experiences in EU member and candidate countries is of great importance. Also important are issues related to security and security challenges, particularly in the Republic of Macedonia in the period when the country has made a visible step forward in reforming its security systems and has become part of Euro-Atlantic integrations. Bearing in mind all this, a need has emerged for the analysis of the preparations, the fulfillment of the conditions imposed by the European Union, and especially the definition of the legal framework and the functioning of the political system.

Taking into consideration the fact that the Faculty of Security functions within the system of higher education institutions of the University “St. Kliment Ohridski”, as well as its tasks of continuous organized efforts for theoretical conceptualization and re-evaluation of security practice, the organization of the Conference is a serious challenge for contemporary science, whose task is to open dilemmas and debates about the extent of the constitution of asphaliology (the science of security) as a science and the scientific disciplines constituted for studying specific issues which are related, above all, to internal and external security. In this aspect, it is of great significance to evaluate the constitution and the development of police sciences, as organized and systematized knowledge of the police as a phenomenon, its organization and relations, as well as its activities, which impose the need for critical revalorization of scientific and research efforts.

The Conference will host scientific workers from eight countries, mainly from the Balkan region.

		Macedonia	Serbia	Croatia	Slovenia	Montenegro	Bosnia and Herzegovina, Republic of Srpska	Bulgaria	Romania	Total
Authors	1 author	30	2	2	1	1		1	2	39
	2 authors	12	5	2	3		1		1	24
	3 authors	8	8				2			18
	4 authors	1	2		1					4
	Abstracts	70	22	1		1	3	1	4	102
	Papers received	61	17	4	5	1	3	1	3	95
Reviews	Positive reviews	51	17	4	5	1	3	1	3	85
	Negative reviews	10								10

### ***Conference topics:***

- Sciences of security, criminology, police, criminalistics and other affiliated sciences: theoretical, epistemological and methodological issues of the science and the system of sciences;
  - Challenges to the criminal justice reforms through the perspectives of Euro-Atlantic and European integration processes;
  - Security, globalisation processes, crime in the post-conflict (Western) Balkans, transition, crime and organised crime;
  - Security and security perspectives of the Balkans- situation, challenges and orientations, with particular emphasis on Euro-Atlantic and European integration processes;
  - Reforms and restructuring of the security sector in the Republic of Macedonia through the perspectives of Euro-Atlantic and European integration processes;
- Reconciliation and reconstruction in post-conflict societies in the (Western) Balkans; ten years after the conflict in the Republic of Macedonia- the truths silenced and setting the path to the future.

### ***ORGANIZING COMMITTEE***

Prof. Cane Mojanoski, PhD



**Cane Mojanoski, PhD**  
Faculty of security Skopje  
cmojanoski@fb.uklo.edu.mk

## **SCOPE OF RESEARCH IN ASPHALIOLOGY**

### **Abstract**

*In scientific literature related to asphaliology, concerning the security science, lots of discussions are conducted as part of interdisciplinary, disciplinary and transdisciplinary research. Research areas of asphaliology are subject of this paper.*

*The point is to study security from the point of view of many disciplines and areas. The number of disciplines that can contribute to generate new knowledge about security is not small, starting from: politology, criminology, criminalistics, psychopatology, ecology, biochemistry, genetics, geography, history, economics, linguistics, mathematics, physics, chemistry, statistics, neurology, pharmacology, psychiatry, physiology, sociology, penology, law, medicine as well as agricultural, military, technical and informaton sciences. The list of scientific areas that could be deployed in transdisciplinary researches is not definite.*

*There is not only one approach to understand the standpoints of the interdisciplinary researches in scientific literature. Generally the differences can be distributed into two groups. The first group composes those schools and thoughts that consider security as one research area part of the "fundamental" or "parental" sciences which is issue for method application and its techniques and process could be basis for other sciences. Knowledge generated from their research belongs to the knowledge of their research corpus.*

*Security sciences are awarded with prescriptive or melioristic character which aim is correction, improvement of security practice, on the basis of research results that are created in the frames of "fundamental" sciences.*

*On the other hand, movement in the interests from natural to sociable sciences tends to establish bonds for mutually appreciation and interdisciplinary collaboration. Unluckily, such action in reverse direction, from social and humanistic sciences is hard to be noticed. Security and knowledge about security, precisely, difusion of knowledge among scientists in natural and social sciences can play a key role.*

**Key words:** *asphaliology, area, research, fundamental sciences, discipline, interdisciplinarity, multidisciplinary.*

### *The term security and security science ( asphaliology )*

Previously, we have tried to define the terminology and the content of the terms security science and security<sup>1</sup> precisely. Different language systems<sup>2</sup> use different terms. This was done with the purpose of making a clear distinction between two terms. Therefore, it is suggested that the nomination of the security science should be done with a term that will be widely accepted and applied in a unique way not only within the home but also within the foreign literature. So, the coinage consisting of two ancient Greek words is suggested □(asfalia, σφάλεια = Ancient Greek – security; logia, λογία – science) the nomination of the security science is done with the term **asphaliology** – the science of security )<sup>3</sup>.

Trying to actualize this issue there has been made a distinction between the activity security (as specific human, organised and with precisely determined goals) and the science which deals with it i.e. academic premediating and revealing the academic laws and regulations in the social field – security. This is even more specified because today in different discussions and studies it is spoken about “security sector”, “ the field security “ , “security sphere” and the like which leaves space for debates regarding the content and the academic specification. This debate is necessary to clear up the dilemmas regarding the use of the term security as a field for investigating and the science i.e. the sciences which focus on revealing the regulations in that field. The task of the science is to provide answers expected when the terms *security* and *security science* or in plural *sciences* are used. Is there a clear distinction made between them? The debates basically point out that when we talk about security science the debate is actually about security and its structure.

---

<sup>1</sup> Cane Mojanoski: Dilemi vo definiranjeto na asfaliologijata; Zbornik na trudovi: Bezbednosta, ekoloskata bezbednost i predzivicite na Republika Makedonija p.14-29; Skopje, 2010;

<sup>2</sup> English- security, Slovenian - varnost, French - sécurité, German – sicherheit, Spanish – seguridad, Russian – безопасность, Turkish – güvenlik, Ukrainian – безпека, Swedish – säkerhet, Bulgarian – сигурност, Albanian – siguri, sigurim, Greek – asfalia (η ασφαλής), Serbian – безбедност, Croatian – sigurnost,

<sup>3</sup> ασφάλια - безбедност security, guarantee, durability, protection, caution, loyalty, assurance, trust, hope, power, strength, common sense, determination and (bushon- electrical fuse). This term (η ασφάλεια) has kept its meaning from the CLASSICAL ancient Greek language to the NEWTESTEMONIAL BIBLICAL Byzantine Greek language until KATAREVUSA and the contemporary SPOKEN Greek language – DIMOTIKI, it is noted by Dr. Ratimir Grozdanovski – full-time professor at the Theological Orthodox Faculty in Skopje.

But, in several words we can actualize the issue: what is science<sup>1</sup>? And more specifically we will ask the question – *what is asphalialogy*? Can we give a clear, complete and decisive and for most of the researchers acceptable answer<sup>2</sup> nowadays? Certainly not. And there are more reasons for this.

Science is international and social activity. As any other human activity it is directed towards some objective. The intention is not to manifest some function but its context is social human existence, and its teleology is the social teleology, it serves the socially acknowledged goals. So, the issue here is cognitive activity of gaining knowledge which is in function of the social needs and goals. We can conclude that science is the form of the human cognitive activity which is completely specified and directed and historically developed. Such specification comes from its nature which can not be understood and developed outside its goals within specific social, cultural and historical context. Every science or discipline has its specific domain and subject. With the term “domain” as it is pointed out by Ilo Trajkovski it is most frequently described *a field, scope, area or region of someone’s functioning*, or the existence of some norm, and in political sense a territory or “land” under authority or under jurisdiction of a country is defined. Analogically, “the domain of science” is defined. The domain of academic disciplines is defined with these two elements: a) **with the level of monopolization** of the right to act academically i.e. to do research in the relevant field and b) **with the level of validation or recognition of the perceptions in the relevant science in the interpretation** and the explanation of the states in the suitable domain<sup>3</sup>”. Therefore, the question which is asked is what is the domain of asphalialogy? Is this field monopolized by some other science? And many other questions. The answers to these questions are numerous. In this case we are interested in the areas which are subject of interest of asphalialogy.

### *Study and research of the security*

Security is a condition which is studied by philosophy and science, but it is also a subject of interest of the other forms of knowledge such as the religious, reasonable and artistic. The security is a subject of interest of the religious interpretations and knowledge. Religion via ordinances and

---

<sup>1</sup> Živan Ristić: “*O istraživanju, metodu i znanju*”; Institut za pedagoška istraživanja; Beograd 1995; p. 17-18;

<sup>2</sup> According Živan Ristik, quote work, p. 17 -18;

<sup>3</sup> Ilo Trajkovski: *Sociologija sto e i kako se upotrebuva?* Matica Makedonska, Skopje,; 2000, p. 119;

applying them presents relations among the people in combination with the demands for peace and wealthfare in the country and among the people. Via the principle *believing* the religion strives for creating positive spirit among the people or tame the unrest spirit of the people. This is the case with the Ten Commandments. They are in function of the security of the believers and in function of the security of the human as an individual<sup>1</sup>.

But it is also a state, work and certain social creations which in one way or another complete the human life or are in function of solving the human needs.

Asphalialogy, the science, as any other science is consisted of determined number of constitutive elements. According to this, a science should own four principal constitutive elements: a) to have clearly defined *subject* of interest; b) to have its own *methodology*, i.e. enough developed initiators, methods, procedures ( techniques ) and instruments for *studying* its subject; c) to have enough information about its subject, *arranged in the academic system* in which they belong, d) to have developed *language* ( categorical and other terms, syntagmas, terms, symbols etc. ) which it can use to *present* the information about the subjects which are its interest<sup>2</sup>. In the previous analysis some of the possible answers were offered.

Security is a subject of asphalialogy and other numerous sciences. So, there are numerous sciences and scientific disciplines which deal with various approaches and study the security especially the issues connected to: a) values; b) endangered values; c) methods and means which detect the possible threats; d) right to security; e) security policy; f) personality and delinquent; g) security organizations and institutions; h) security relations. What is also included here is the science which deals with security in general known as general science of security or asphalialogy.

### ***Areas which are interest of study of asphalialogy***

In the academic literature dedicated to asphalialogy there are debates about the nature of the interdisciplinary, disciplinary and even the transdisciplinary research. Disciplinary research of the security includes the efforts of separate sciences by means of research to generate new knowledge about security. Interdisciplinary research includes the research efforts of the disciplines within the social and humanitarian sciences intending to generate

---

<sup>1</sup> Jordan Spaseski, J., *Makedonija- stolb na bezbednosta i mirot na Balkanot*, Obnova-Kocani, Skopje, 2005 p.22;

<sup>2</sup> Veljko Bangur, Nikola Potkonjak: *Metodologija pedagogije*, Savez udruzenja pedagoga, Beograd, 1999, p.32



new knowledge for the phenomena of stability, peace and security. Transdisciplinary research includes the efforts of the social and humanitarian sciences and the human engineering to generate new knowledge about security and asphalialogy. What is essential is the stand of most of the disciplines and the stand of more areas with which the phenomena of security are studied. Such intercross findings are regarded as transdisciplinary research. Sometimes, they are marked as multidisciplinary of the security states. The number of these disciplines which can contribute to the generation of this knowledge on security is not small, starting with the science of politics, criminology, criminalistics, psychopatology, ecology, biochemistry, genetics, geography, history, economy, linguistics, mathematics, statistics, neurology, pharmacology, psychiatry, physiology, sociology, penology, law, medicine even the defense, military and information sciences.

The list of academic areas which can be used in the transdisciplinary research is not final. However, it can be said that the conception of the transdisciplinary research is more an idea rather than achievement in the area of security.

However, regardless the way in which the problems with the disciplinary, interdisciplinary and transdisciplinary aspects are understood it is legitimate right of the asphalialogy to review the problems and to place them in a certain methodological and theoretical context.

Asphalialogy and its methodology of research needs to be defined on the basis of these problems and dilemmas, to explain, get to know and point to the advantages and disadvantages of the first, second or third approach since the selected approach for the research plans will depend upon this understanding. Even more, with the understanding of the selected approaches the position can be determined of the security sciences in the system of sciences which study the human as natural and social entity. On the basis of all things mentioned it can be concluded that the methodology of asphalialogy has crucial role in the shaping of the academic structure and the academic system of the corpus of security sciences. The methodology of asphalialogy does not act in isolation but with dynamic and creative co-operation with the other sciences.

When trying to understand the stands of the interdisciplinary research in the academic literature we can not use only one approach. This variety can globally be divided into two groups. The first group is consisted of schools and opinions which believe that security is just an area for research of the other “fundamental” “parental” sciences, field for applying the method, techniques and procedures for the other sciences. The knowledge generated with their research belongs to the corpus of knowledge of these sciences. The followers of these schools of opinion are not many. They are most frequently

present in the Anglo-Saxon countries where the separate social and humanitarian sciences (e.g. the science of politics, law, psychology, sociology etc.) take the lead in the research of security.

Although the scientists in these sciences accept certain competence by the criminologists, criminalists, penalists and other professions in the area of security this is only in the dimensions of impracticable or eventually in certain types of applied research so that the liveliness of the research results which were discovered in their fundamental research could be checked. The security sciences have got prescriptive and land-reclamation character whose goal is repairing the security practice on the basis of the research results which were created within the so called "fundamental" sciences.

On the other hand, there is a movement for the interests of the natural sciences towards the social ones in order to establish relations for mutual understanding in interest of the interdisciplinary co-operation. Unfortunately, a movement in the opposite direction from the social and humanitarian sciences is hardly noticed. Security and the information about it, more precisely, the diffusion of knowledge among the scientists in the natural and social sciences can play a crucial role.

### *Disciplinary research of the asphaliology*

We pointed out that the disciplinary research of security includes the efforts of separate disciplines of asphaliology with which new knowledge on security is generated. But this concept includes many questions and problems which seek for answers or at least hint such answers, for example, what is science, and what is discipline, can we talk about the security sciences, what is the essence of the integrated conception of asphaliology, what is the advantage of the holistic approach of the security sciences, can their area, territory be underlined, what are the relations of the security sciences with the other sciences which are so called "fundamental" or "parental" sciences, is there possibility for a way and what kind of way should be used for the new synthesis etc.

There were debates in the academic literature and they were especially intensive in the 60s and in the 70s in the twentieth century about defining asphaliology as science or discipline of some of the social sciences. Previously, we pointed out that there isn't a small number of authors but a whole school of opinions which contests the academic identity of asphaliology. But what emerged out of these debates was the problem in the relation science-discipline, and this is tightly connected with epistemology and methodology of security research.

The debate on this issue has confusing conclusions. Therefore it's useful to test this relationship to light up. The word "**discipline**" comes from

the word "**discipline**" which means inreaction, education, learning, and in the end "**discere**", to learn. Romans used the word discipline as a generic term for interaction, also as term that refers to any branch of knowledge such as history or philosophy. In Roman period the word has acquired connotations "following the rigid rules." A second kind of meaning (more positive and more liberal) has its roots in a term "**Sientia**" from which the term "science" derives. During the development of civilization the meaning of the term science was changed and for quite a long time it was associated with meanings which are related to natural phenomena. Romans used the term "**Scientia**" to denote either philosophy or history. Recently, the term science is used only when the natural sciences are in question, and the term discipline to denote either to social sciences or philosophy. This separation is common to countries of English-language area. The allocation came to the fore in the corpus of knowledge of research methodology of security, i.e the separation of "**scientific methods**" and "**humanitarian methods**". From that kind of separation arises the fact that the second issue doesn't belong to the corpus of scientific methods<sup>1</sup>. Such division doesn't occur in the origins of German, Russian and other Slavic languages.

European tradition and European experience installed the asphaliology or sciences of security (in plural) in frame within the family of the social sciences. Criticisms for her conception are present, even in the term and research object, but rarely you can find argued evidence for contradiction. The development of the conception of science - the science of security, can recognize two schools, two ways of thinking. The first one would be marked as integral direction, and the second as a pluralistic direction relative of research theory and the same subject of research. Among these directions there are important epistemological, and from them arise and methodological differences in studing of security and the asphaliology as science of security.

In the history each science can be applied in several phases. Development of the sciences in the XX century led to division and branching of numerous sciences. That led to specialization of sciences, scientific disciplines and their scientific researches. But at the end of XX century the direction of movement is going in opposite direction - from specialization to integration. The more mature science is the more emphasized this kind of movements are<sup>2</sup>. In early phase of the development of science the researches can be more specific and targeted to certain special questions leaving the

---

<sup>1</sup> Quoted according: Dušan Savičević: *Metodologija istraživanja u vaspitanju i obrazovanju*, Učiteljski fakultet Vranje, Vranje, 1996, p. 23-32

<sup>2</sup> See: Aleksandar Jakovljevič Lerner: *Principi kibernetike*; ICS, Beograd, 1975, p. 13-14;

other questions away. In later phases there has occurred aspiration to unity and requirement to directly overcome the barriers of the previous development that some sciences have provided and enabled. The examples of interdisciplinary cooperation in the natural sciences are numerous. Here we are going to mention physics and chemistry, chemistry and biology. That kind of examples of interdisciplinary cooperation between natural and social sciences, as an example we can mention biology and sociology, forensics etc, and the cooperation of the humanitarian and social sciences, such as anthropology and social pathology or cooperation of the humanitarian sciences with asphaliology and other sciences that deal with studying of security.

Modern science is characterized by strengthening of teamwork. Researches and scientific results have shown that there should be practiced teamwork by scientists of different disciplines, although they act and live in a different world. They should cultivate different methodological and theoretical approaches in researches of security phenomena and they should mainly keep to their special point of view. However, the results they come to enrich human life in general. Given that in mind joint research efforts produce results and enrich teamwork. The cooperation of sciences within a different area is considered necessary. The development of communication sciences, and especially the computers, show that is necessary stronger link between the sciences and scientific fields.

Researches in asphaliology show that she is on the beginning. Almost there aren't more expressive and more integrated efforts. Segmentations are more visible. There is no creative cooperation between teams from sociology and psychology, between philosophy, sociology and and asphaliology. Especially that kind of cooperation is missing between social sciences and asphaliology. Researches usually held within the scientific and scientific-research institutions, each separate, but also within its scope to keep certain issues. Research results aren't always fully and clearly presented. Therefore it's necessary that kind of cooperation, especially in interdisciplinary security research. For that it's necessary to separate some forms of cooperation and establishment of research consortiums, as well as the experiences of the natural sciences, will conduct thorough investigations and will come to checked and correct results. In that direction must give clear answer to the question of sharing ownership also generated research results.

Linking Science from more areas is more visible. In the spirit of European integrations are attempts of regionalization and regional networking of scientific-research institutions, through building research networks and tending of research approaches in the research of security. Then will be limited or decreased differences that such discipline results belong. In this framework will be to affirm and conception for the existence and uniqueness of Sciences for security. But, here we will mention and views

according to the way knowledge is distributed according to disciplines that participate in interdisciplinary research, then accepting the asphaliology and sciences in the field of security would be difficult to be scientifically constitute or to be accepted as science and scientific disciplines.

Considering interdisciplinary as a modern epistemological approach that more comes to light and it moves from natural to social sciences, acknowledging the need to open all sciences and the need to reduce the barriers between them, should still be noted that interdisciplinary approach contains a series of methodological problems and epistemological nature. Vojin Milic point that research method has nothing independent purpose, but is a tool whereby science seeks to achieve some samostojna task. Each methodological conception depends on the general influence of science. Milic added that it is not possible template, methodological procedures to be transmitted from one science if is not taking into account the particularities of her subject<sup>1</sup>. But on that kind of interdisciplinary conception refer complaints, and even and counteractions. Therefore it's necessary first step that needs to be done is to make distinction between asphaliology and other disciplines of social and humanities sciences, to determine their field, research theory.

There are views that asking for help from other disciplines is a wrong orientantion while not creating own scientific structure, to not understand the function and problems of security. Therefore, when you create a theoretical structure of a discipline, the conditions to turn to other sciences and disciplines are completed. Scientific thought is considered critical to lending knowledge from other sciences. Observed from security researches point of view, consider that supporters or advocates of lending knowledge is results on several assumptions.

Namely, according to this group, the concepts of other disciplines can't be applied without mentioning security and without specifying situations variables. That is because the direct lending of concepts is wrong because disciplines from which the conceptsl are lended, develop their concepts without paying attention to security.

It's impossible to fully accept and withstand the criticism that claims that those concepts may exist for themselves regardless the theoretical frames in which they are developed, or that they can lend even their theoretical-methodological approach which is different. Therefore, it is important to point out that when a term is lended, then, theoretical-methodological base in which the term is defined is also lended.

---

<sup>1</sup> Vojin Milić: *Sociološki metod*, Nolit, Beograd, 1976, p. 182;

In that direction we can assume that the concepts can be combined. Namely, in the science and practice experts in security, especially during solving complex notions lending concepts from different sources, combine them, and due to lack of theoretical sources they combine into wrong assumptions. Therefore the effects of actions taken do not give the expected and desired results.

At we should mention new attitudes and resistance occurring in other disciplines when we try to define security as a scientific field. It should be kept in mind that uncritical lending of knowledge from other scientific areas means indulging in the area of other sciences to define. Therefore, there should be pointed out that you should not lend knowledge, but efforts to streamline it in order to define theoretical field of security within the asphaliology, which presupposes knowledge of the nature, functions, the methodology of scientific research, especially research into the phenomenon of security.

### ***Conclusion***

We should emphasize that without theoretical base, without clear specification of the subject and the research area and the relations between the disciplines and the conception of the interdisciplinary of asphaliology will remain dim. The establishing of distinctions between the scientific areas and academic disciplines does not mean dissociation from the methodological and epistemological experiences of other more developed sciences. As it is written by V. Milic, there are always different influences among separate sciences. One methodological solution in one science accelerates and impels the development of the other sciences. The case, for example, with the experiment which has developed from the natural sciences it is estimated that it does not only accelerates the scientific-research development and the technological development but it has strongly influenced on the development of the social sciences and the cephalology as separate science. One of the tasks of the methodology is still the purpose to help the general academic experience from all sciences which more rationally can be used for the development of a separate science which in that way can adjust better to these specific conditions and needs<sup>1</sup>. So far the revival of the conception of interdisciplinarity within asphaliology has been more at the level of convergence i.e. interrelation between the other disciplines in the field of security with special emphasis on the features of each discipline in the process of research into their own concepts and

---

<sup>1</sup> Vojin Milić: *Sociološki metod*, quote. work, p.183;

understandings. Certainly this convergence is possible even if only for the fact that they share common term in the science.

If we analyse the academic literature deeper and concentrate on the problem with the interdisciplinarity in the science then we can notice clear contradictions. Where can we witness them? Above all, they can be seen in the contradictory orientations especially in the social and humanitarian sciences. On the one hand, they present a thesis for interdisciplinarity, and on the other hand, the tendencies for further division still exist. This tendency is justified and defended with the thesis that the specialization is a precondition for the academic work as it is any other work. Upon this conception in the science there are builders of models and calculators of parametres which predict or do not want to take into consideration the whole social and cultural context of the human behavior in the social processes. As a consequence of this development of the interdisciplinary co-operation and the real achievement of some forms of integration is crucially made difficult<sup>1</sup>. Undoubtedly, the traditionally organized lectures at the universities contribute to this condition. There is almost no connection between the subject and the academic discipline at the universities. The disciplines which occur within the university tutorial realize their tasks mainly in isolation. As a result of this closure there is no validation of what is created in the other disciplines.

Closely related to the concept of interdisciplinarity stand the attempts directed towards establishing the humanitarian sciences or the human sciences. This is concluded from Diltaj's conception of the humanitarian sciences formulated as counterpart to the natural. He proved that the human (mental, social, historical) phenomena differ from the natural (physical, chemical, beheavioral). In the natural sciences they basically externally observe and explain whereas the human phenomena require interaction and explanation. Diltaj points out "we explain the nature but we have to understand humans"<sup>2</sup>. Different approaches are used by the humanitarian sciences when doing research into security especially when studying the sociological and philosophical dimensions of security etc.

Another conception tends to syntesize and unite the contemporary tendencies and discoveries of the biology, sociology, epistemology by explaining that these perceptions make the academic foundation of security. The efforts of the interdisciplinary research are those with which most often with the help of the biological, social and philosophical studies the academic foundations of the security are created.

---

<sup>1</sup> Ibidem... p.27;

<sup>2</sup> Ibidem... 181;

## Bibliography:

1. Bangur Potkonjak: Metodologija pedagogije, Savez udruženja pedagoga, Beograd, 1999,
2. Bizikov, V., Volodev, M.: Методология и методика педагогических исследований, S. Kliment Ohridski, София, 1998,
3. Gaćinović, R.: Klasifikacija bezbednosti, NBP, br.2/2007 str.3i 4
4. Grčić, M.: Politička geografija, Geografski fakultet, Beograd, 2000,
5. Kotovcevski, M: Nacionalna bezbednost na Republika Makedonija, prv del, Makedonska civilizacija, Skopje, 2000;
6. Lerner, J. A., :Principi Kibernetike; ICS, Beograd, 1975,
7. Masleša, R.: Теорије у системи сигурности, Magistrat, Sarajevo, 2001,
8. Milić, V.,: Sociološki metod, Nolit, Beograd, 1976,
9. Militec S., Policijsko pravo, Policijska akademija Beograd, 1997
10. Mojanoski C: Dilemi vo definiranje na asfaliologijata; Zbornik na trudovi: Bezbednosta, ekoloskata bezbednost i predizvicate na Republika Makedonija;
11. Peculjić, M., Milic, V.: Metodologija društvenih nauka, DB Grafik, Beograd 1995,
12. Popović, M: "Problemi društvene strukture" Kultura; Beograd 1967;
13. Ristić, Ž: O istraživanju, metodu i znanju; Institut za pedagoška istraživanja; Beograd 1995;
14. Savićević, D.,: Metodologija istraživanja u vaspitanju i obrazovanju, Učiteljski fakultet Vranje, Vranje, 1996
15. Spaseski, J., Makedonija- stolb na bezbednosta i mirot na Balkanot, Obnova-Kocani, Skopje, 2005,
16. Stajić, Lj.: Osnovi sistema bezbednosti, Pravni fakultet, Novi Sad, 2008,
17. Trajkovski, I: Sociologija sto e i kako se upotrebuva? Matica Makedonska, Skopje, 2000;
18. Tatalović, S. : Nacionalna i međunarodna sigurnost, politička kultura, Zagreb, 2006,
19. Termiz, Dž: Metodologija društvenih nauka, Šahinpašić, Sarajevo, 2006;
20. Hadžić, M.: Pojam i sadržaj pojma bezbednost  
[www.fpn.bg.ac.rs/pages/p\\_id3/data](http://www.fpn.bg.ac.rs/pages/p_id3/data) [10.04.2010]

## ПОДРАЧЈА НА ИСТРАЖУВАЊЕ НА АСФАЛИОЛОГИЈАТА

*Во научната литература посветена на асфалиологијата односно науката за безбедноста се водат расправи за природата на интердисциплинарното, дисциплинарното, на, дури и за трансдисциплинарното истражување. Предмет на трудот се подрачјата на истражување на асфалиологијата.*

*Суштината е во тоа, од стојалиштето на повеќе дисциплини, од стојалиштето на повеќе подрачја се проучуваат феномените безбедноста. Бројот на тие дисциплини што можат да придонесат за генерирање на новите знаења за безбедноста не е мал, почнувајќи од: политологијата,*



криминологијата, криминалистиката, психопатологијата, екологијата, биохемијата, генетиката, географијата, историјата, економијата, лингвистиката, математиката, физиката, хемијата, статистиката, неврологијата, фармакологијата, психијатријата, физиологијата, социологијата, пениологијата, правото, медицината па се до земјоделските, воените, техничките и информатичките науки. Списокот на научните подрачја што би можеле да се ангажираат во трансдисциплинарните истражувања не е конечен.

Во разбирањето на стојалиштата за интердисциплинарното истражување во научната литература не постојат единствени пристапи. Таа разноличност глобално би можела да се распредели во две групи. Првата група го сочинуваат оние школи и мислења што сметаат дека безбедноста е само подрачје за истражување на останатите “фундаментални” и “родителски” науки, поле за примена на методот, техниките и постапките за другите науки. Знаењата генерирани од нивните истражувања му припаѓаат на корпусот на знаења на тие науки.

На науките за безбедноста им се доделува прескриптивниот или мелиористички карактер чија што цел е поправањето на безбедносната практика врз основа на резултатите на истражувањето што се создадени во рамките на т.н. “фундаментални” науки.

Од друга страна, постои движење во интересите од природните кон општествените науки со цел да се воспостават врски за меѓусебно разбирање во интерес на интердисциплинарната соработка. За жал, такво движење во обратна насока, од општествените и хуманистичките науки многу тешко се забележува. Безбедноста и знаењата за неа, поточно, дифузијата на знаењата меѓу научниците во природните и општествените науки можат да одиграат клучна улога.

**Клучни зборови:** асфалиологија, подрачја, истражување, фундамнетални науки, дисциплинарност, интердисциплинарност, мултидисциплинарност.



**SECURITY, GLOBALISATION  
PROCESSES, CRIME IN THE POST-  
CONFLICT (WESTERN) BALKANS,  
TRANSITION, CRIME AND  
ORGANISED CRIME**



***Oliver Bachanovic, PhD***

*Faculty of security, Skopje,  
oliverb@fb.uklo.edu.mk*

***Angelina Bachanovic, MSc***

*Ministry of health of the Republic of Macedonia  
bacanovic.angelina@hotmail.com*

## ***TRAFFICKING IN HUMAN ORGANS AND/OR BODY PARTS - A FORM OF HUMAN TRAFFICKING***

### **ABSTRACT**

*The human organs' trafficking and/or body parts trafficking represents a form of human trafficking and of transnational organized crime which has not been sufficiently studied yet in the domestic scientific and expert literature. The starting thesis of the paper is that due to its significance and serious consequences arising from it, and especially the fact that it flagrantly breaches the basic human rights and freedom, degrades the person's and dignity of the victim, and that this form of human trafficking has been unjustly neglected in relations to others, particularly those related to sexual and labour exploitation.*

*The article encompasses the following issues: the scope of the phenomenon; the notion of the trafficking in human organs and body parts (basic terms and dilemmas related to it) and domestic regulations in the domain of organs transplantation and notably, the criminal legislation and the Proposal Law on removal and transplantation of human body parts.*

*Special part of the article will be devoted to the positive national criminal legislation related to this form of human-trafficking, but it will also include the regulation in function of its prevention and regulation of the issues of conditions for legal taking, exchanging, transferring and transplanting parts of human body with the aim of healing. Within this context, the paper will give an overview and comment of provisions of the proposed Law on taking and transplanting human body parts (February 2011) which is expected to be adopted soon.*

*Keywords: trafficking in human organs and body parts, transplant tourism, donor, national legislation*

### **INTRODUCTION**

When considering the phenomenon of human organs and body parts trafficking, in principle, we start from two aspects, which actually condition it. The first aspect refers to the benefits, but also to the dark side of the

scientific development, that is, in this specific case, “the development of biomedical sciences, notably the surgery, which nearly thirty years ago enabled successful treatment of persons suffering from some disease by means of transplantation of organs and tissues“. However, on the other hand, we still face chronic and increasing lack of human organs and body parts<sup>1</sup>, which leads to “an escalation of series of unlawfully acts related to human organs and body parts and above all, their sale and purchase“. (Mijalković, S., 2007: 109). The second aspect concerns the globalization and the related legal, but also “illegal courses of the social life“, where the legal, but also the illegal labor markets, are equally exposed to the phenomenon. “The world functions on the basis of the principles of supply and demand. The dehumanization of human body and mind becomes integral part of criminal activities“. (Stevković, S.: 33)

This is also accompanied by the phenomenon of poverty and impoverished people which, unfortunately, is growing in intensity. It is precisely this vulnerable category which is misused by individuals, criminal groups and organizations, directing their criminal activities towards it, in some of the most unscrupulous manners and not taking into account the value of the human being and essence they endanger by their actions, with the final goal of gaining profit<sup>2</sup>. “... the actions of organized criminal groups... are frequently based on exploitation of the impoverished layers of the population. Namely, we are speaking about the illegal drug trade, human trafficking, aliens smuggling, prostitution organizing, organization of pornographic shows and so on and so forth, where the victims are primarily persons facing endangered economic and social background“. Mijalković, S.- Miloševska, T., 2009: 2). We can rightfully emphasize that this kind of exploitation of impoverished population is not a new phenomenon, what is new are the manners of exploitation, more specifically, its goals which in this event are very “innovative“, since they refer to a specific and scarce “goods“: human organs and body parts. Unfortunately, in such situations, it is precisely the impoverished population having the role of organ donor who

---

<sup>1</sup> The number of organ transplantations in the world is 65000 transplantations annually. In Europe, patients remain on the waiting lists for about three years, 15-30% of the patients die while waiting for transplantation; the estimations have shown that in 2010, patients shall wait ten years for transplantation of the organs they need. (Mijalković, S.: 2007: 109)

<sup>2</sup> The provisional evaluation of the value of international traffic in human organs and the total number of transplantation procedures show that this value is around one billion dollar annually. One kidney costs about \$20.000 when sold on the internet. The total costs for kidney transplantation in Israel and India are between \$10.000 and \$30.000. (Associated Press, 1998).

is affected the most by the situation, becoming victim. The material benefits from organ donation are very modest and the consequences of the forced and desperate actions are or can be, very significant and severe (reduced working ability, infections and other postoperative complications, unresolved material status etc.).

Human organs and/or body parts traffic is a kind of human trafficking which has not been studied sufficiently in the domestic scientific and expert literature.<sup>1</sup> This phenomenon is subject of interest of the media; however, there is no continuity in the process, which is understandable having in mind the nature of such interests. We are aware that in our paperwork, we cannot tackle the numerous matters related to this very complex phenomenon; therefore, limited by the size of it, we shall only concentrate on several issues:

1. The scope of the phenomenon
2. The notion of the trafficking in human organs and body parts (basic terms and dilemmas related to it) and
3. Domestic regulations in the domain of organs transplantation and notably, the criminal legislation and the Proposal-Law on removal and transplantation of human body parts.

## **SCOPE OF TRAFFICKING IN HUMAN ORGANS AND/OR BODY PARTS**

These are the most popular countries in which there is sale and/or export of human organs and body parts; in some of them this actions have been legalized: India, Taiwan, China, the Philippines, Pakistan, Egypt, Turkey, Albania, Moldavia, Georgia, Russia, Belorussia, Ukraine, Romania, Brazil, Bolivia, Peru (countries from three continents). On the other hand, these are the most important “countries of import“: Australia, Canada, Israel, Saudi Arabia and the USA.<sup>2</sup> We should mention that the circulation from the impoverished to the richer countries is not the sole manner of performing

---

<sup>1</sup> According to our information, in the Republic of Macedonia, only one article has been published on this topic, which, by the way, only partially tackles this issue. It is the paperwork done by two authors, Mijalković, S. and Miloshevska, T.: *Trends of illegal trafficking of children, babies and human organs- new challenges of the national security system (Трендови на незаконска трговија со деца, бебиња и човечки органи- нов предизвик на системот за национална безбедност).*

<sup>2</sup> More details on the regional distribution and scope of traffic in human organs and more specific countries on the basis of the modalities of the origin of the organs subject of traffic. (Stevković, Lj. 2009: 39- 42).

human organ trafficking. During the past few decades, we have been witnesses of the development of the so-called **transplant tourism** as a pretty profitable “business“ which includes circulation/travelling from the potential receivers of the organs towards the destinations, that is, the countries (known as traditional organ selling countries), i.e., the procedure is done on the spot. The transplantation itself is “only“ part of the services offered. This can render the illegal undertaking even more complex, because the conditions in which the transplantation is done are also very important and are frequently substandard (for example, there are no previous analysis of the compatibility with the organ on sale and its receiver, problems related to operative and postoperative conditions of transplantation etc.).

On several occasion, Macedonia has been mentioned as a country of illegal transplantation and human body parts trafficking. For example, the American Medical Association pointed out our country as part of the organ trafficking chain (“Dnevnik“, 09.12.2009). On several occasions, Mr. Sam Vaknin, analyst, (the last time in the interview for “El Pais“<sup>1</sup>) claimed that Macedonia is also included in this chain. Likewise, very frequently, there are indications (around ten years ago) of the case of the Israeli physician Zaki Shapira and his illegal transplantations and kidneys smuggling in order to make Macedonia destination of human organs transplantations.

However, according to the claims of Dr. N. Ivanovski, President of the Macedonian Association for Transplantation of Body Organs and Tissues, the illegal traffic in organs does exist in the region, but this is not the case in Macedonia. Therefore, the offer done by Dr. Zaki Shapira was rejected. In our country, there is no human organs trafficking but it is also true that some citizens travel to India, Pakistan or Egypt with the intention of buying a kidney. So far, 16 Macedonian residents and around 40 citizens from Kosovo have undergone kidney transplantation in these countries, paying up to 30.000 EUR...“ (“Dnevnik“ 25.10.2008).

As far as the other countries in the region are concerned (notably, the neighboring ones), we shall illustrate several cases. The media informed us on the investigation on human organ traffic in Bosnia and Herzegovina (Bihac). The doctor having removed the kidney of 21-year-old boy (on the basis of false diagnosis) was cooperating with the notorious human organ dealer in the Czech Republic (“Utrinski Vesnik“ 27-28.08.2005). Likewise, according to Dr. N. Ivanovski, in Subotica, there was center where surgeries were done by a Ukrainian surgeon. The price of a kidney in this center was 30.000 EUR. Most frequently, human organs donors come from Moldavia, Serbia, Bulgaria and probably, from Macedonia. According to the same

---

<sup>1</sup> <http://www.digitaljournal.com/blog/1105>, consulted on 28.03. 2011.



source, around 30 Macedonian citizens were offering human organs for sale (“Vreme“, 25-26.10.2006).

In her book, “*The Hunt: Me and the War Criminals*“, the former prosecutor, Ms. Carla Del Ponte states that during the war in 1999, before slaughtering, 300 Serbian prisoners were subjected to removal of their organs in the city of Burel in Albania and sent to unknown direction. (Dnevnik, 25 October 2008). The last few months, the general public was informed on the Report of Mr. Dick Marty, the Swiss born member of Parliamentary Assembly, together with his investigation team, led an investigation related to this event and the results were submitted in the form of the Report to the European Parliament, which was used as basis of passing of a Resolution. (For additional information, please refer to “Inhuman treatment of people and illicit trafficking in human organs in Kosovo (Part 1)“, Rapporteur Mr. Dick Marty, Switzerland, Alliance of Liberals and Democrats for Europe).

The directions of the circulation of organs (organs subject to illicit traffic- note of the author) follow the **modern path of capital: from south to the north, from third world countries to first world countries; from impoverished to rich individuals; from persons with black or yellow skin color to Caucasian persons; from young persons to older ones; from less to more educated individuals; from women to men** (Schaper- Hughes, N., 1998, cited by Stevković, Lj., 2009: 37)

The usual paths (routes) of human organs traffic lead from Latin America towards Northern America, Europe and the Middle East; from the countries from the former Soviet block towards the Baltic and the countries in Western Europe; from Romania to Italy; from Turkey and Cyprus towards Israel and the Middle East; from Kosovo and Albania towards Italy and Western Europe and the Middle East; from Cambodia and Vietnam to Thailand; from Thailand and the Philippines to Australia and New Zealand and Taiwan; from India and Pakistan to the Middle East (“Dnevnik“, 09.12.2009). Of course, such human organ traffic routes can change. On the other hand, the changing of the routes confirm the thesis of constant adjusting of the criminals to the new conditions, especially in case of interruption of some of the “channels“ of human organs and body parts trafficking.

## **THE NOTION OF THE TRAFFICKING IN HUMAN ORGANS AND BODY PARTS (BASIC TERMS AND DILEMMAS RELATED TO IT)**

Before we start determining the most significant terms related to the human organs and/or human body parts trafficking, we should answer the question **why do we insist on speaking about human organs and human**

**body organs trafficking.** What is arguable is the second one, since we complement the notion of the human organs traffic contained in the definition of the human trafficking in international documents and the Criminal Code with the phrase “human body parts trafficking“. We should establish whether this is allowed/arguable or whether we should respect the scientific information, notably those of the biomedicine, which thoroughly consider this issues, pointing out that human organs and body parts are highly needed, there is deficit of such “goods“ and due to this and due to the possibility for transplantation of organs which can be misused, inter alia, for trafficking purposes. Due to the aforementioned, we accept the position that “having in mind the nature and the type of the matter removed from the human body, **the following matters can be subject to trafficking:** human organs (traffic in kidneys, liver, heart, spleen, lungs, pancreas) **and/or** parts of the human body, i.e., tissues (skin, bones, blood, heart valves, veins, tendons, nails, teeth, ligaments, bone marrow, cornea, sperm, urine, sweat, saliva, hair etc.)“ (Mijalković, S., 2009: 140). There are even reported cases of skeletons and corpses traffic. Here is the source of our commitment not to tackle only human organs traffic, but also the human body parts traffic.

In order to define the basic terms (organs trafficking, transplant commercialism, travel for transplantation and transplant tourism), we shall rely upon the **Declaration of Istanbul on organ trafficking and transplant tourism.**<sup>1</sup>

„**The organ trafficking**“ is defined as **finding, transport, transfer, concealment or receipt** of living or deceased **persons or their organs** under application of threats, force or other forms of constraint, kidnapping, scam, leading to misunderstanding or by misuse of position of power and vulnerability, or by granting/receiving of money or other benefits by third persons in order to ensure transfer or control of the potential donator with the aim of exploitation by means of removal of transplant organs (The Declaration of Istanbul on organ trafficking and transplant tourism, April 30- May 2, 2008). It is undisputable that this definition originates from the basic definition of human trafficking definition contained in the Protocols on the prevention, repression and punishment of trafficking in human beings and particularly women and minors.

---

<sup>1</sup> The Declaration of Istanbul has been passed by the participants at the International Summit on Transplant Tourism and Organ Trafficking convened by the Transplantation Society and the International Society of Nephrology, which took place in Istanbul in the period between the 30<sup>th</sup> of April and the 2<sup>nd</sup> of May 2008.

„**Transplant commercialism**“ is actually **policy and practice** of treatment of human body organs as goods for wide consumption, including their sale, purchase, or usage in order to obtain material gain.

„**Travel for transplantation**“ involves *circulation of organs, donors, receivers or transplantation experts outside national borders with the aim of performing of transplantation*. The “travel for transplantation“ becomes “**transplant tourism**“ in the events when it includes human organs traffic and/or transplant commercialism or if the sources (organs, trained professionals and transplantation centers) are dedicated to the act of providing of transplant for patients from foreign countries, thus hindering the possibility for the state to provide adequate transplantation services to its population.

The scientific approach towards the **notion of human organs and human body parts trafficking** is slightly different and wider, notably regarding its application. Thus, according to Mijalković (2007:111), it can be defined as removal, offering for sale, mediation during sale, sale or purchase of human organs or tissues, as well as their transplantation in illegal manner **with the purpose** of gaining property or other value or benefit or for the purpose of satisfying some health, scientific and research, industrial or other pathological needs of individuals, groups or institutions.

**The chain of human organs traffic and the manner of locating of organ donors**, shortly<sup>1</sup>, looks like this: “Besides the “legal“, the **illegal**, international, well organized network of human organs traffic takes place more frequently and usually happens on several continents. At the very beginning, very important link of the “traffic chain“ is the **dealer** who actually plays the key role, “recruiting“ younger or healthy donor or there are cases when a donor/receiver is voluntarily contacting this person. Except for the dealers, such criminal organizations include **numerous actors**, both in the country of “export“ and in the country of “import“. The entire process would not be feasible without hiring of medical personnel and very frequently, hiring of travel agencies, representatives of immigration services, customs offices etc. The manner of recruiting and “hiring“ of victims, that is, potential **donors**, depend on the living environment. Usually, the first contact is done via persons close to or living in the person's environment and what makes this process successful is the corruption existing in the police and the local authorities (Tomašić, Lj. 2003: 53, cited according to Stevković. Lj. 2009: 36-37).

---

<sup>1</sup> Mijalković, S., provides much more specific information on this matter, presenting six elements, that is, subsystems of this complex social phenomenon (2007: 112-119).

Human organs and human body parts can be obtained by means of their removal from the organism of a living person or from corps or skeletons of deceased persons – “cadaver“ (recently deceased person) or from persons who having deceased long ago (Mijalković, S.: 2009: 140).

The illegal transactions including human organs, that is, body parts, require high level of organization of criminal groups, including mandatory presence of the so-called *factors of expertise and material and technical factors*. This actually refers to the hiring of medical experts of certain profiles (surgeons, physicians specialists in some medical field, anesthesiologist, nurses, medical assistants). Therefore, we surely cannot exclude the organized cooperation between criminal groups and certain medical establishments.

### **INCRIMINATION OF TRAFFICKING IN HUMAN ORGANS AND BODY PARTS IN THE CRIMINAL CODE AND THE PROPOSAL LAW ON REMOVAL AND TRANSPLANTATION OF HUMAN BODY PARTS FOR THE PURPOSE OF TREATMENT**

We can mention several criminal acts or group of criminal acts mentioned in the Criminal Code which refer to human trafficking and/or body parts trafficking. Notably, we can mention the criminal offence of illicit transplantation of parts of the human body (Article 210). Pursuant to the \*Paragraph\* 4, the Law envisaged punishment of imprisonment of up to three years for the persons **who shall, contrary to the law, for personal profit, sell or mediate the sale of human body parts of living or deceased persons for the purpose of their transplantation**. We consider that the minimal punishment must be increased to **four years**, since according to the consequences it causes, this criminal act can be qualified as severe criminal act.

Second, the most significant criminal act related to the principal subject of our interest is the criminal act of human trafficking (Article 418-a): Persons who, under application of force, serious menaces, act of misguiding of other people or by using of other forms of coercion, kidnapping, fraudulent acts, by misuse of his/her position or misusing of the state of pregnancy, incapacitation or physical or mental incapacity of other persons or by means of offering or receiving of money or other benefits for the aim of obtaining of approval from a person exercising control over another person, or persons who recruit, transport, transfer, buy, sell, shelter or accept persons with the aim of their exploitation by means of prostitution or other forms of sexual exploitation, pornography, forced labor or acting as a servant, slavery, forced marriages, forced fertilization, illicit adoption or some related relations, or **illicit transplantation of part of the human body** shall be sanctioned with punishment of imprisonment of at least four years.

Mijalković, S. has some interesting positions regarding this paper work (2007: 124): “Trafficking in human organs and body parts should not be interfered with human trafficking. Namely, the objective of human trafficking is forcible removal of human body organs and human parts, but not necessarily. On the other hand, trafficking in human organs and body parts does not necessarily has to be connected to human trafficking (underlined O.B.). Finally, this form of exploitation of the victims of human trafficking can always take place once the possibilities for their further successful labor, sexual or other exploitation have disappeared.“

As far as these attitudes are concerned, we face one question, which inevitably imposes: Why insist on the differentiation between the human trafficking and the trafficking in human organs and/or human body parts. Maybe it would be better to find their similarities. According to us, **the similarities** consist of: They are both forms of human trafficking; as far as the manner of achieving the objective by means of actions, such as: recruitment, transportation, transfer, buying, selling, sheltering, receiving; the objective is exploitation; the consequences caused to victims, starting from flagrant violation of their rights and freedoms to quashing of human dignity; they can be domestic, but also transnational; organized by well developed criminal groups and networks etc.

Here, we can also refer to the question about the relation between the aforementioned acts and the criminal acts: Illicit transplantation of parts of the human body (Article 210, Paragraph 4 of the Criminal Code) and the criminal act of human trafficking (Article 418-a of the Criminal Code). The second criminal offence is committed by coercing and under conditions of serious menaces. It leads to misapprehension and other forms of coercing..., by means of recruitment, transportations, transfer, buying, selling, sheltering or receipt of persons for the purpose of ... **illicit transplantation of human body parts**, whereas in the first criminal act, contrary to the law, **persons sale or mediate sales of human body parts of living or deceased persons for the purpose of their transplantation for gaining personal profit**. One of the differences imposing in this case is the fact that in the event of traffic in human organs, as a form of human trafficking, the dominant element is the objective of such act that is **the exploitation**, which is final objective of all other forms of traffic. In the first case, we are “only“ dealing with buying and selling for the purpose of personal profit and transplantation, of course, provided that such act is committed in illegal manner.

The Criminal Code contains group of criminal offenses related to illegal removal of human organs and tissues which is very specific aspect, since they are committed in specific conditions (state of war or armed conflict) and on the basis of violation of international law. The **criminal offences against crimes of war** criminalize the illegal removal of human organs and tissues

exclusively in the context of violation of the rules of international law during war and armed conflict. Passive subjects, that is, **victims** are exclusively **living persons** (civil population, i.e., wounded persons, ill persons, persons having suffered shipwreck or sanitary personnel or clerics, that is, prisoners of war), but also including corps. The consequence of such criminal acts is deterioration of health or causing great sufferings to victims. The objective of such criminal acts is the usage of human organs or tissues for the sole purpose of **transplantation** and nothing else. The legislator is expressly not listing the possibility of traffic of removed human organs and tissues.

**The Proposal Law on removal and transplantation of human body parts for the purpose of treatment** is likewise subject of our observation, notably as far as the criminal offences are concerned. The sense of the Law can be observed in the fact that the transplantation of human organs and tissues should be done in **conditions allowing protection of the rights of donors, potential donors and receivers of organs and tissues** and that the adequate institutions must be able to ensure such conditions. **The facilitation of the procedure of transplantation of organs and tissues in the interest of patients imposes the need for protection of individual rights and undertaking of necessary measures for preventing of commercialization of human body parts used for treatment in the procedures of purchase, exchange and donation of organs and tissues.**

**Having in consideration the lack of human organs and tissues**, it is necessary to take all necessary activities related to **rising of the awareness of the population on the donation of organs and tissues, principally by means of informing of the general public on the importance of transplantation of organs and tissues.** It is also necessary to introduce some **informative campaigns and campaigns intended for rising of the awareness for donation of organs and tissues.**

The Proposal Law joints the solutions, so donors of organs and tissues can be both living and deceased persons. The donation of organs and tissues by living donors can only be done **on the basis of written content for donation granted on the basis of previous informing on the procedure and the consequences and the risk related to donor's health condition.**

The donation of organs and tissues is done **on voluntary basis and free of charge**, that is, **the law prohibits offering of organs in exchange of certain remuneration or any other benefit for the service of donating of human body parts.**

Each authorized public health establishment appoints **person in charge of removal and transplantation of human body parts- coordinator for removal and transplantation of human body parts**, whilst the Ministry of Health appoints **National transplantation coordinator.**

The introduction of the criminal acts in the Law is itself very interesting matter, according to which, the legislator can prescribe criminal offences beyond the Criminal Code. The explanation provided in the Explanation of the Law implies that this current situation shall remain unchanged as long as the listed offenses are transferred in the Criminal Code which actually matches their nature of acts codified by criminal and legal matters, which includes the contents of separate laws regulating specific areas (inter alia, of the area of human body parts transplantation).

The significant new elements regarding the incrimination prescribed in the Criminal Code (Article 210, Paragraph 4) are contained in the Article 64 of the proposed Law and refer to several matters. Above all, there is need of extension, that is, defining of the objects of endangerment, so instead of human body parts, according to the international documents in this area, they are specified as organs, tissues and cells. The objective is not exploitation; therefore, regarding traffic in human organs, the act is defined as human trafficking. The sentence envisaged is at least four years, thus classifying this act as serious criminal offence, which actually matches the seriousness of the offence in accordance with its nature and the consequences it causes. One important new element is the fact that as a qualified form of the act, the law envisages circumstances where victims of such offence are underage persons. Likewise, the law prescribes qualification circumstances related to the principal offence, such as organizing of group, gang or some other similar association, as well as the cases when persons are deprived of life in order to use their organs, tissues or cells. Of course that is such cases, the minimal sentence is higher (from eight to ten years). New element is also the incrimination of the advertisement of the need or the availability of human body parts for the purpose of their offering or soliciting monetary compensation or other property related benefits.

The Proposal Law also introduces new and very important function-**National Transplantation Coordinator**, which bears its own responsibility, inter alia, the most important one- the criminal liability in case when such person shall act in contrary to the Law, granting organs to patients who are not on the national waiting list or shall fail to apply the corresponding criteria. The note on the listed incrimination refers to the excessive span between the minimal and maximal sentence, starting from one to ten years, which according to our opinion and according to the criminal, or more correctly, the penalty policies should be overcome and this span should be decreased.

It is important to mention that the law envisages liability of legal entities, which in our opinion, should be complemented and should include the liability of the responsible person of the respective legal entity.

## CONCLUSION

Having emphasized the topicality, the seriousness and the importance of the phenomenon of trafficking in human organs and/or body parts, in the introductory section of the article, we singled out the possible aspects of its consideration.

The scope of the phenomenon was considered by means of pointing out the countries of sale and/or export of human organs and/or body parts, the directions of circulation, as well as the usual paths (routes) of human organs trafficking. Special attention was dedicated to the condition in the Republic of Macedonia and the neighboring countries, which in some sources of information have been remarked as countries of both, illegal transplantation and human organs trafficking.

Notably, we have considered and we have defined some of the key terms, such as human organs trafficking, transplant commercialism, travel for transplantation and transplant tourism. The so-called Palermo Protocols on the prevention, repression and punishment of trafficking in human beings and particularly women and minors and the Declaration of Istanbul on organ trafficking and transplant tourism served as basis for such defining. We have shortly presented the chain of human organ trafficking and the manners of recruiting of organ donors.

Special section of the article deals with the domestic criminal regulations related to this form of human trafficking. Likewise, we have included the proposal of the Law on removal and transplantation of human body parts (February 2011), whose objective is the prevention of the phenomenon, closely prescribing the condition of legal removal, exchange, transfer and transplantation of human body parts for treatment purposes. Finally, we can ascertain that the proposed Law implements the most significant international standards existing in this area.

## BIBLIOGRAPHY

Кривичен законик, Македонска ревија за казнено право и криминологија, Здружение за кривично право и криминологија на Македонија, год. 11,1-2/2004.

Мијалковиќ, С. (2007) *Trgovina ljudskim organima i delovima tela*, „Pravni život“, Удружение правника Србије, Београд, бр. 9, том I (стр. 109-126)

Мијалковиќ, С., Милошевска, Т. (2009) *Трендови на незаконска трговија со деца, бебиња и човечки органи- нов предизвик на системот за национална безбедност*, „Современа македонска одбрана“, бр. 18, август 2009 (69- 86)

Мијалковиќ, С. (2009) *Супростављање трговини људима и кријумчарењу миграната*, Едиција Студије, „Службен Гласник“, 2009.



Newspapers: „Дневник“, „Утрински весник“, „Време“, Associated Press.  
Предлог на Закон за земање и пресадување на делови од човечкото тело  
заради лекување, Министерство за здравство, февруари 2011.

Stevković, Lj. (2009) *Trgovina ljudskim organima*, Temida, Beograd, br. 1  
(str. 33- 46)

The Declaration of Istanbul on organ trafficking and transplant tourism  
(Participants in the International summit of Transplant Tourism and Organ  
Trafficking convened by The Transplantation Society and International  
Society of Nephrology in Istanbul, Turkey, April 30- May 2, 2008)

<http://www.digitaljournal.com.blog/1105>, downloaded on 28.03. 2011.

Inhuman treatment of people and illicit trafficking in human organs in  
Kosovo (Part 1) Rapporteur Mr. Dick Marty, Switzerland, Alliance of  
Liberals and Democrats for Europe (Dick Marty, Council of Europe,  
Committee on Legal Affairs and Human Rights) Wednesday, DECEMBER  
15, 2010 Restricted [provisional version] AS/Jur (2010) 46, 12 December  
2010 Ajdoc46 2010.

**Goran Milošević, PhD**

*Academy of Criminalistic and Police Studies, Belgrade, Serbia*  
e-mail [dekanat@kpa.edu.rs](mailto:dekanat@kpa.edu.rs)

**Mirko Kulić, PhD**

*Megatrend University, Belgrade, Serbia*

**Željko Nikač, PhD**

*Academy of Criminalistic and Police Studies, Belgrade, Serbia*  
e-mail: [zeljko.nikac@kpa.edu.rs](mailto:zeljko.nikac@kpa.edu.rs)

## **COMBATING SMUGGLING IN SERBIA IN FUNCTION OF INCREASING SECURITY IN THE WESTERN BALKANS AND EUROPEAN INTEGRATION<sup>1</sup>**

**Abstract:** *The paper deals with the issue of smuggling in Serbia with an emphasis on current European integration and security increase of the Western Balkans. After the introductory remarks, in the central part of the paper we have listed, by subject, the most important forms of smuggling, including smuggling of: weapons, ammunition and explosives, narcotics, technical products, vehicles, cultural goods, consumer goods, precious metals and precious stones. In the final part of the paper, the authors listed the source of information and place, role and tasks of the police and state authorities in suppression of smuggling. Finally, in concluding remarks, the current process of European integration and improvement of the security in the Western Balkans countries become promoted.*

**Key words:** *smuggling, illegal trafficking, the rule of law, the police, Serbia, Western Balkans, European integration.*

### **INTRODUCTION**

*Smuggling* is as old as a human society. As human society has developed and changed, so have the phenomenal forms of smuggling. Smuggling, as incriminated activity of an individual or a group, represents a

---

<sup>1</sup> This paper is the result of the Project of the Ministry of Science and Technological Development of the Republic of Serbia entitled „*Development of Institutional Capacities, Standards and Procedures for Fighting Organized Crime and Terrorism in Climate of International Integrations*“ (№ 179045).

threat to society and economic system of one or more countries, depending on the smuggling routes. Social threat is closely related to the type of smuggled good. In this respect, smuggled goods can be considered as: goods whose smuggling inflicts economic harm to a society, and goods whose smuggling endangers security of a country.

Smuggling of certain objects and goods leads to economic instability, which is being caused by disloyal competition at the commodities and services market, as well as by non-payment of duties and taxes (budget deficit). The subjects of smuggling can be the following goods: cars, gold and precious metals, commodities, technical products etc.

Unlike the smuggling of commodities, smuggling of arms, ammunition and narcotics causes endangering of country's and citizens' security. Smuggling of these objects and goods may also lead to commission of other serious criminal offences with the elements of violence, from homicide to criminal offences of robbery, abduction, extortion, etc.

Smugglers always choose people from their close environment for their collaborators – people with whom they share the same place of origin or relatives. As a reward for their services, collaborators usually receive a certain amount of smuggled goods, and in that way they also turn into sellers of smuggled goods. Very often, the same persons appear as smugglers of certain objects and goods (arms, gold, money, cars etc.). However, when it comes to smuggling of drugs, these rules do not apply to full extent. Smuggling of drugs requires “smuggling specialization” for individual types of drugs, which on the other hand facilitates the law enforcement authorities to carry out observation of persons who have chosen this forbidden job<sup>1</sup>.

## SMUGGLING METHODS

According to the method of its performance, we can distinguish two main types of smuggling:

- massive and individual with no particular *modus operandi*,
- group and organized with a special *modus operandi* for each good.<sup>2</sup>

Massive smuggling is done by individuals who use the favourable situation to bring into a country the vast amounts of goods for resale or to satisfy certain personal needs. This type of smuggling is done by workers temporarily employed abroad, craftsmen (jewellers, goldsmiths, car mechanics, traders, etc.), persons working on international freight,

---

<sup>1</sup> Алексић Ж., *Криминалистика*, Београд, 1985, р. 314.

<sup>2</sup> Татомировић Д., *Кријумчарење – схватање и сузбијање*, Београд, 1989, рр. 20-27.

international transportation of goods and passengers by road, rail, aviation and sea transport<sup>1</sup>.

Group and organized smuggling is done by professional smugglers who, according to the carefully prepared plan, bring into country vast amounts of various items and goods, which are then circulated through a network of dealers. These are organized groups of smugglers, consisting of large number of persons with precisely determined tasks in smuggling activity. Members of smuggling groups are characterized by distrust, avoiding of communication with strange people and well-elaborated methods of contact with potential buyers of smuggled goods. Transfer of goods across the border is done with the prior good preparation of the group, based on previous monitoring of customs services, technical equipment of border crossings and other circumstances that will allow them safe transportation of smuggled items.

Smuggling *groups* have well developed smuggling routes and channels, as well as methods of storage and circulation of smuggled goods. Organizational chart of these groups consists of smuggling centre, which organizes and finances this activity, smuggling point, which is located in one or more places in country and is run by one person who organizes the reception of the goods, its distribution, organizes a network of dealers and middlemen, and finally, a network of dealers, which directly resell the goods<sup>2</sup>.

Smugglers use the land, air and water *ways* for committing this criminal offence. On the land, they usually use luxury passenger cars, buses, freight vehicles and trains, in the air – airplanes and helicopters, while in water they use passenger and cargo ships, powerboats, tugboats, motor boats, sail boats and yachts<sup>3</sup>. In mentioned vehicles, the goods are concealed, and transportation is done according to strictly worked out plan.

## **TYPES OF SMUGGLING**

### **Smuggling of Weapons, Ammunition and Explosives**

Each country regulates the legal trade in weapons and ammunition in a special manner. The state clearly defines stores that may be involved in this trade, prescribes standards, establishes which weapons could the citizens posses, procedure of obtaining, possessing and carrying of weapons.

---

<sup>1</sup> Попадић В., *Сузбијање кријумчарења*, Београд, 1989, р. 56.

<sup>2</sup> Шимпрага Ј., Алексић Ж., *Криминалистичка методика*, Београд, 1986, р. 136.

<sup>3</sup> Бошковић М., *Криминалистика методика II*, Београд, 1996, pp. 165-166 and further on.

According to the regulations of the Republic of Serbia, every citizen who complies with the statutory requirements may obtain a licence for acquiring weapon. For citizens who purchase firearms outside the law, or abuse it, besides confiscation of weapons, adequate penal provisions are provided.

At the territory of *the Republic of Serbia*, there are some places in which buying and selling weapons is traditionally done, above all, in the area of Raska region and the municipalities of Bujanovac and Presevo. These are regions populated by a mixed composition of the population - Serbs, Montenegrins, Muslims and Albanians. Characteristic for people living in this area of the Republic of Serbia is that possession of weapons is understood as the sign of maturity and manhood. In these regions, possessing a weapon represents reputation, courage, virtue and honour, and certain number of citizens is trying to come into the possession of weapons even in illegal way. They purchase it on black market, or illegally bring it from abroad.

Events in the region of *the Autonomous Province Kosovo and Metohia* in the past years, with all the negative phenomena and consequences, had their impact on the entire territory of the Republic of Serbia. These events have additionally contributed to the attitude of Serbian citizens, that possession of a weapon guarantees a greater personal safety. This increased demand for weapons on the illegal market represents additional motive for smuggling groups to engage themselves in illegal trafficking of weapons, despite the risk.

Smuggling of weapons, ammunition and explosives is most often carried out through organized channels, or by various extremist organizations. Illegal transportation of weapons, ammunition and explosives cannot be and never is simple. However, the very fact that law enforcement authorities do not have the information in whose hands the weapon is, against whom and when it will be used in a certain moment is also very dangerous. If it is an organized smuggling of weapons into country, especially with the support of the participation of terrorist organizations, then the safety of a community is especially compromised. Therefore, the country must, in its own interest and in the interest of its citizens, prevent every form of weapons smuggling, by all available means.

Organized groups of weapons smugglers plan their activities in detail, develop a strategy of transport, carry out terrain reconnaissance for more precise planning of routes, monitor the border customs and police control, as well as activities of the members of the police further in the territory, organize notification system, and are technically very well equipped.

Routes and channels of weapons smugglers are carefully chosen and adjusted to every new change of circumstances. There is not a single transportation mean that is not suitable for illegal transfer of weapons across

the border. They offer a various possibilities for hiding and illegal transportation of cargo. Road traffic is still one of the most common illegal ways for transportation of weapons. However, this does not exclude the possibility for using ships, aircrafts and other transportation means.

There are frequent cases in which trains are used for smuggling of weapons. In order to remain undetected, the smugglers are physically separated from their “cargo”, but still keep contact with it. This practically means that if authorized state bodies intercept the smuggling channel, neither one member of smuggling group will be detected. This kind of organization enables the smugglers to continue their work even after interception, with a certain change in their methods, means, network of collaborators and other elements crucial for smuggling.

Weapons are most commonly smuggled together with other goods, which are imported legally and are followed by all necessary documentation. In certain cases, smugglers use holes and bunkers in transport vehicles. Often, smuggling groups use vehicles which are used for freight services on international routes, above all for transportation and smuggling of drugs from the East to the West and for transportation and smuggling of weapons from the West to the East<sup>1</sup>.

Besides land ways, smugglers also use the water ways. Ships provide vast space and enormous possibilities in terms of hiding larger amounts of weapons and ammunition. Possible docking of ships in various ports, even in those not opened for international traffic, additionally provides an opportunity for smugglers to carry out their intentions, and complicate the efficiency of control of law enforcement bodies.

### **Smuggling of Narcotics**

Smuggling of any kind of goods contains a risk, a desire for quick and easy way of obtaining large profits. On the scale of smugglers' organization, smugglers of narcotics take special place. Smugglers of narcotics have precisely organized *network* of illegal transportation and distribution of drugs in all phases, from producer to the final consumer. This group of smugglers consists of different categories of persons, such as: blinded fanatics, smugglers greedy for money, hotel staff, corrupt state officials, corrupt politicians, drop-out students, failed businessmen etc.

---

<sup>1</sup> Никач Ж, *Транснационална сарадња држава у борби против криминалитета - Еуропол и Интерпол*, Завод за уџбенике и наставна средства РС, Београд, 2003, pp.129-133.

The smuggling of narcotics is especially affected by the following facts: not a single country is immune to drug abuse, the number of drug addicts is constantly increasing, which means that the need for drugs is constantly growing, drug addicts are always willing to discretion regarding the manner of acquisition, drugs are suitable to hide and are very easy to transfer, drug addicts are always willing to pay a higher price for drugs, etc. On the illegal drug market, the law of supply and demand applies, which manifests in movement of prices.

All transportation means are used for *transfer* of opiates, both the modern ones (airplanes, ships, cars etc.) and traditional ones (animals). Sometimes, smuggling is carried out by using postal packages and letters. Transportation of *the larger amount* of narcotics is usually done by trucks used for international transportation, buses that operate on regular lines on the East-West route and vice versa.<sup>1</sup> Passenger vehicles registered in the border area are a very good tool for smuggling of narcotics from neighbouring countries. Such vehicles, as a rule, are being rarely controlled by custom services at the border crossing. Transport of smaller amounts is usually organized by hiding opiates in suitcases (luggage) with false bottom.

*The way of smuggling* is planned and carried out depending on the transportation mean which is going to be used for smuggling of narcotics, as well as on methods used by authorized custom and police border services at border crossings and in the interior of a country where smugglers road leads. Smuggling group usually analyzes the route with the help of smugglers scouts. Scout is experienced and communicative smuggler, ready to corrupt state officials, a good psychologist and logician, who before the movement of the transport checks his/her assumptions in order to propose a way of smuggling with certainty. This tells us that smuggling of drugs does not represent a spontaneous activity of an individual, but activity of an organized group.

Until the 1980-s, organized smuggling of narcotics in our country was attributed to the foreign criminal organizations, and was perceived as illegal activity, which did not directly endanger the country's security. However, certain knowledge and information received from Interpol undoubtedly indicated that smugglers from our country were intensively engaged in these illegal activities. Members of *the Police of the Ministry of Interior of the Republic of Serbia* so far have successfully detected different modalities and methods of transportation of narcotics, smuggling routes and a number of persons involved in smuggling of narcotics. It is well known

---

<sup>1</sup> *Ibid.*

that smugglers create points for keeping drugs at the territory of Serbia, where they keep the drug for a while, and then distribute it towards the West and East, or towards the centres in Serbia. Across the territory of the Republic of Serbia there leads the main smuggling route that generally starts on the border crossings Gradina and Dimitrovgrad, then passes through Serbia and moves on, usually via the border crossing Horgos, to Western Europe, primarily to Italy (Milan, Palermo) to the further laboratory processing of morphine base into heroin.

### **Smuggling of Technical Equipment**

The smuggling of technical equipment is specifically affected by the disturbances in the economic sphere, thus creating a suitable climate for the activities of smugglers. Lack of products, the decline of standards and financial indiscipline are just some of the factors that stimulate the activities of smugglers. This also shows that despite the measures taken by the law enforcement authorities to combat smuggling of technical equipment, this form of smuggling can successfully be fought only by measures of economic policy.

Smuggling of technical equipment does not pose a specific security threat. However, due to taking out of domestic and foreign currencies for payment of goods, as well as vulnerability of the budget (due to non-payment of public revenues), *economic threat* to the society is pronounced. The main goal of smuggling is gaining the highest possible profit. Therefore, various goods are being smuggled, depending on demand, which is conditioned by the current fashion trend in the country and the world. Everything that can be easily sold is being smuggled - computers, video and TV equipment, musical equipment, home appliances, appliances for industrial facilities, as well as all other technology for which a current demand exists.

Smugglers bring large amounts of technical equipment, often of suspicious quality, and these products are sold under very favourable terms. With the low prices system, smugglers influence the citizens to purchase these goods illegally, thus creating an illusionary impression that smugglers are deserving citizens who are trying to provide products on the market that otherwise are not possible to provide for the needs of citizens.

For the smuggling of technical equipment, trucks and buses that transport passengers and goods in the country and abroad are mostly used. Customs marks for protection of transport (seals), do not represent a particular problem for the smugglers. Smugglers solve this obstacle by faking the damage on the seal, cutting the rope which was used for sealing, stripping the seal off the rope or wire, "cutting the rope of tarpaulin in a



place that is not visible from the outside”, possessing a rope, seal and pliers for sealing etc.<sup>1</sup>

### **Car Smuggling**

In recent years, especially in the period of the so-called “*re-registration of vehicles*”, the Republic of Serbia has faced organized and successful ways of smuggling of motor vehicles. These are organized international groups and criminals from the territory of former Yugoslavia (Serbia, Montenegro, Bosnia and Herzegovina, Republic of Srpska), which smuggle vehicles, but also individuals who smuggle parts, components or entire vehicles for their own needs or sale.

Our citizens working temporarily abroad are massively bringing vehicles into country. Immediately after their arrival, the vehicles are sold, and at foreign police authorities, they are signed out as unusable. Also, certain criminal groups from Turkey and Bulgaria buy used vehicles on the West, and then bring them into Serbia under the disguise of “transit” and sell them on demand. These cars were acquired legally or by theft, but certain papers were provided for them, which follow a vehicle to its destination.

All vehicles purchased in illegal way are immediately supplied with “proper” papers, and only by insight in these papers it cannot be determined if registration of a vehicle is false or original. In order for the law enforcement authorities to adequately confront the car smugglers, it is necessary for them to know the brands and types of vehicles, particular characteristics of various types of vehicle, as well as possession of basic knowledge of techniques used for re-typing numbers, welding, painting etc.<sup>2</sup>

### **Smuggling of Cultural Property**

On the western antiques market, there is great demand for cultural goods, which also reflects on our country and national antiques, especially through the possibility of obtaining large profits. It should be borne in mind that there is a great demand for antiquities in our country, especially by upstarts, who, by following the world trends, are increasingly seeking to obtain an antiquity without asking for the price, or how the seller came to a cultural property.

Knowing that the smuggling of cultural property is the real “paradise” for gaining profit, individuals and groups put on the market the

---

<sup>1</sup> *Op. cit.*, in footnote 3, pp. 39-45.

<sup>2</sup> *Op. cit.*, in footnote 4.

demanded items, which is again linked with commission of other criminal offences (breaking into houses, churches, museums etc.). International recognition of originality of our medieval cultural monuments (the frescoes and icons in the churches), significantly influenced the organization of international traffickers at our territory. Domestic criminal groups also got involved in this illegal business, and in order to obtain wealth, they steal priceless cultural properties from our country.

On the antiques markets in Paris, Vienna, Munich, Rome, Trieste and other cities, the most sought after antiques from Serbia are icons, art paintings and sculptures, old objects made of glass, metal and clay, church relics, old books and manuscripts, etc. Exportation of Serbian cultural property is strictly prohibited. Cultural goods can be taken out of the country only with the approval of competent authorities, above all the Ministry of Culture. However, impossibility of total control, as well as good organization of smugglers, contribute to the fact that many cultural assets of our country are being sold in western antique shops, which causes immense damage to Serbia, and cultural and historical legacy is greatly depleted.<sup>1</sup>

### **Smuggling of Consumer Goods**

Smugglers adjust their behaviour to the rules of supply and demand. They follow developments in the market and depending on the disorders and the demands of the market, they adjust their activities. There is not a single commodity on the market for which a smuggler is not interested in. Every commodity that can provide profit is interesting for smuggler.

Periods of great shortages of certain goods on the market, essential for normal and civilized life of citizens represent a signal for smugglers to immediately engage in providing those goods. This could be coffee, salt, sugar, hygiene products, petroleum and petroleum products, cigarettes etc. Serbia went through periods of shortages of certain goods, whose smuggling brought great wealth to certain individuals, and state budget has suffered enormous damage.

By taking advantage of poor functioning of state apparatus, as well as inconsistency of regulations, individuals were founding quasi firms through which they performed the import of consumer goods that they sold, thus obtaining huge profits. Motivated by high profits, smugglers easily decide to get involved with this kind of smuggling, especially in terms of lenient

---

<sup>1</sup> *Ibid.*

sentences imposed in criminal proceedings, because often for this form of criminal activity, suspended sentences are being passed.<sup>1</sup>

### **Smuggling of Precious Metals and Stones**

Gold, jewellery and diamonds have always been expensive. In some places, they reflect a certain social status and represent a proof of wealth. Gold is a recognized mean of payment in all countries of the world, and is used as a mean of payment by some countries when they purchase certain products and technologies.

Legal trade in gold under the direction of the state is a very complex job, and so are the routes of smugglers, who keep in motion a good part of the total amount of gold, beyond the control of banks or official state bodies.<sup>2</sup> Gold is very suitable for smuggling. It can be hidden in the clothing, luggage or parts of vehicles. Given their the limited quantity, as well as large differences in prices, smuggling of gold and precious stones is almost perfectly organized in some countries.

Our country is on the crossroads of East and West, and represents a transit area. However, our law enforcement bodies so far haven't had any special experiences in suppression of smuggling of precious metals and diamonds, which does not mean that in the future Serbia will not be an interesting area for this kind of smuggling.

### **SOURCES OF INFORMATION**

Goods that are the subject of smuggling are usually transferred in two ways: outside border crossings and at border crossings, where goods are declared or hidden in transportation means.<sup>3</sup> Successful detection of smugglers depends on timely information that the smuggling of weapons, narcotics, technical products, consumer goods and other goods is being prepared and timely information that the goods were smuggled and put into circulation.

Sources of information on smuggling can be different. This information is most commonly gathered based on: activities of customs services, police and other state bodies, reports of citizens, transportation and commercial companies etc. Aforementioned sources of information are not

---

<sup>1</sup> Више: Лајић О., Маринковић Д., *Практикум из Криминалистичке методике, Кријумчарење и недозвољена трговина*, КПА, Београд, 2010, pp.159-164.

<sup>2</sup> *Op. cit.*, in footnote 3.

<sup>3</sup> See more in: Жарковић М., *Криминалистичка тактика*, II измењено и допуњено издање, КПА, Београд, 2010, pp. 29-35 and further on.

equally represented in all forms of smuggling, and for certain forms of smuggling they are not applicable.

Bearing in mind the method of smuggling, and the fact that the smuggled goods can be found by examination and control of passengers, luggage and transportation means, it is expected that the customs authorities appear as the first on the front line in detecting of smugglers. *Customs Service*, thanks to its role and basic tasks, is in the position to, while performing its regular activities, undertake a series of measures and actions (declaration of goods, inspection of customs documentation, examination and search, seizure of goods and transportation vehicles etc.), which create real possibilities for detection of smuggled goods and smugglers.

The role of *the Police* is reflected in timely discovery of facts indicating that smuggling has started or was committed. A special contribution can be made by border police officers, or other police officers who through their regular activities (monitoring, observation, patrol, control of persons and objects, working on traffic checkpoints, etc.) can obtain some important information. Within the broader police operational activity, the in-depth control should be used, above all of vehicles coming from abroad, since if the perpetrators have managed to transfer the goods across the customs line without customs control, or to enter the country outside the border crossing, they will gain greater confidence regarding the final success of their criminal activity.<sup>1</sup> Without quality operational connections, quality operational and technical means and professional and expert commitment of police officers, one cannot expect successful combat against smugglers.

Goods that are the subject of smuggling are subject to competition; therefore, anonymous reports of competitors can be expected. If the goods are immediately distributed and sold at various points, where they are easy to notice, we can expect public gossip as well as filing of reports by citizens. Through *tax administration* and *market inspection* activities, a variety of goods that were put into circulation can be found. In some cases, sources of information can be transportation enterprises dealing with transportation of goods and passengers on international routes, and therefore, a contact with them should be maintained.

---

<sup>1</sup> *Ibid.*

## THE ROLE AND TASKS OF THE POLICE AND STATE AUTHORITIES IN COMBATING SMUGGLING

A) Smuggling organizations are secret, despite the fact that they consist of large number of people with different roles in the organization.<sup>1</sup> The fight against this form of crime can only be effective if it is continuous, planned and based on scientific achievements. It will depend on the degree of organization of control bodies, the knowledge of the danger and methods of smuggling groups' activities, knowledge and cooperation between the state authorities, but also on vigilance and systematic work of the law enforcement authorities.

The most efficient way of discovering the perpetrator of a criminal offence and providing material evidence is a method of catching *in flagrante*, when both the criminal offence and the perpetrator are simultaneously detected. *Catching in the act (catching in flagrante)* is the method that can be implemented through activities of customs service, when concealed undeclared goods are discovered on the customs line, "and by using the investigative action of search, material evidence is secured".<sup>2</sup>

In the procedure of detecting and combating smuggling, police cooperate with customs authorities, tax administration and market inspection, as well as with other governmental agencies. Through joint activities, it is necessary to build an entire methodology of procedures and define the place, role and responsibilities of agencies and individuals. In this way, through joint work and development of methodology of procedure in individual cases, success in combating smuggling can be expected.

Smugglers (masters of their craft), must be confronted by qualified *operative workers* of the same or higher level of knowledge. Success that will be achieved during the work on detection and prevention of this criminal activity depends on the degree of success in predicting the sequence of actions that the smugglers will undertake. Smugglers practice a certain way of working, which makes them recognizable. Smugglers' method of work is adjusted to the type of goods that should be smuggled. It is not enough to know the work of one smuggling group, or know one actor of smuggling, and expect success. It is necessary to get acquainted with the work of several groups and know several important members of groups.

By keeping in secrecy its methods of work, smuggling group protects its interests. The moment when the leader of the group suspects that their method is detected by law enforcement bodies, he makes radical changes in

---

<sup>1</sup> *Op. cit.*, in footnote 3., p. 62.

<sup>2</sup> *Op. cit.*, in footnote 4., p. 168.

methods or changes the seat, personnel and points of smuggling organization.

Any operational information, especially if it is particularly important, should be thoroughly analyzed in order to prevent the risk of wrongful action. *Operative findings* of police officers from any line of work should be immediately submitted to specialized unit that deals with combating smuggling. Any information that indicates that an individual or group is engaged in smuggling should be carefully checked and authenticated by the Service for Combating Smuggling. On this occasion, the service decides the method of further processing. If the finding is likely to be true, a *work plan* will be created with clearly elaborated dynamics of procedures of the operational workers. The work plan must include a procedure in case of changed conditions and the inability to use the planned measures.

**B)** During the activities on combating smuggling, it is possible to apply and use *special investigative techniques* and methods of operational work, such as: a measure of controlled delivery, conclusion of simulated legal business, provision of simulated business services etc.

The measure of *controlled delivery* is operational and tactical activity, under which the law enforcement authority, with the approval of the competent state prosecutor, allows illegal or suspicious shipments to leave, be transferred or enter the territory of one or several states, with the knowledge and under surveillance of their competent authorities, with the aim of conducting an investigation and identifying persons involved in a criminal offence. The possibility of catching smugglers in flagrante, is postponed for the time and place when the quantity and value of smuggled goods is the highest, and smugglers' headquarters, personnel and checkpoints are exactly known. Controlled delivery is carried out according to the rules of the Article 11 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, with the consent of interested states and the principle of reciprocity. Provision of *simulated business services* and conclusion of simulated *legal businesses*, are measures undertaken by police authorities in cases of smuggling of dangerous goods, or when there are grounds for suspicion that criminal offence of organized crime is being prepared. This measure is implemented on basis of a written and substantiated order issued by the investigative judge, within the time period determined by the law. This measure is carried out by engaging operational connections, or undercover investigator. When concluding simulated legal affairs, operational connection must act in a manner that is usual for smuggling, in order to create as natural as possible atmosphere and gain smugglers' confidence. Extreme care is required in work and special

protection of operational connection in order to prevent any unwanted development and reduce operational risk to a minimum.

Upon the execution of measures of providing simulated business services and conclusion of simulated legal affairs, internal affairs bodies, in the accordance with the law, submit to the investigative judge and public prosecutor a special report that includes: the dates when the measure has started and ended; data on the official person who has implemented the measure; description of the used technical devices; number and identities of persons targeted by the measure and assessment of the effectiveness and results of the implemented measure.

### **INSTEAD OF CONCLUSION**

In order for the state to effectively achieve its activity in the suppression of smuggling, we believe that it is primarily necessary to reinforce the functioning of certain state bodies, such as the police, customs, inspection services, courts, etc.

In this regard, it is necessary to:

- increase the control of passengers and vehicles whose routes of movement includes *regions* where weapons, drugs, consumer goods, etc. are traditionally smuggled (Thailand, Hong Kong, India, Pakistan, Turkey, Bulgaria, Macedonia);

- increase control of persons who come from regions where narcotics are made and who are staying in Serbia as entry and transit passengers at *airports* and *city ports*;

- focus attention on passengers who, based on their *appearance and behaviour*, could be classified in persons who are prone to smuggling (hippies, drug addicts, communicative people, etc.);

- develop indicative method of work for the selection of suspicious persons, as well as the technique of taking and securing evidence traces from secret and hidden places in *cooperation with the customs services* at border crossings;

- increase system of monitoring and surveillance of the crew and passengers, especially when ships come from countries where various forms of smuggling are present on *river ports and harbours*;

- based on analysis of detected cases, it is desirable to create *operational plans* of procedures for a specific period of time.

In terms of implementation of the aforementioned activities, we consider that it is necessary to continue the process of *education* of state authorities' officers, especially members of the police and specialized units of the Ministry of Interior of the Republic of Serbia, customs service and judicial bodies. Furthermore, we believe that *at the national level*,

communication and cooperation between the competent authorities on combating smuggling should be improved, while at *international level*, all forms and types of cooperation should be maintained and improved (bilateral, multilateral, regional cooperation). In this context, cooperation with specialized international organizations, such as Interpol, Europol etc. is of crucial importance.

Finally, from the aspect of Serbian application for membership in the European Union, we believe that it is necessary in the near future to perform *harmonization of standards with the EU Law*, primarily in the field of internal affairs and justice. *De lege ferenda* the adoption of the new Code of Criminal Procedure is expected in the near future, and in this respect, the more adequate concept of criminal procedure, which would, we believe, facilitate the more successful fight against smuggling and other serious criminal offences. We believe that normative and legal activity will be achieved also in the area of substantive law, followed by valorisation of adopted solutions in the practice and upgrade in the field of jurisprudence.

## REFERENCES:

### Textbooks and texts

1. Алексић Ж, Криминалистика, Београд, 1985.
2. Бошковић М, Криминалистика методика II, Београд, 1996.
3. Водинелић Б, Криминалистика, Београд, 1984
4. Жарковић М., Криминалистичка тактика, II измењено и допуњено издање, КПА, Београд, 2010.
5. Кривокапић В, Криминалистика тактика, Београд, 1996.
6. Кулић М, Пореска утаја и кријумчарење, Београд, 1999.
7. Лајић О., Маринковић Д., Практикум из Криминалистичке методике, Кријумчарење и недозвољена трговина, КПА, Београд, 2010.
8. Ловчевић Ј, Институције јавних финансија, Београд, 1975.
9. Никач Ж, Транснационална сарадња држава у борби против криминалитета - Еуропол и Интерпол, Завод за уџбенике и наставна средства РС, Београд, 2003.
10. Попадић В, Сузбијање кријумчарења, Београд, 1989.
11. Поповић Д, Наука о порезима и пореско право, Београд, 1997.
12. Татомировић Д, Кријумчарење схватање и сузбијање, Београд, 1989.
13. Шимпрага Ј, Алексић Ж., Криминалистичка методика, Београд, 1986.

### Regulations (laws and bylaws)



1. Царински закон,
2. Законик о кривичном поступку,
3. КЗ РС,
4. Закон о прекршајима РС,
5. Збирка прописа МУП РС, Закон о полицији и подзаконски акти, Београд, 2008.

**Internet** – websites and information.

**Other** – internal working materials of the Ministry of Interior of the Republic of Serbia.

## **БОРБА ПРОТИВ КРИЈУМЧАРЕЊА У СРБИЈИ У ФУНКЦИЈИ ПОВЕЋАЊА БЕЗБЕДНОСТИ ЗАПАДНОГ БАЛКАНА И ЕВРОИНТЕГРАЦИЈА**

***Резиме:** У реферату је изложен проблем кријумчарења у Србији са акцентом на актуелне евроинтеграције и повећање безбедности Западног Балкана. После уводних напомена у централном делу реферата дати су, према предмету, важнији облици кријумчарења и то: оружја, муниције и експлозива, наркотика, техничких производа, возила, културних добара, робе широке потрошње, племенитих метала и драгог камења. У последњем делу изложени су извори сазнања и место, улога и задаци полиције и државних органа у сузбијању кријумчарења. На крају у закључним разматрањима афирмишу се актуелни процес евроинтеграција и повећање безбедности држава региона Западног Балкана.*

***Кључне речи:** кријумчарење, нелегални промет, правна држава, полиција, Србија, Западни Балкан и евроинтеграције.*

**Gorazd Meško PhD**

*Faculty of Criminal Justice and Security, University of Maribor,  
email: gorazd.mesko@fvv.uni-mb.si*

**Katja Eman MSc**

*Faculty of Criminal Justice and Security, University of Maribor,  
email: katja.eman@fvv.uni-mb.si*

***THE ISSUES OF THE PROTECTION OF THE  
ENVIRONMENT THROUGH CRIMINAL LAW IN THE  
REPUBLIC OF SLOVENIA***

***ABSTRACT***

*Legal theory defines environmental protection as one of the fundamental human rights, which is also protected through criminal law. In Slovenia, criminal law protection is defined in the Penal Code, which though the nature of some blanket clauses in Chapter 32 refers to the Environmental Protection Act and other legal acts. The aim of this paper is to propose specific changes to rules in the field of environmental protection based on the analysis of environmental criminal justice and the assessment of the actual situation in Slovenia.*

*The review of environmental protection has shown that the undefined terminology, blanket nature of criminal norms and the related difficulty of proving unlawful elements are the most distinctive in terms of the need for regulation. The analysis of legislation reveals a relatively comprehensive criminal regulation of environmental protection. But the present problem of inefficient implementation and failures in implementing the good standards of environmental protection in criminal justice burdens and complicates the efficient functioning of the criminal justice system. The abundance and fragmentation of legislative and regulatory provisions on environmental protection are especially compelling. In the end, the paper offers some solutions for the presented problems of environmental criminal justice protection in Slovenia, including the systematic arrangement of all acts and the elimination of the problem of terminological ambiguity and incompleteness.*

***Key words:*** *environment, criminal law environmental protection, criminal liability, blanket clauses, Republic of Slovenia*

## INTRODUCTION

The environment<sup>1</sup> represents the basis for the survival of man already from the beginnings of mankind, but is lately unfortunately more often the 'victim' of a human exploitation and destruction. As regards such interventions<sup>2</sup> in the environment, which are contrary to legal protection of environment, one is refers to the crimes against the environment. Brack<sup>3</sup> states that environmental crime happens when individuals, groups of people or companies (intentionally) violate laws and regulations that determine the field of environmental protection, because of their convenience, profit or power. And precisely the profit (to avoid costs that are required by environmental laws or the actual income from the sale of one or more natural resources) has become the primary reason for committing environmental crimes and causes environmental degradation. The last is confirmed by the profits of environmental organized crime, which were placed on fourth place among the most profitable organised crime activities.

Legal sources declare that a person has the fundamental human right to environmental protection. In the country with a rule of law, such as the Republic of Slovenia, this means the appropriate legal norms, the use and the respect of environmental law. Viler Kovačič<sup>4</sup> defined legal protection of the environment as a set of actions, necessary to ensure a situation in which there is no health risk and a life is decent. Through the legal protection of the environment; soil, air, water, plant and animal species are protected from harmful human intervention. It also eliminates the already inflicted injury

---

<sup>1</sup> Šinkovec (1986: 156) described environment as a collection of elements and divided it into the physical, social and cultural environment. Furthermore, he recalled that this is a very broad definition of environment, which is much wider than that of the human environment (an environment where one lives, including property that is closely tied to it, its associated plants and animals) in terms of legal regulation of environmental protection, but from the political aspects the regulation of this field is necessary.

<sup>2</sup> An environmental intervention is any human act or omission, which may impact on the environment so as to cause harm to human health, welfare and quality of their lives and livelihoods, health and welfare of the other organisms. Environmental intervention refers particularly to the use of natural resources, pollution of the environment, construction and use of facilities, production and other activities, and placing products on the market and their consumption (Article 3 of the Environmental Protection Act, Official Gazette of RS, No. 21/2004).

<sup>3</sup> Brack, D. (2002: 143). Combating international environmental crime. *Global Environmental Change*, 12(2), 143-147.

<sup>4</sup> Viler Kovačič, A. (1999: 7). *Varstvo okolja in upravni postopki. Pravna ureditev varstva okolja*. Ljubljana: Gospodarski vestnik.

and prevents possible injuries or causing new threats to the environment and the resulting damage.

A country is responsible for the functioning of the environmental protection system. It is implementing this function by adopting legislative and regulatory provisions that ensure respect for the basic human values and beside that allow the operations of all social sectors. Legal protection of the environment has two functions: 1) it has to have a real capacity for action, which means that it must effectively manage the numerous problems; and 2) regulate competing interests with the general requirements (e.g., economic development and stability, high employment, technological progress, social security, etc.). In addition to environmental justice, which must combine preventive, repressive and reparation functions, it is essential that this functioning of the country is supported with the promotion and development of an environmental ethics, because without the awareness of citizens legal protection of the environment, no matter how good, very quickly becomes very inefficient.<sup>1</sup> These functions of the environmental protection are defined in the Environmental Protection Act<sup>2</sup> (hereinafter referred to as ZVO-1).

The criminal justice system plays an important role in responding to the phenomenon of environmental crime, because the strict enforcement of the law provides certain protection for the environment. Equally important is the participation of the various social sciences with the criminal justice system.<sup>3</sup> Carter<sup>4</sup> notes that the reasons why people commit crimes against the environment are very diverse. Some people may be inadvertently, negligently, or unknowingly violating environmental laws. Others may be motivated by the wish to reduce operating costs due to financial difficulties by allowing the dumping of waste or sewage discharges into the nature. The most dangerous, obscure and widely present perpetrators of environmental

---

<sup>1</sup> Ibidem.

<sup>2</sup> Zakon o varstvu okolja – ZVO-1. (2004). *Uradni list Republike Slovenije*, št. 21/2004, 17/2006, 20/2006, 28/2006, 39/2006, 49/2006, 66/2006, 112/2006, 33/2007, 57/2008, 70/2008, 108/2009

<sup>3</sup> Social sciences, especially in terms of research, observation and study, are an important component of an effective response to the phenomenon of environmental crime and the resulting consequences. As already noted by Carter (1998), despite the fact that some of the most common phenomena of crime and methods of commitment were documented and studied, the environmental crime can occur almost everywhere and almost every time, when a new form of criminality is discovered. Therefore, the implementation and enforcement of environmental legislation, as well as the development of better strategies and methods of detection and investigation of individual environmental crime acts are important.

<sup>4</sup> Carter, T. (1998: 172). Policing the Environment. In M. Clifford (Ed.), *Environmental Crime: Enforcement, Policy, and Social Responsibility* (pp. 169-203). Gaithersburg, Md.: Aspen Publishers.

crime, organized as business groups, and members of organized crime groups.<sup>1</sup>

In the field of legal provisions on prohibiting practices against the environment in the recent decades quite a few changes happened since the 1960 and 1970, when at that time perfectly normal and harmless practices are now limited by laws and executive acts, and also prohibited and punishable (e.g., disposal of the construction waste on the field and forest roads, which is now prohibited, or export manure or liquid manure on the fields, which is now regulated and permitted only under specified conditions). Masters and Robertson<sup>2</sup> have divided the definition of criminal conduct into a legal and a social definition. The social definition is wider than the legal, because they contain unsocial, unethical and harmful behaviour. Therefore, also in the field of environmental crime should be emphasized that not all acts which the society ranks among the environmentally harmful and dangerous, are classified in the criminal law. Individual legal professionals<sup>3</sup> in the field of environmental protection insist on legal frameworks practices against the environment that clearly define which acts against the environment can be classified as belong to environmental crime. Also the authors argue in favour of the legal approach to defining the environmental crime and the systematic organization of the legal environmental protection, as shown in the following chapter.

## **ENVIRONMENTAL CRIME AND THE PROTECTION OF THE ENVIRONMENT THROUGH CRIMINAL LAW**

When it comes to legal protection of the environment, one talks about a subsystem in the legal system of each country, which is responsible for the establishment and assurance of the operation of the entire legal system. This

---

<sup>1</sup> Knowledge of the properties, forms, perpetrators and other particularities can greatly contribute to a more rapid and effective investigation of the environmental crime case. Green criminology, whose object and purpose are the study of the threats against the environment, environmental legislation and protection measures, has as a scientific research discipline a very important role in developing and establishing the criminal justice system response to the emergence of the environmental crime. As a science about the environmental crime, its causes and perpetrators, in addition to analyzing the forms and characteristics of these crimes, green criminology explores the causes for committing and its consequences.

<sup>2</sup>Masters, R., Robertson, C. (1990). *Inside Criminology*. New York, Prentice.

<sup>3</sup> Selinšek, L. (2003). Kazenskopravno varstvo okolja in naravnih dobrin – izziv ali nuja? *Pravnik*, 58(9-12), 651-672; Situ, Y., Emmons, D. (2000). *Environmental crime*. The Criminal Justice System's Role in Protecting Environment. Thousand Oaks, Sage Publications, Inc; Viler Kovačič, A. (2007). Spremembe ZVO. *Pravna praksa*, 26 (44), 17-18.

function is implemented through the adoption of specific laws and executive acts, as well as by the ratification of various international instruments, such as bilateral agreements, conventions, declarations, etc. In this way, environmental protection legislation is created and formed. The legal regulation of the environment is diverse; it can be regulated by an internal state/national legislation<sup>1</sup> (constitution, laws and bylaws, national programs, actions and other administrative authorities, criminal and legal protection, recovery operations of civil law, etc.) and international instruments (conventions, treaties, etc.).<sup>2</sup> Problem solving and sanctioning of violations of environmental protection are based on a combination of administrative, civil and criminal law. Selinšek<sup>3</sup> stressed that criminal law is the most limited, due to its *ultima ratio*. And although the criminal law in environmental protection can be regarded as accessory, nowadays, at the international level the need to protect the environment through criminal law measures is highlighted/stressed. The reason for this are the more frequent and extensive 'attacks' on the environment with increasingly severe consequences. Dežman<sup>4</sup> adds that the fundamental duty of modern criminal law is the protection against the most serious forms of deviant behaviour in society. Unfortunately, environmental criminality has become just that, a form of deviant behaviour, whose consequences attain the most dangerous possible forms. Globally speaking, environmental crime is increasingly threatening the life and survival of man and his kind, and also the existence of all other living and non-living forms on the Earth. Therefore, it can be concluded that environmental law is dealing with really frequently changing and broad content. The problems and consequences of environmental crime are opening a wide field for legal professionals, where Šinkovec<sup>5</sup> points out

---

<sup>1</sup>Šinkovec (1986: 172) notes that in the field of environmental protection the legal norms have mainly the character of categorical, binding and prohibiting norms and impose absolute liability.

<sup>2</sup>In the Republic of Slovenia the legal environmental protection is defined in the Constitution of the Republic of Slovenia (Official Gazette of RS, No. 33/1991), ZVO-1, Penal Code of the Republic of Slovenia (Official Gazette of RS, No. 55/2008), Water Protection Act (Official Gazette of RS, No. 67/2002), Animal Protection Act (Official Gazette of RS, No. 43/2007) Resolution on the national environmental protection programme 2005-2012 (Official Gazette of RS, No. 2/2006), Act about Ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Official Gazette of RS, No. 66/2002) and numerous other legal acts and regulations.

<sup>3</sup>Selinšek, L. (2003: 265). Kazenskopravno varstvo okolja in naravnih dobrin – izziv ali nuja? *Pravnik*, 58(9-12), 651-672;

<sup>4</sup>Dežman, Z. (2004). Nekaj kritičnih pogledov na novi model slovenskega kazenskega postopka. *Dnevi slovenskih pravnikov 2004*. Ljubljana, Podjetje in delo, 30(6/7), 1575-1589.

<sup>5</sup>Šinkovec, J. (1994: 21). *Pravo okolja: načela in mednarodnopravni prikaz*. Ljubljana, Uradni list Republike Slovenije.

that the perpetrators of the problems in the environment are those elements that need to be managed.

With a range of different measures, the society endeavours to prevent and reduce pollution and other forms of destruction of the environment, which occur due to insufficient control of the exploitation technology, lack of awareness, as well as non-compliance with environmental ethics. Nowadays, to preserve the environment, one takes a number of environmental measures that address the protection of individual assets, as components of the environment.<sup>1</sup> One of the forms of environmental protection is environmental protection through criminal law. The latter is being built and developed (and is still developing) within the framework of national legislation in accordance with the development of other legal protection due to an increase of the problem, changes and, unfortunately, deterioration in the field of environmental protection. Violations of environmental protection appear across all categories of criminal conducts.

A special feature of environmental criminality is that it is a relatively new field of deviance, which is still changing. It includes specifically protected goods (e.g., human health and life) endangered in a specific way. Furthermore, the damage caused by such acts is often considerable and victims are often unknown or forgotten. The individualisation of victims, as highlighted by Borštnik Pribakovič, Zovnik and Žagar,<sup>2</sup> is often difficult, as some of the consequences of such forms of criminality remain hidden for a long time and become visible or even detected only after several years or decades.<sup>3</sup> Environmental damage and effects on humans are therefore often irreversible. And as regards environmental criminality, already Pečar<sup>4</sup> has been warning that the majority of the environmental crime acts are based on gain, which stresses the imperative of profit on the human sense of ownership and control of the nature. This claim about environmental crime remains true until today, as is also true that one needs a more focused study and analysis in this area.

---

<sup>1</sup> Zorman, I. (1986: 269). Kazenskopravno varstvo okolja. In J., Gregorič (Eds.), *Prostor in okolje: pravni problemi* (pp. 269-300). Ljubljana: Gospodarski vestnik.

<sup>2</sup> Borštnik, Pribakovič, A., Zovnik, M., Žagar, T. (2004). *Odgovorno okoljsko delovanje: Sistemi ravnanja z okoljem*. Ljubljana, Schwarz d.o.o.

<sup>3</sup> A massive problem of environmental crime is the connection between the commission of the crime and the creation of consequences (perceived violation and proving it). One talks about acts that create remote and unpredictable consequences; therefore it is difficult to prove the existence of specific imminent threats, and even harder the causation and blame of the perpetrator.

<sup>4</sup> Pečar, J. (1988: 286). "Kriminološko" javno mnenje. *Zbornik znanstvenih razprav*, 48, 105-125.

In Slovenia, one is still facing the development of legislation in the field of criminal law protection of the environment and unfortunately a lack of legal practice in the field of environmental crime. Due to a small number of annual crime reports made against the offenders of environmental crime, the examples of cases that come before the court, where both the prosecutor and the judge are participating, are rare, which leads to a lack of case law and precedent rulings. As Pečar<sup>1</sup> indicated already three decades ago consequently there is a lack of consideration of the law, inconsistencies in the detection, processing and trial and unduly low sentences handed down for environmental crimes arise. Despite constant changes in the legal environmental protection, above all the criminal law, remain vague and too specific as well as (too) lax in some areas. Individual deficiencies have not been resolved through the commitment nor by the harmonization of Slovenian legislation with the European Union. However, the meaning and importance of criminal law protection lies in the quality of the material law, therefore criminal law refers to it.

The scope of environmental crime in the Penal Code of the Republic of Slovenia<sup>2</sup> (hereinafter referred to as KZ-1) is defined in Chapter 32 as crimes against the environment, space and natural resources. Chapter covers 16 offences (articles 332-347). The majority of environmental criminal acts are blanket<sup>3</sup> clauses and have their basis outside criminal law, in other environmental protection legislation. The legal basis for the so-called blanket dispositions is non-criminal law, other regulations in the field of environmental protection, particularly in ZVO-1. In assessing whether the crime was committed or not, substantive provisions of individual legislative environmental protection should be considered. Therefore, the interpretation of specific terms from Chapter 32 is reasonable to use for the interpretations of terms from ZVO-1, which is an umbrella act on the field of the environmental protection.

One of the most outstanding problems of environmental crime is the volume of committed violations and the appearance or often long-term invisibility of the caused consequences or the proving of the illegality of the committed act in the criminal procedure. As regards environmental crime,

---

<sup>1</sup> Pečar, J. (1981: 39). Ekološka kriminaliteta in kriminologija. *Revija za kriminalistiko in kriminologijo*, 1(34), 33-45.

<sup>2</sup> Kazenski zakonik Republike Slovenije (KZ) (2008). *Uradni list RS*, št. 55/2008, 66/2008, 39/2009, 55/2009.

<sup>3</sup> When it comes to the blanket clauses, one talks about a statutory organization, where the criminal justice provision does not provide an overall description of the criminal offence, but is on the basis of its individual character referring to the provision from another legal area (Javornik, 1997: 437).



one is dealing with an act that leaves behind distant and unpredictable consequences; therefore it is difficult to prove the existence of immediate danger, the causation and the guilt of the perpetrator.

In Slovenia, the concept of continental material illegality as a non-compliance with legal values is used. The concept of illegality belongs within the scope of the formal and material conception of the criminal act. The Slovenian Penal Code accepts the formal commission of the criminal offence.<sup>1</sup> The provision has four elements: criminal liability, risk, signs of the criminal act and punishment. To be able to talk about the criminal offence, all four elements have to be cumulatively fulfilled.

In the field of environmental protection through criminal law stands out interlace of the criminal acts and offences against the environment, so as noted by Bele<sup>2</sup> *"the substantive criminal liability at the criminal acts should be given; at the misdemeanour it can be given or are the offences only formally unlawful"*.

The adoption of the new Penal Code in 2008 introduced some significant changes in Chapter 32. Of the 15 articles from Chapter 32 one article was deleted and seven modified, seven articles remained unchanged. The modified articles received a number of additional paragraphs, which introduced also some so far undefined crimes against the environment. KZ-1 introduced 16 articles in Chapter 32, which means that two completely new articles were introduced. From the review of the chapter it is evident that the provisions, covered by the chapter 32, can still at least approximately be divided into three groups, according to the individual object of protection through criminal law – the crimes against the: 1) environment and space; 2) natural resources; and 3) domestic animals and cultivated plants (as done by Selinšek<sup>3</sup> in the previous Penal Code<sup>4</sup>), although with the widening of the chapter the borders between divisions are blurred and unclear.<sup>5</sup> At this point,

---

<sup>1</sup> It is defined in the Article 7: *"The criminal offence is an illegal act, which is by the law determined as a criminal act because of its illegality and danger. Furthermore, the law determines its characteristics and the penalty for it."*

<sup>2</sup> Bele, I. (2002: 1423). Elementi protipravnosti in krivde v kazenskem pravu in pravu o prekrških. *Dnevi slovenskih pravnikov, 10.-12. oktobra v Portorožu*, 6-7 (XXVIII), 1419-1426.

<sup>3</sup> Selinšek, L. (2003: 661). Kazenskopravno varstvo okolja in naravnih dobrin – izziv ali nuja? *Pravnik*, 58(9-12), 651-672.

<sup>4</sup> Kazenski zakonik Republike Slovenije (KZ-1) (1994). *Uradni list Republike Slovenija*, št. 55/1994, 70/1994. The majority of criminal acts in the Penal Code is of blanket nature, which means that they have their basis in regulations outside the criminal law. Moreover, this provides a consistency of the criminal justice intervention with the administrative legal norms (Selinšek, 2003).

<sup>5</sup> For more details see chapter 32 of the Penal Code of the Republic of Slovenia (KZ-1).

it should be noted that such a division is only relative, because it is not possible to draw a clear dividing line between the individual values protected through law. An additional argument are the blanket clauses from Chapter 32, due to which the law enforcement agencies have to rely on a number of other environmental protection legal sources in addressing environmental crime. Some legal sources also provide additional, different definition of certain offences against the environment, which furthermore blurs the boundaries sought for the purpose of clear division. The logical conclusion is that this kind of diversification of legal environmental protection provisions creates confusion and possibly an unwanted duplication and misunderstandings of responsibilities among different departments. However, such a situation makes the desired successful work of investigators very hard to achieve. To avoid the issues presented above, an arrangement of the entire field of crimes against the environment in relation to specific areas or within a common field inside the environment (water, air, soil, plants and animals) that are protected by law or according to certain other criteria, would be sensible and more than welcome (required).

The criminal law has very little space for manoeuvres in the field of environmental protection. It often appears that certain provisions are not concrete and comprehensible enough, as e.g., 'excessive pollution', 'cross loading' etc. It would be necessary to introduce new concepts, with clear terms and definitions, and understandably determine when the consequences occur, and what kind of consequence has to occur so that criminal law can intervene. In the current environmental protection legislation it is often extremely difficult to determine when an action is unlawful. All of the above-mentioned questions and identified issues are discussed in the last chapter.

## **DISCUSSION**

It can be concluded from what was mentioned above that the vague terminology, the blanket nature of criminal provisions of environmental protection and with it related difficulty of proving the unlawfulness of committed act against the environment, are elements of environmental criminal justice, which somehow stand out the most in terms of the needs of their organization and elimination of weaknesses, which were pointed out.

The review of international, European and national environmental protection shows an extremely large field of environment, protected through legal norms. At the international level of environmental protection the ineffectiveness of conventions and declarations (e.g., Kyoto Protocol) is evident. Neither the administration nor actions of the United Nations help. It is necessary to highlight the 'active' link between the EU and the Republic of Slovenia as a member of the European Union. The abundance of regulations

and directives of the European Parliament, the Council of Europe and the European Commission concerning environmental protection is enormous. EU membership is the reason for the very rich and systematic arrangement of environmental justice in our country, but on the other hand, exactly the active adoption of legal provisions on environmental protection at the level of the European Union impacts the scope of legal protection in Slovenia as a member state. Slovenia has been facing constant changes and adaptation of legal norms since it acquired the “status” of a joining member state. Therefore, also in Slovenia, one is facing the overload of legal norms on the environment and the consequent difficulties both in implementation and in execution of these regulations. In Slovenia, the transfer, promotion and implementation of (criminal) sanctions in the field of environmental protection remains the domain of the criminal justice system of the EU member state.

At the national level, legal experts in the field of environmental protection are facing an abundance of legal provisions, when on the other hand, the transfer, promotion and implementation of the (criminal) sanctions in the field of the environmental protection remains the domain of the criminal justice system of each member state. Already Comte and Krämer<sup>1</sup> have pointed out that the majority of EU member states are facing the fact that the justice system clings to its competence and is not ready to cooperate or discuss effective sanctions, which are to be applied or go beyond national borders. The European Union is faced with completely the opposite phenomena. On one side the so-called Europeanization and globalization of the essential standards by the EU without an accompanying effective implementation and enforcement of sanctions. On the other side, the deregulation of sanctions in member states in practice. It turned out that the implementation of (criminal) sanctions on European territory is extremely inefficient in practice, whereby the legal protection of the environment especially stands out. The so-called phenomenon of the *'placebo legislation'* is at the forefront of discussions and developments on the political scene for a term of the legislature of the government or lower political levels, but in fact it does not protect those values for which it was intended and that should be protected. This situation needs to be overcome at the level of the EU and also at the level of member states.

In this 'confusion', the issue of a more meaningful (useful) organisation of the entire field of the environmental protection through criminal law in Slovenia remains unchanged. The provisions on

---

<sup>1</sup> Comte, F., Krämer, L. (2004). *Environmental crime in Europe: Rules of sanctions*. Groningen: Europa Law Publishing.

environmental protection focus on four main elements that define them as natural resources, namely air, water, soil (soft soil and mineral materials) and biodiversity. If one is placed in an origin position of the blanket clauses of the environmental protection in KZ-1 and its attachment to ZVO-1 and other legislative and regulatory acts, the regulation of all four areas seems reasonable, because they are in accordance with an internationally accepted classification system used by the EU. Furthermore, all other legal and statutory instruments on environmental protection are classified this way. Such arrangement of the articles within the KZ-1 and interaction with other legal acts is allowing greater systematic arrangement of areas and makes the work of competent authorities much easier. Therefore, it is reasonable to consider also the greater integrity of individual legal acts on environmental protection in addition to ZVO-1, which is linked to KZ-1 (authors refer to the reduction of regulatory provisions and their transfer and placement under the single umbrella law) which would reduce the fragmentation of provisions and facilitate the work of relevant agencies, which would according to the provisions of Chapter 32 of KZ-1 need to follow only the provisions of the ZVO-1 and other acts that regulate the discussed field (e.g., Chemicals Act, Waters Act, Forests Act, etc.), and not additional dozen or more regulations, policies and other adjustments any more.

The field of environmental protection, which includes criminal law, is mutually inseparably intertwined, due the fact that criminal provisions of environmental protection and the efficient functioning of the criminal justice system depend on the incidence of the environmental crime. The relationship is also confirmed by a strong interdisciplinary field of deviations against the environment, which combines the social science and the natural sciences. A review of the provisions of Chapter 32, despite the blanket clauses, disclosed a relatively comprehensive criminal justice regulation of environmental protection. The problem of the failed implementation and unsuccessful execution of the very good criminal justice norms on environmental protection burdens and complicates the efficient functioning of the criminal justice system. The abundance and fragmentation of legislative and regulatory provisions, which regulate individual fields (e.g., laws, decrees, regulations, etc.), are especially compelling. The problem manifests itself in the work of the inspectors and the police and furthermore with the prosecution and the judiciary. There are several different but still similar solutions:<sup>1</sup>

---

<sup>1</sup> The proposal of a solution, which is the most extreme, the most extensive and probably the most difficult, and includes the direct elimination of blanket clauses from Chapter 32, which would require the transfer of provisions from ZVO-1 and from other legislative and

- It is necessary to avoid excessive accumulation and abundance and (undesirable duplication) of the acts as much as possible. It definitely is possible to reduce the 'confusion' and congestion of environmental protection provisions in an efficient manner: e.g., that the country tries to directly transpose all EU directives and regulations into its legislation, to avoid the accumulation of secondary legislation on environmental protection (the example of such legal regulation is the environmental protection in the U.S.<sup>1</sup> or in to us closer Scandinavian countries<sup>2</sup>).
- The systematic arrangement of all legal resources that affect the field of the protection of the environment through the criminal in the form of unified publication (e.g., preparation of an appendix to the KZ-1 or ZVO-1, which would encompass all misdemeanours and offences against the environment and the auxiliary tool for inspectors, police and prosecutors in investigating crimes against the environment and would also be one of the sources for the judges in charge of legal procedures against violators of the environmental law) would be very applicable. Thereby the widespread, unsystematically and disorganized environmental protection legal norms would be decreased and the relevant departments would save a lot of time, which is now lost in the search among the laws and by-laws. In today's era of information

---

regulatory acts relating to environmental justice protection into the Penal Code, does not seem real, therefore it was abandoned at the beginning.

<sup>1</sup> More on this in Kiss, A., Shelton, D. (2004). *International Environmental Law*. Ardsley: Transnational Publishers Inc.; Yeager, P.C. (1991). *The Limits of Law*. New York: Cambridge University Press; De Sadeleer, N. (Ed.) (2007). *Implementing the precautionary principle: Approaches from the Nordic countries, EU and USA*. London: Earthscan; Brooks, R.O., Jones, R. in Virginia, R.A. (2002). *Ecology and Law in Modern Society*. Cornwall: MPG Books; Burns, R.G., Lynch, M.J. and Stretesky, P. (2008). *Environmental Law, Crime and Justice*. New York: LFB Scholarly Publishing; Albrecht, H.-J. and Leppä, S. (1992). *Criminal Law and the Environment*. Helsinki: HEUNI; Bodansky, D., Brunnée, J. and Hey, E. (Eds.) (2007). *The Oxford handbook of international environmental law*. Oxford, New York: Oxford University Press.

<sup>2</sup> More on this in Usa, I. (2009). *Finland Ecology & Nature Protection Laws and Regulation Handbook*. New York: International Business Publications; Keskitalo, E.C.H. (ur.) (2010). *Developing Adaptation Policy and Practice in Europe: Multi-level Governance of Climate Change*. Dordrecht, Heidelberg, London, New York: Springer Publisher; Orheim, A. (2006). *Legal matters in regard to evaluation of geological resources: a review using the Mining Code for Spitsbergen (Svalbard) as the primary base for observations*. Svalbard: Longyearbyen; De Sadeleer, N. (Ed.) (2007). *Implementing the precautionary principle: Approaches from the Nordic countries, EU and USA*. London: Earthscan; Albrecht, H.-J. and Leppä, S. (1992). *Criminal Law and the Environment*. Helsinki: HEUNI.

technology such collection can be arranged also online which makes it even easier to search and browse.

- In terms of blanket clauses it would be easier if the Penal Code was directly connected to the laws and their provisions, rather than to the regulations and other statutory instruments, which the investigators currently have to know and use in proving the illegality of individual crime against the environment.
- In all outstanding issues (of still open cases) it should be clearly noted when an individual consequence (has to be clearly defined) occurs and when the criminal justice intervention is necessary.
- From the nature of the environmental justice arises that it is actually a compromise or a current professional knowledge and consensus in the society, so it is very unlikely that the law would allow broader modifications. Also in Slovenia, one witnessed the process of stabilization of environmental protection legislation, which still has no clear set of concepts and borders. It will take some time that the environmental justice will receive its complete comprehensive concept. In this process the functionality and compatibility with the cognitions of the natural sciences (a multidisciplinary of the field of environmental crime and the links between social and natural sciences, where law is no exception).
- Perhaps the most important among all exposed issues of environmental protection through criminal law is the problem of disorder and incompleteness of the terms related to the environment. Therefore, it would be appropriate to complement Chapter 32 of KZ-1 so that the appendix (separate article, or just extra indent in the Article 332 that defines basic terms), which would include terminological definitions and enable clarity and the exhaustive nature of the sanction (currently there is a confusion about cases as what the provision of 'partial damage to the environment' really means, etc.). Clearly it is necessary to determine when and how the consequence arises, when the action is unlawful and what kind of consequence must occur that the criminal law can intervene.

However, at this point it should be noted that deeper intervention into the actual provisions of the Penal Code without appropriate knowledge and experience in the field of environmental protection, criminal justice and the rule of law is not allowed. For every such intervention a more detailed analysis, comparison of criminal justice systems and the case studies of

'good practices' and a good group of legal experts is necessary. If we have time for such a thorough, comprehensive and long-term analysis is another question. Definitely it is not good to act rashly in the design of changes in this area. It is necessary to establish a national system of environmental criminal justice protection (without the unnecessary copying of foreign systems), which is supported by the EU, but still primarily remains the domain of a member state.

Furthermore, also the reasonableness of criminal justice protection of the environment is very important. It is reasonable to prosecute and punish a criminal offence only if people understand the purpose of punishment (cause, purpose, meaning and consequence), which should have a preventive effect. The punishment will have a true meaning only when criminal law intervention will be enforced under the condition that there is a clear consequence of environmental crime acts. Furthermore, the punishment will have sense, if the resulted consequence will be presented to people in the way all the other violations are. It is therefore necessary to clearly define when and how the threat or degradation of the environment and people is committed. Also the degree of risk has to be presented. The latter is best described with an analogy. Only after all this is achieved can the punishment have the desired general preventive effect. However, criminal law is used when it comes to the worst possible consequences. Therefore, authors believe that when it comes to risk, especially in the field of environmental protection, preventive punishment is much better.

Already Zorman<sup>1</sup> pointed out that the legal norms, which define environmental protection, should have mainly a preventive nature and repressive measures should be used only in cases of specific misconduct of legal entities or individuals. Unfortunately, the modern society is long time past the concept of 'just' in case of threats against the environment. Therefore, social intervention is definitely needed. It is urgent mainly because the interests of those who pollute or otherwise destroy the environment are very often in conflict with general social interests, which include increasingly emphasized efforts for clean environment. Since ecological problems are present in various sectors of the society, legal protection also intervenes in different areas of law. In the era of progress and development of the modern society, it is important to protect the environment, as a matter of fact even necessary for the survival of the next generations of mankind. In Slovenia, such reasonability of legal norms in the field of environmental protection would be achieved only if the inspection

---

<sup>1</sup> Zorman, I. (1986: 270). Kazenskopravno varstvo okolja. In J., Gregorič (Eds.), *Prostor in okolje: pravni problemi* (pp. 269-300). Ljubljana: Gospodarski vestnik

services were given a lot more powers and responsibilities and if the preventive character and repressive measures were preserved through their regular monitoring of legal norms. The results of criminological studies<sup>1</sup> show that in most cases the intimidating impact of criminal sanctions for acts of environmental crime is low. It turns out that a low probability of detection of committed acts, combined with relatively low penalties and fines, is increasing the pessimism about the effectiveness of environmental criminal justice. Furthermore, organised environmental crime and its function in the form of legal entities are destroying the usefulness of traditional monetary sanctions such as imprisonment etc. Faure and Visser<sup>2</sup> propose a shift from traditional criminal sanctions of environmental criminal justice and the transition to the so-called specific sanctions, such as cleaning up polluted areas, reparation of the caused damage, media reports about convictions and sentences of the offender (which stands for ‘naming and shaming’), etc. The latter is especially useful for white-collar crime, which is in the field of environmental crime becoming more common and increasingly seeks to intervene in the field of (criminal) justice protection of the environment (corruption, lobbying, blackmailing, etc.).

## REFERENCES

- Albrecht, H.-J. in Leppä, S. (1992). *Criminal Law and the Environment*. Helsinki: HEUNI.
- Bele, I. (2002). Elementi protipravnosti in krivde v kazenskem pravu in pravu o prekrških. *Dnevi slovenskih pravnikov, 10.-12. oktobra v Portorožu*, 6-7 (XXVIII), 1419-1426.
- Bodansky, D., Brunnée, J. and Hey, E. (ur.) (2007). *The Oxford handbook of international environmental law*. Oxford, New York: Oxford University Press.
- Borštnik, Pribakovič, A., Zovnik, M., Žagar, T. (2004). *Odgovorno okoljsko delovanje: Sistemi ravnanja z okoljem*. Ljubljana, Schwarz d.o.o.
- Brack, D. (2002). Combating international environmental crime. *Global Environmental Change*, 12(2), 143-147.

---

<sup>1</sup> Faure, M.G., Visser, M. (2003). Law and Economics on Environmental Crime: a Survey. Accessed May 17, 2009 on

[http://www.hertig.ethz.ch/LE\\_2004\\_files/Papers/Faure\\_Environmental\\_Crime.pdf](http://www.hertig.ethz.ch/LE_2004_files/Papers/Faure_Environmental_Crime.pdf);

O'Connor, S.S. (2006). *Environmental Threat, Environmental Crime Salience, and Social Control*. Ph.D. Dissertation. Florida: College of Criminology and Criminal Justice, Florida State University.

<sup>2</sup> Faure, M.G., Visser, M. (2003: 25). Law and Economics on Environmental Crime: a Survey. Accessed May 17, 2009 on

[http://www.hertig.ethz.ch/LE\\_2004\\_files/Papers/Faure\\_Environmental\\_Crime.pdf](http://www.hertig.ethz.ch/LE_2004_files/Papers/Faure_Environmental_Crime.pdf).



- Brooks, R.O., Jones, R. in Virginia, R.A. (2002). *Ecology and Law in Modern Society*. Cornwall: MPG Books.
- Burns, R.G., Lynch, M.J. and Stretesky, P. (2008). *Environmental Law, Crime and Justice*. New York: LFB Scholarly Publishing.
- Carter, T. (1998). Policing the Environment. In M. Clifford (Ed.), *Environmental Crime: Enforcement, Policy, and Social Responsibility* (pp. 169-203). Gaithersburg, Md.: Aspen Publishers.
- Comte, F., Krämer, L. (2004). *Environmental crime in Europe: Rules of sanctions*. Groningen: Europa Law Publishing.
- De Sadeleer, N. (ur.) (2007). *Implementing the precautionary principle: Approaches from the Nordic countries, EU and USA*. London: Earthscan
- Dežman, Z. (2004). Nekaj kritičnih pogledov na novi model slovenskega kazenskega postopka. *Dnevi slovenskih pravnikov 2004*. Ljubljana, Podjetje in delo, 30(6/7), 1575-1589.
- Faure, M.G., Visser, M. (2003). Law and Economics on Environmental Crime: a Survey. Accessed May 17, 2009 on [http://www.hertig.ethz.ch/LE\\_2004\\_files/Papers/Faure\\_Environmental\\_Crim\\_e.pdf](http://www.hertig.ethz.ch/LE_2004_files/Papers/Faure_Environmental_Crim_e.pdf).
- Javornik, M. (ur.) (1997). *Veliki splošni leksikon*. Ljubljana: Tiskarna Mladinska knjiga.
- Kazenski zakonik Republike Slovenije (KZ) (2008). *Uradni list RS*, št. 55/2008, 66/2008, 39/2009, 55/2009.
- Kazenski zakonik Republike Slovenije (KZ-1) (1994). *Uradni list RS*, št. 55/1994, 70/1994.
- Keskitalo, E.C.H. (ur.) (2010). *Developing Adaptation Policy and Practice in Europe: Multi-level Governance of Climate Change*. Dordrecht, Heidelberg, London, New York: Springer Publisher.
- Kiss, A., Shelton, D: (2004). *International Environmental Law*. Ardsley: Transnational Publishers Inc.
- Masters, R., Robertson, C. (1990). *Inside Criminology*. New York, Prentice.
- O'Connor, S.S. (2006). *Environmental Threat, Environmental Crime Salience, and Social Control*. Ph.D. Dissertation. Florida: College of Criminology and Criminal Justice, Florida State University.
- Orheim, A. (2006). *Legal matters in regard to evaluation of geological resources: a review using the Mining Code for Spitsbergen (Svalbard) as the primary base for observations*. Svalbard: Longyearbyen.
- Pečar, J. (1988). "Kriminološko" javno mnenje. *Zbornik znanstvenih razprav*, 48, 105-125.
- Pečar, J. (1981). Ekološka kriminaliteta in kriminologija. *Revija za kriminalistiko in kriminologijo*, 1(34), 33 - 45.
- Selinšek, L. (2003). Kazenskopravno varstvo okolja in naravnih dobrin – izziv ali nuja? *Pravnik*, 58(9-12), 651-672.

- Situ, Y., Emmons, D. (2000). *Environmental crime*. The Criminal Justice System's Role in Protecting Environment. Thousand Oaks, Sage Publications, Inc.
- Šinkovec, J. (1986). Splošno o varstvu okolja. V J., Gregorič (ur.), *Prostor in okolje: pravni problemi* (str. 155-182). Ljubljana: Gospodarski vestnik.
- Šinkovec, J. (1994). *Pravo okolja: načela in mednarodnopravni prikaz*. Ljubljana, Uradni list Republike Slovenije.
- Usa, I. (2009). *Finland Ecology & Nature Protection Laws and Regulation Handbook*. New York: International Business Publications.
- Ustava Republike Slovenije – URS (1991), *Uradni list RS*, št. 33/1991, 42/1997, 66/2000 in 24/2003.
- Viler Kovačič, A. (1999). Varstvo okolja in upravni postopki. Pravna ureditev varstva okolja. Ljubljana: Gospodarski vestnik.
- Viler Kovačič, A. (2007). Spmembe ZVO. *Pravna praksa*, 26 (44), 17-18.
- White, R. (2008). *Crimes Against Nature: Environmental Criminology and Ecological Justice*. Devon: Willan Publishing.
- Yeager, P.C. (1991). *The Limits of Law*. New York: Cambridge University Press.
- Zakon o ratifikaciji Kjotskega protokola k Okvirni konvenciji Združenih narodov o spremembi podnebja. (2002). *Uradni list Republike Slovenije*, 66/2002.
- Zakon o varstvu okolja – ZVO-1. (2004). *Uradni list Republike Slovenije*, št. 21/2004, 17/2006, 20/2006, 28/2006, 39/2006, 49/2006, 66/2006, 112/2006, 33/2007, 57/2008, 70/2008, 108/2009
- Zakon o vodah. (2002). *Uradni list Republike Slovenije*, št. 67/2002, 110/2002.
- Zakon o zaščiti živali. (1999). *Uradni list Republike Slovenije*, št. 98/1999, 126/2003, 14/2007.
- Zorman, I. (1986). Kazenskopravno varstvo okolja. V J., Gregorič (ur.), *Prostor in okolje: pravni problemi* (str. 269-300). Ljubljana: Gospodarski vestnik.

**Miodrag Labovic, PhD**

Faculty of Security – Skopje,  
e-mail: mlabovic@yahoo.com

## **MEDIA CORRUPTION AND DEMOCRACY IN THE REPUBLIC OF MACEDONIA**

### **ABSTRACT**

*The media corruption is new theoretical term that has never been researched from socio-criminological aspect so far. This type of corruption has direct impact to the non-objective informing of the citizens through most sensitive ways of manipulation and thus it represents strongest strike on the democracy of Republic of Macedonia and its most important segment – democratic, fair and free elections. The media corruption generally is accomplished on three levels or subtypes. The first level consists of political corruption, by making influence from the centres of political power over the editor politics of certain media. Second, the political-economic corruption made by the Government over certain medias, by transferring amounts in millions of Euros to the television media through marketing agencies, completely legal from legal aspect (lege artis), but highly suspicious from socio-criminological aspect winning the Government public tenders for advertising campaigns. Third, through economic-political corruption, firstly accomplished in the same medias by conducting criminal offences, tax frauds and money laundering, and latter when the Government conducts inspection and discovers irregularities, instead to submit this cases to the legal authorities, it abuses the position and the authorities and blackmails certain medias to change the concept of their editors' politics.*

*The damage caused by this sensitive crime of media corruption has huge negative consequences, not only from material, but also from an even more nonmaterial aspect for a society as fragile as the Macedonian society. The most negative consequence is the fact that in Republic of Macedonia, in these circumstances, there are not and cannot be any preconditions for fair and truly free, democratic elections. **The price paid by the citizens is lack of democratic and economic development of the country that leads to an unstable political and security condition, etc.** In these conditions, the PR becomes damaging substitution for the realistic and developing political offer. The Republic of Macedonia becomes prisoner of the black-white world of the two largest political parties around which in the past 20 years of transition the political satellites, that tend but realistically cannot become a real third option, circulate. Besides free media, the citizens should have freedom to select of programs, equally represented not only by the political competitors but also even more important, the citizens should know more about the entire relevant offer of conceptual ideas, and long term systematic - strategic approaches for solving the most sensitive priorities of highest state interest. In*

*order to accomplish that, instead of a corrupted journalism that is based on sensationally trivial topics, we need creative, investigative journalism based on objective professional standards. In order to accomplish this, qualitative radical reforms are necessary within the most crucial spheres in the society.*

**Key words:** *media corruption, non-objective informing, democracy, freedom of choice, security, investigative journalism, independent intellectuals.*

## 1. INTRODUCTION

The general topic of the international conference, “The Safety of the post-conflict (West) Balkans, the transition and the challenges of the Republic of Macedonia (the Safety studies and the science about the safety – asfaliology), is essentially connected to the topic that I am going to explain in the text. Specifically, taking into consideration the knowledge about the etymology genesis of the word safety, which comes from the Latin word *sine cura* (= without care or change), **the safety indicates a very broad, multi-dimensional phenomenon**, which can be observed from the aspect of potential fears and threats for an aggressive war, internal armed clashes, citizens’ unrest, rapid growth of various types, and subtypes of violent, conventional and aggressive unconventional crime, delinquency and socio-pathological occurrence, which can directly and intensively endanger the physical safety of the people. That is its **military and police aspect**. Still, the safety can be observed and studied from an economic, political and legal aspect, simply because they are part of the reasons and conditions that influence the safety aspects of both military and police character. Even in cases when there is no intensive violence of the safety due to such reasons from a military or police aspect, the economic, political and legal aspects will certainly influence negatively the safety of the people, if they are not correctly set or directed through the appropriate politics. That is the **non-violent, subtle, material dimension of the safety**. However, the safety (without misery) does not mean only jeopardized material misery. The misery can become worse if it is rooted in the spiritual misery of the predominant spiritual matrix that rules in a society. That is the **nonmaterial dimension of the security**. Therefore, the psychological, philosophical and the cultural dimensions of the safety are not less important than the others, and they need to be thoroughly researched. Otherwise, the true and dominant reasons, factors and conditions on one side could not be detected in that complex and determining medley, neither will the occurrences be clear for explanations, together with the processes and the relations (outside manifestations) on the other side. What matters the most is the fact that the science will not be able to effectively perform the normative-prescriptive and

practically-applicative function apart from its other functions, if the safety is not being multi-dimensionally studied, as to finding the most optimal, possible and sustainable solutions for a long period of time, in the context of a systematic-strategically approach when solving the situations. It is understandable that all these safety segments are interdependent, and knowing the limitations of the space in this text, we cannot open a deeper and more extensive analysis. Some of the consequences in the adequately multi-level causality, on the higher levels of causality, become additional reasons for endangering the safety of the people because of the consequences themselves (Labovik and Nikolovski, 2010).

Taking into consideration the existing constellation of forces and relations in the region, there is a view in the expert's and the scientific public that there is currently no real danger that the safety of the Republic of Macedonia would be threatened by an outside aggressor. Such a view should not implicate that the safety doctrine should stop searching for possibilities for future, potential threats to the safety of our country on a military basis. **However, I am strongly convinced that the safety in the Republic of Macedonia is less of a question of war doctrines, strategies and tactics (the country cannot be defended only by arms and muscles), since the safety depends more and more mostly from: what kind of a philosophical view of the life and the world, what political philosophy and ideology will prevail in the environment of a pluralistic relativism of values and polyvalent moral, when there is a real lack of democratic tradition, low political culture and legal sense.** Furthermore, the economic misery (poverty), the high level of unemployment, the low level of economic development, and the stagnation in the democratic process, are the causes for some authors, and consequences according to me, from the higher type of subtle shapes of corruption and the directly connected institutionalized type of the most dominant type here, the organized, financial crime. At the same time, they are the causes too, but not from the deepest levels of cause-consequence sequence. **Part of the other types of high corruption, is also the media corruption, which, in some of its subtypes, is inextricably linked to the organized financial crime of an institutional type in, around and through the media that severely threaten the economic and the political-safety situation in Macedonia.** Also, the lack of quality normative-institutional structure in the society, although material, still presents subtle-perfidy dimension of endangering the safety of the people in a legal system, whose objective limits are extremely determined by the specific determining factors in the Macedonian society, such as: relativity of the values, polyvalence of the moral, the specific mentality, customs, lack of democratic tradition, low political culture and legal sense. To be exact, I contend that there is a nonmaterial, spiritual matrix of the problem connected

to endangering the safety behind all other reasons, factors and conditions, as well as various negative conditions, appearances, processes and relations. Therefore, I think that researching those causes should give the proper answers and directions for solving the problems. Due to space related reasons, I chose to elaborate a segment of a higher type of corruption and its constantly linked institutionalized type of organized financial crime, as some of the various types and shapes of the organized crime in the world (Labovic&Nikolovski, 2010).

## 2. MEDIA CORRUPTION

Twenty years have passed from the first multi-party Parliament and rudimental inception of the democracy in Macedonia. Theoretically, it is out-of-space to talk about the meaning of the objectivity of the media when informing the public about the (non)existence of the democracy in a certain country, especially in a fragile society such as Macedonia. However, shouldn't we observe the objective informing as stupefying the public with "top" topics of the lustration; furthermore: who, how and how much could outsmart the political enemy with cheap politics games, in the ruthless battle for a possible re-arrangement of the forces in the Parliament; initiating or not early elections, etc. All this is being done before your eyes, by "top" journalists with "top" analysts or politico (politician is a word that needs to be deserved) in "top" programs with specially booked times in the most watched hours. The level of the debate is trivially small-town, as if you hear aunts arguing in some small neighborhood. Instead, those programs should cover battles over concepts and thesis, open new dimensions and broaden horizons of citizen's views so that they make the right choices when new elections come, and not lead to distraction, avoiding the true, essential topics. I do not mean only economy related topics, which are mechanically considered only as essential. It is very comprehensive to find out the cause, or the consequence of the low economic development and everything else with it in Macedonia. To be precise, there is a widely open question in the topic discourse – are the systematic-endemic corruption and the institutionalized (political) type of organized crime that are really serious topics, the reason or the consequence of the poor economic state in Macedonia (high percentage of poverty and unemployment, low rate of direct foreign investments, low rate of economic development, etc.)

Still, practically seen, it is catastrophic for our young democracy to ignore and literally isolate some of the most called and truly proven independent experts on certain topics, whose views do not converge with the management politics of specific TV stations. **I claim this because societies with no developed or respected independent intellectuals will eventually**

**collapse sooner or later.** In conclusion, the journalists should keep track of the most called experts that thoroughly cover a certain problem area, rather than the overly exposed and hackneyed old-new so-called experts, whose intellectual and spiritual matrix is not all different from the one of their senior colleagues, who have been defocusing the Macedonian public from its becoming independent all through today's day, while Macedonia is being kept in a status quo position due to their personal interests, lack of knowledge or covering political agendas of certain political parties for both personal and party reasons. If the journalists really work following the objective, professional standards, they need to listen to the experts according to the objective criteria, knowing the depth of their analyses and the original contribution in certain areas within the world, since some of them receive the most prestige science awards and merits both in the country and abroad, while some of them (proven by facts) present the most optimal bond between the theory and the practical-direct experience in the respective problem area. By a selective call up and isolation of the objectively most called experts, we see a spoof from various TV programs, on some of the TV stations. **At the same time, it is worth mentioning that the media does not have to be independent (it is questionable if it really can be), but it still needs to keep the minimum objectivity and professional standards.** Cases that can support this thesis are the empirically confirmed cases when the media can be ideologically-politically profiled as governmental, such as the so-qualified TV Sitel (according to the statements by some of its journalists and by all the others), where some journalists should still work there and objectively observed are trying to work professionally following the professional ethics and standards. We can also mention TV K5, etc. The media can be oppositional too, such as A1 TV, but with journalists as positive exceptions. **However, the problem is not in the ideologically-political profile of the media, but in the media corruption of the various subjects in and around the media, which is being created in at least three subtypes, to be covered further below.** In fact, the freedom of the media means not only freedom from outside (both political and business) influence and pressure, but also freedom from the owners in the media itself and freedom inside from themselves for freedom of the true, exploring, responsible and objective journalism so to objectively inform the public and create freedom for a genuine and not illusive selection with the citizens.

## **2.1. Political corruption in the media**

An interesting empiric fact is the one about a TV station identifying itself with the fight for democracy. According to the way certain journalists, stationed in various TV stations that manage and conduct the programs,

constantly invite so-called experts in all fields from the list of experts who obviously have party profiled views or are closely related to journalists in different ways, they place themselves in the nonobjective, i.e. one-sided presenting of the most essential matters of a top national priority. **That way, the journalists contribute to creating an atmosphere of a collective delusion with the widest audience in Macedonia. Such a way of informing the citizens is an immediate impact on the democracy in Macedonia, and not a battle for a democracy!** I say this because today, those who speak the most about democracy and freedom in Macedonia, are the ones that stamp down the democracy or do not contribute essentially for its practical realization. As private TV stations, the managers-journalists can certainly invite anyone they like to the programs. However, they should not forget that their TV stations, or even the authorized programs introduce a public-legal entity that the national concessioners broadcast in their programs on the whole territory of Macedonia. As a result, although the moral and the professional responsibility for an objective informing of the public falls on the media, through the rating of the media, and also the (im)possibility преку гледаноста (рејтингот) for a flow of income from advertisements, together with the (in)capability for raising or losing the professional rating of each journalist individually, the practice still shows and the empiricism proves that even at the risk of such (im)possibilities, the medial will not give up the nonobjective informing of the public. To avoid the icky perception of the widest auditorium, the facts are not being fabricated. On the contrary, they are made attractive by presenting only certain fragments, i.e. their modification and giving them an absolutist meaning. At the end, some facts are not at all presented or become very contrasting valuable comments from those of the opposing party. These conclusions are being supported by a longer line of certainties, which are not to be listed here due to the respect of presumed innocence, the dignity of the persons and the business credibility of the juridical persons-radio-diffusion trading companies, mostly TV stations as the most influential media.

Even if we agree with some managers-journalists that their favorite guests are the most competent experts on the respective topics (since the responsibility falls on them, of course), shouldn't those "most competent" experts, who are on the same page, i.e. have the same or similar ideological-political matrix of thinking, have someone to oppose them so that we see an authentic debate and objective information for the public about all differences in views? If this doesn't happen, what type of an objective and professional journalism are we talking about and declare? To make the arguments even more valid, I will point out several empiric examples from the reality: 1) a certain TV station invites guests that identify the dysfunctional system against organized crime and corruption by



nonperforming the given tasks by the EU, instead of giving an opportunity to the citizens to learn about the essential, quality difference in the perception of the literally most said problems in our Euro-Atlantic integration-organized crime and corruption, as well as proposing a quality new system for fighting the organized crime and corruption with quality-radical reforms in seven most crucial spheres of the society that project the most optimal solution in the specific social-historical moment for the Republic of Macedonia. **There is still no government that wishes to accept and implement the most important solutions of this coherent and complementary system. Nobody asks: Why? On the contrary, almost all exposed intellectuals of the Republic of Macedonia defend the thesis that we have a normative-institutionally built system, meaning institutions and laws, only lacking the political will: that is to say, people that work in those institutions should be allowed to do their job in peace! Apparently logical, but still an extremely false perception of the situation.** Due to the lack of space, I cannot explain the discrepancy. However, being the most called representatives of the public, the journalists are not interested in hearing and understanding the difference that need to be shared with the widest public!!!

2) Here we have the question of **amnesty of criminal money**, which was a topic in one of the programs of a certain TV station. The amnesty in my proposal-system is just one of the alternative measures, as ultimo ratio only in exceptional situations that need to be determined based upon more thorough researches and analyses. 3) Also, a special program of one of the TV stations covered a specific topic if we can have a Macedonian Sanader? We have already been the first in the region to have a case of accused ex-Prime Minister for a financial crime and corruption during his mandate as a Minister of Defense. If you remember well, it happened almost three years ago when the country was “burning” on Ilinden and all five accused persons was sentenced in custody except for the primary accused ex-Prime Minister, who was sentenced to three years of jail with the primary court judgment. The case is still in process after the submitted complaint. One of the two criminal notices that were used to start this case came from the financial police, whose director at that time was the author of this paper. For that topic, apart from the responsible expert, another person was invited in a program as a guest-expert, who did not know the answers to the journalist’s questions.

It is true that there is hardly ever a true debate about the most essential issues from our social life in Macedonia. That is the source of one of the biggest problems about the lack of democracy and stagnation of the entire development of the Macedonian society, and directly or indirectly influences the political-safety situation in the Macedonian socio-political and ethnic reality. Without doubt, the word debate does not main a situation

when the so-called experts that directly or indirectly, as party exposures, actually represent or converge toward the party views. Here, we include the party influenced NGO representatives or quasi-independent intellectuals. The party views, even expressed through (non)official party experts are certainly unavoidable and necessary in a multi-party system. However, for a society with an authentic debate, meaning rational confrontation of arguments of various sides, it is necessary and even more vital to have the views of the most called (for the respective problem area) truly independent experts. That is the only way that supports the objective information for the public. At the same time, this strengthens their democratic feeling and it is only then when we can speak about true, free and democratic elections. It is the only way for the citizens to get the true picture of the most essential matters and what is more important: **only a rational confrontation of arguments can lead to a higher quality of the solutions for the most vital social problems, for which the citizens could then ask first themselves and then the others, why the political parties that have pretensions for control do not accept these solutions that exist in the science, before and even more after the elections, while the parties run away from them like crazy?!!** Everything else is just a simple farce where the so-called fighters for democracy, human freedoms and rights are unmasked as cheap and self-centered actors who, in front of their high eloquence and euphemism do not like a true, polemic debate with the strongest in the respective problem area. The creative and avant-garde part of the society should not stay silent before their lucid acting. The people must know that what is presented to them through television is not even a tiny bit of the multidimensional nature of the most complex problems that our country faces. Consequently, one of the biggest and most controversial political theorists in the history of the political views, Nicolo Machiavelli purposely wrote, “The wise leaders should gather around themselves the most intelligent people in the state and authorize them to speak the truth!” (Machiavelli, 1918). This seemingly contradictory thought expressed by the controversial Machiavelli hides a profound logic in itself. Still, who can understand it??? **As a conclusion, you might even ask me: what do I really mean by an independent intellectual?** There is nothing absolutely independent, especially not a human being with all his weaknesses, faults or even different philosophical-axiological and politically-ideological views and persuasions. However, it would be far from the truth and catastrophic for a society, no matter how nondemocratic or subtle, for the systematically destroyed intellectuals to favor one or the other political party through an indirect pressure, if we say that there are at least a few optimally independent intellectuals in our small country. How to recognize the independent intellectuals from those party dependent ones? Definitely not by the so obvious hatred for the political representatives of

just one of the political groups and the one-sided and single attack on just one of the sides. Explicitly, the independent intellectuals do not defend any of the sides. They should be critical mainly towards the Government, and their critics are constructive, without hatred and bare attacks motivated by a political and irrational background, without attacks on persons, except for argument comments of thesis. Apart from the critics, there are solutions for solving problems in the statements, columns, works and scientific pieces of the independent intellectuals, which systematically and lasting need to solve the problems, and not cover agendas for their selfish, personal, family and party interest for a short-term for daily-political goals, “reforming” Macedonia for twenty years now without any effects.

## **2.2. Political-economic corruption in the media**

The government performs **the political-economic corruption** through certain media, by transferring millions of euro to TV stations through marketing agencies. These marketing agencies completely legally, from formally legal aspect (*lege artis*), but fully suspiciously at least from a more thorough socio-criminal aspect, win the public tenders from the Government for advertising their campaigns. To be precise, the tender procedure is completely legally covered and performed following the law. However, the fact that only several marketing agencies always win the tenders from the Government for designing advertising for the Government to conduct its program campaigns is too obvious. The empiric knowledge of the well informed sources point out that the decision about which marketing agency is to win the tender, among other more specific and measurable items, decisive item that gives almost double points than all the others and dominantly influence the final result of the selection result, is the item – quality. The item quality is too stretchable and fluid category, which especially in the cases of arts, such as design of video clips, even for government campaigns (which, by the way, contribute to presenting the valuable information to the citizen, could also be mentioned that certain video clips influence the development and raising the awareness for the human, constructive and progressive values), still introduces a immeasurable, subjective category. If, on top of everything, we add the fact that even the outside members of the committees for deciding and selecting these marketing agencies are proposed by the government, which could be the basis for doubts that they have previously instructed which of the offered designs is of a better quality, it becomes clear why and how this political-economic corruption is being performed in the media with the marketing-agencies as mediators. This resulted with statements of some officials in the

competent state bodies that, what happens between the government and certain media introduces legalized corruption.

Why do we say political-economic corruption in the media? The government achieves the political goals by transferring millions of euro and that way has a strong impact on the management politics of certain media and artificially builds up its rating. The occupation of the media space with government money, through nonobjective informing harms directly the citizens, the perspectives of the democratic and economic development and Euro-Atlantic integration of our country. Taking into consideration the specific and heterogenic ethnic structure in our society, this subtype of a high, subtle corruption endangers the political-safety situation in the Republic of Macedonia.

Beside the political, this type of corruption also helps accomplish valuable economic interests. The government, as the leading actor in all these transactions, handles the government budget and decides which marketing agency to select. Part of the money stays with the marketing agencies. Another part, much bigger one goes to certain TV stations that charge and earn a lot for giving way to the promotional space. The third part is being returned by the marketing agencies to those that helped them get the tender as a thank you gesture. The business is clean, and everything is within the law regulations. The government becomes politically more powerful in an artificial way, and is financially well supported. In certain cases, there are speculations, i.e. insinuations that the government pays a certain media for party campaigns with government money. That certainly needs to be checked. However, what is important in this segment is that certain modifications and supplements should be made in the legal regulations, especially in the part of provisions for scoring of the item quality when making the decision in the tender process for selecting the most appropriate design of video clips for government campaigns. Furthermore, some modifications and supplements should be made in the part of the provisions, which can really suggest the outside members of the committees for public purchases, which are in minority. Aiming not to have them as minority, they need to be increased to a simple majority. For the purpose of them becoming really independent, we need to think about having the proposals for these outside members to come from social structures outside the government sector, and not the government itself. In addition, we need to think about the open question if certain modifications and supplements should be made in the part of legal provisions for a balanced distribution of the budget resources for paying the government campaigns towards all media with a national concession, or, in line with the objective criteria, such as the ratings of certain media. The intention of such modifications would be to disable the favoritism of the government towards certain media and entering the

corruptive-political transactions, which lead to the above mentioned negative consequences.

### **2.3. Economic-political corruption in the media**

**The economic-political corruption** is initially being achieved in the media itself through performing criminal acts, most often tax evasion and money laundering. Then, when the government starts the control and establishes impropriety, and abuses the official function and authority instead of processing these cases, they blackmail certain media so to review their management politics following their political needs. The various cases of performing criminal acts such as tax evasion and money laundering, which were scientifically described as possible, became publicly confirmed and registered mostly through the public ways of announcements of the competent state institutions. I will hereby mention only a few, for example: fictive financial transactions, meaning fictive borrowing of capital from domestic companies to companied abroad, which are subjectively linked to the owners of the medial; pulling out money from the accounts of the radio-diffusion trading companies and transferring personal capital to the owners; salaries, honoraria and other payments in cash, and therefore avoiding paying tax and contributions. Sometimes, that is being done directly, and sometimes, there are many subtle opportunities for avoidance through fictive financial transactions for the benefit of buying off agricultural products, paying contracts for marketing and (or) consulting services, etc. These ways of action are very difficult, almost impossible to prove by the competent state institutions. That is because of the expendable or perishable agricultural products, and in the last two cases due to the artistic dimension and the impression, that is a subjective, immeasurable category. With no measurable units or tariffs, there is no limit for determining the market value of the services, since everything depends on the name-brand of the artist. Therefore, the media, especially the electronic media are the most amenable for performing criminal acts, such as tax evasion, and can also be a good basis for money laundering through making contracts for marketing and (or) consulting services, with an opportunity for a repeated money return in the media on the basis of video clips for selling musical or other artistic products, concert promotion, performances, exhibitions, etc. That is the more subtle part of the possible ways of acting.

The third part of the ways of doing things that are used for tax evasion and income tax is the uncontrolled broadcasting of the already recorded and requested video clips from various interested subject, by the electronic media. There is no legal obligation to register the number and the duration of the certain commercial ads in one day on a certain matrix

(because the costs are abnormally high and are calculated per second). That is a good ground for hiding the true incomes and tax evasion.

## REFERENCES

- Brunetti A., Weder B. (2003), A Free Press is Bad News for Corruption
- Bal F. (1997), Moč medija, Clio, Beograd;
- Bongrad M. (1998), Politički marketing, Biblioteka XX vek, Beograd
- Bourdieu P., Public opinion does not exist, Vo: A. Mattelart, S. Siegelaub (ed.), Communication and class struggle Vol.1, New York, 1972/1979
- Chowdhury, Shyamal (2004), The effect on democracy and press freedom on corruption: an empirical test, Economic Letters 85: 93-101
- Darbišir H. (1998), Медиумите и изборниот процес. Во: Медиумите и демократијата, Совет на Европа, Стразбур
- Darendorf R. (1998), Медиумите и демократијата. Во: Медиумите и демократијата, Совет на Европа, Стразбур
- Декларација за антикоруптивно однесување на новинарите, ЗНМ на РМ, [http://www.znm.org.mk/index.php?option=com\\_content&view=article&id=72:2009-03-23-22-53-08&Itemid=63&lang=mk](http://www.znm.org.mk/index.php?option=com_content&view=article&id=72:2009-03-23-22-53-08&Itemid=63&lang=mk)
- Heidenheimer, Arnold J., Johnston M. (2001), Political Corruption, Transaction Publishers
- Haywood P. (1998), Political Corruption, Blackwell Publishers
- Лабовиќ, М., Николовски, М., (2010), Организиран криминал и корупција, Факултет за безбедност, Скопје
- Makijaveli, N., (1918), Knez, Prijevod, Prosvjetna Biblioteka, Zagreb

**Nikolay Palashev, PhD**

*University of library studies And information technologies (ULSIT)*

*Sofia, Bulgaria*

*e-mail: n\_palashevj@abv.bg; e-mail: unibit@unibit.bg*

## **RISKS OF COMMUNICATION SECURITY**

### **Abstract**

*In the context of civilization development the question of appearance, overcoming and management of social crises in a communication way becomes apparent. In any case, this question can be traced through the prism of the “human-society” dichotomy in the environment of alternating crisis and norm conditions.*

*The changes that occurred in the early 1990s on the Western Balkans have outlined tendencies whereby essentially new crises came to exist from the point of view of typical globalization processes. In this sense, on the basis of reproducing old aspirations colored with historical interpretations expressed in ideologeme and mythologem multiplications, as well as the obscurity surrounding ideologies and doctrines, political and social crises have led to formalizing the attempts to effectively fit the new democracies of the countries of the western Balkans into what we identify as United Europe. Thus, the conducted policies, partly based on the still unknown answers to solving the crisis in confidence, identity crisis, institutional crisis, crisis in the business-power relations, political government crisis, ethnic crisis, etc, have proved inefficient in the attempts to construct solid value grounds, directly linked to the national interests of separate Balkan countries. Considering this, it is only natural to seek consistent methodology for overcoming these crises. Of course, this methodology should be negotiated not only inside the countries of the Western Balkans, but also amongst the countries themselves. One of the working solutions has been to consider this through the prism of knowledge and experience in the sphere of social communications. This is namely where the question of communication security risks finds its place.*

*Keywords: Information media, Social roles, Public communication, Communication destruction, Communication security*

### **Introduction**

*In the context of social development of the Western Balkan countries we are witnessing different types of crises such as *trust crisis, identity crisis, institutional crisis, business-power relationship crisis, political government crisis, ethnic crisis and social communication crisis*. And if we have to delve deeper and reach their genesis, we could claim that several reasons stand out: no answer to the question of the total change of the essence of “left”, “right”*

and “liberal”, cultural layers appearing as value barriers to the adoption of the emerging new political doctrines like “corporativity” and “good governance”; the controversies over the incorporation of values and interests in places where multi-ethnic communities, spiritual ghettos or isolated ethnic communities exist; processes of building up of capital or its transformation; conflicts based on territory re-distribution; innovating the activity of crime; negative interpretation of religious studies and so on. It is only natural that the crises mentioned and the reasons for them to emerge should lead to destructions directly affecting the security levels in political, social, economic and cultural relations and links in the Western Balkan countries both internally as well as externally. And since these countries, regardless of the fact that they are already NATO or EU members, have been historically, geographically and economically bound, it is clear that overcoming these emerging crises and the prevention measures against them is not only a matter of the separate national security systems, but also of the European security system.

### **Basic risk elements of Communication security**

And so, an inseparable part of the national security system is the communication system. In this direction, authors like Yannaras and Cassrere pose the problem of establishing *security*, despite the existing *insecurity* in the connection between the subjectivity of the human’s inner world and the objectivity of the world outside. In this context, we could determine the basic direction in the issues that communication security faces. Thus, the following basic risk elements, as far as communication security is concerned, can be outlined:

- Breaking the balance between conventional values and the desire to achieve material interests. From a communication point of view, this is mainly expressed in ignoring the meaning carried by the elements of the communication codes. In practice, this moment of risk has found its expression in seeking the social balance within society and mostly in the business-power relationship.
- Degrading of the “human-things” relationship, expressed in the attitude that the only security, within the state of being, is possible on the basis of treating and using the materially existing. The communicational expression of this moment of risk regarding communication security can be seen in the public promotion of signs, symbols, images and language constructions that manipulate social attitudes concerning value recognition and their voluntary acceptance. It is especially important to consider that out-of-date



norms continue to exist but as myths and ideologies forming social attitudes, which are after all in discrepancy with the existing realia.

- Exhaustion of the genuine communication functionality in conditions of lack of established or controversial cultural norms and principles. The moment of risk in communication security is expressed in the presence of imaginary state when negotiating the idea/solution, seen as an object of social communication. The results of this moment of risk can be established in the breakdown of political communication when it is all about outlined ethnic or cultural groups within society. In this sense, the basic destructive factors are: the conscious refusal to perfect communication culture; mechanic removal and insertion of unjustified values of public authority figures, leaders, political, corporate and institutional representatives within the frames of the Social communication model; ignoring the media impact as a social corrective; refusal to accept the results of imagination, enlightenment and heuristic thinking; lack of ability to reach clarity of expression within the communication process and last but not least adopting an aggressive type of communication behavior.

In the context of contemporary social development, the ideological and doctrinal justification of the character of social communication, there is a significant issue connected with the corruption of communication relations. Making communication ideological mostly identifies itself with establishing strictly limited parameters of: the communication behavior model; the used communication and information constructions; the hierarchical order with the Social and communication model; the forms used when materializing information as well as the efficiency level of communication channels as far as communication feedback is concerned. In this sense, the basic moments of risk regarding communication security could be defined as follows:

- Independently of the declared omnipotence of the basic idea, whose aim is to explain and justify human and society's existence, making social communication public leads to indoctrinating the masses (social groups). The results here can be seen in the direction of replacing the civil choice, the 'overeating' with power, which leads to reproducing corruption practices and eliminating each person's will for creation and usefulness.
- Another moment of risk is the devaluation of the quality of communication alpha-code elements of communication process participants. Having said that, it is natural to expect that with communication channels, the communication feedback is more like an imitation of communication and information regularity than a necessary condition for achieving efficiency of communication security. In practice, negative tendencies can be detected here such as

the disconnection between society and its elite (political, business and cultural elite), which in turn leads to a discrepancy between what is desired and what is achieved. In fact, this moment of risk always takes part in creating conditions and an environment where the organization and management of social processes prove inefficient.

Inserting ideology in social communication involves the formation of hard and fast, subjected to the publicly imposed 'omnipotence' of the basic idea social and communication relations. This naturally leads to the replacement and distortion of democratic norms and principles, hence to malfunctions in the national security system.

If a short summary is to be made of the above-mentioned issue, we could say that making social communication ideological actually distorts communication itself, as well as the consequential social relationships. And this imposes that communication security be maintained only through forceful administrative measures or dependencies.

### **Modification of risk communication tasks**

The other issue regarding communication security comprises the aims of social communication. Risk is seen in the following:

- No adaptivity of the information treated as a result of inefficiency of the forms used to materialize it. The risks here are: unconvincing personification of the proponent of the idea/solution; lack of sufficient information resource; Intensifying the negative tendencies concerning the positive positioning of the idea/solution proponent in the public and media space; lack of opportunities of regular presence of the idea/solution proponent in the public space; lack of authenticity concerning the identity of the idea/solution proponent; disruption of the constructive dialogue tendency.
- When negotiating the *communication relations*. Above all, the moment of risk here should be sought regarding the adoption of models of communication behavior on the part of communication process participants.
- When fostering a *public discussion*. Having in mind that the *discussion* is the way to talk about, convince and coordinate contentious issues where publicity is a necessary condition, here the threat to communication security could be sought in the inefficiency of the communication functionality, or placing communication and information barriers to it. In this sense, the lack or the low degree of communication security efficiency directly affects the justification for the very existence of communication functionality, namely the

impossibility to go deep and meaningfully enough to the meaning of the organized human community.

It could be said that when fostering *public discussion* communication security mostly serves to reach agreement. In this sense, the security threats can be detected in:

- Exerting *influence on public opinion*. Of course, within social communication there have always been and been exerted influences on public opinion. It couldn't be otherwise, as the communication itself suggests mutual participation in the treatment of ideas/solutions connected with social development. And this suggests constructiveness as well as destructiveness in relation to the imposition of a thesis. In this sense, the moments of risk regarding communication security could be seen in the following: negative character of communication incentives like – the characteristics of the treated information, the characteristics of the information sender and recipient, the factors (objective and subjective) that influence the sustainability of the communication process, the character of the situational conditions where the communication process develops. It must be noted the lack of opportunities for the communication emancipation of the communication participants, which mostly refers to their communication abilities and competences. In this line of thought, a risk to the communication security could be detected in the lack of communication ethics and culture, in the pursuit of limited personal or corporate interests.
- Establishing the *social roles status* within the Social communication model. The interconnection *expressed demands – trust – authenticity – communication result*, within the social communication directly refers to establishing the status of communication process participants, but always guided by the social roles they take on. In this sense, the risk elements regarding communication security are expressed in: 1/ Vagueness regarding the belonging to a particular social group, cultural and value model; 2/lack of enough personal, professional and intellectual skills and abilities. In practice, the threat concerning communication security is expressed in society's inability to point out leaders. This is accompanied by a refusal to share values and a certain degree of culture. The threat to communication security here is expressed in possible destructions on the ground of *alpha-* and *mega- communication*, stemming from the degree of decoding/codifying quality of the synergized sensory and transcendental information. The risk deepening is guided by the refusal to accept the parameters of universality regarding the social norms and the uniqueness regarding them being experienced. The

major threat here can be detected when applying forcible methods in defending the truthfulness of a thesis and a refusal to seek the balance between the objective and subjective beginning of the idea/solution. Thus, we observe a disruption of the opportunity to establish communication feedback, which is accompanied by the adoption of a passive communication behavior. In this situation, the duality of the communication channel is reduced to one-way. The major threat to communication security here is the emergence of conditions in which treating information itself becomes pointless.

The outlined so far gives us a good reason to claim that the establishment of an acceptable and truthful *status of social roles* within the Social communication model is just one of the basic conditions to achieve communication security within the communication process.

### **Problems of communication security in the context of the communication process**

Last but not least, we should pay attention to the issue connected with communication security in terms of the character and condition of the communication process. Generally speaking, it is in the communication process that the risks for communication security reach the highest rate of reproduction. This is due to the fact that social communication is guided by the compliance with the socio-psychology-defined three “worlds”, which are: *World 1* –the material world of physical objects, natural resources and the biological essence of living creatures; *World 2* – the subjective experience of the individual about themselves and the world; *World 3* – the world of the immaterial – the voluntary acceptance of social hierarchy, principles, symbols, abstractions, the spirit. Having this in mind, the threats to communication security are possible to arise from the quality and the implied meaning in the social norms and the sufficiency of justification from the point of view of the acknowledged as omnipotent values and interests. In this case, the risk materialization in terms of communication security is expressed in the negotiated norms, the negotiation is always guided by the subordinate condition of the attitudes against the formalization of human experiences. It is here where the communication and information pressure can be detected, emerging as a result of superstitious, religious, ideological and doctrinal postulates. Thus, the specification of threats regarding the communication security is possible to carry out in the following cases: a lack of opportunities to establish and perfect the spiritual, value and cultural basis on the grounds of new quality reprocessing of the acquired information referring to the *idea*; inability to make an objective estimate of the validity of the adopted *idea*, compared to other existing *ideas*, in connection with

challenges to civilization, the emerging or emerged issues and the possible future realia; subjectivity when estimating the actual communication experience and knowledge; inability to effectively manage the information resource, so that information reserve is generated; lack of experience and knowledge when choosing a communication approach; inability to use relevant to the communication challenges set of tools of communication ways and means, as well as a respective approach to impose the *solution* connected with the specific *idea*; lack of opportunities to transform the existing information resource aiming to find 'intersections' for incorporating values and interests of the social communication participants; lack of abilities to modify the characteristics and parameters of the personal communication and information image, which in the framework of social communication takes on the status of a public image. And last but not least comes the lack of knowledge and experience to select the communication *ways and means* that will: 1/ provide an opportunity to include social communication and 2/ ensure equal and unbiased participation in the communication process.

### **Conclusion**

In conclusion to the topic of communication security issue, it could be said that it has been an inseparable part of the essence of social communication where it refers to communication strategy and tactics within a given communication policy. Having in mind this, we shall assume that in the basis of sustainability and regularity of social communication lies communication security. After all, communication security is directly linked to the material-existential and value-oriented essence of humans. Or as Sartre points out, man makes himself in the sphere of values, lives for the opportunity to be free but is bound to society, accepts the truth about himself assuming that absolute truth exists. And all this in time and space occurs as a fact through communication, but also fails if this communication is not guided by communication security.

### **BIBLIOGRAPHY**

- Бондиков, В.**, „Манипулации в комуникацията”, ИК „Сиела”, С., 2007  
**Денчев, С., Семерджиев, Ц., Попов, И., Костова, Н.**, „ Концепция и политика за информационната сигурност”, ИК „За буквите – О писменех”, С., 2006  
**Йорданов, Н.**, „Психология на комуникацията”, ИК „Военно издателство”, С., 2006

**Касирер, Е.**, „Изследване на човека”, ИК Гал.Ико”, С., 1996  
**Олброу, М.**, „Глобалната епоха”, ИК „Обсидиан”, С., 2001  
**Фром, Е.**, „Анатомия на човешката деструктивност”, ИК „Захарий  
Стоянов”, С., 2003  
**Янарас, Х.**, „Кризата като предизвикателство”, ИК „ЛИК”, С., 2002

**Mile Sikman, PhD**

*The Chief of Department for Police Education-Banja Luka*

e-mail: [nacelnik@education.muprs.org](mailto:nacelnik@education.muprs.org);

**Stevo Ivetic, MA**

e-mail: [stevoi@mup.vladars.net](mailto:stevoi@mup.vladars.net);

**Goran Amidzic, MA**

*Director of Faculty of Internal Affairs - Banja Luka*

e-mail: [direktor\\_vsup@education.muprs.org](mailto:direktor_vsup@education.muprs.org);

***NEW FORMS OF ORGANIZED CRIME CAUSED BY  
GLOBAL CHANGE - A REVIEW OF THE REPUBLIC OF  
SRPSKA AND BIH***

**Abstract:** *In the context of the overall negative social phenomena, organized crime takes a special place, given its constant presence and a trend for expansion, as well as its tendency to be expressed through new forms characterized by high level of organization, classification and internationalization, at the same time adjusting to the socio - economic and political relations of each country. Namely, the beginning of nineties brought a dramatic and sudden social change on a global level, which had an impact on all spheres of social life (political, economic, social, cultural, normative, moral, etc.), and which, as such, also affected various social phenomena, including organized crime. All this led to the appearance of new, or actualization of existing security challenges, risks and threats, among which, the organized crime, especially that of international character, turned up to be a major security problem. However, what is characteristic of organized crime is that, influenced by global social changes, it has undergone significant changes, which indicate that some forms have been actualized, while some others have just appeared. Recently recorded new forms of organized crime are: gambling on the Internet (online sports betting, online casinos, big money-laundering schemes, etc.), manipulation on stock markets (rising-falling scheme), frauds by mortgages (unfair assessment, dishonest lenders, purchase of the assets at actual value, insuring property by fictitious values), credit card frauds, the high-cost telephone calls (sky-high phone bills), misuse of modern technologies (cyber-crime), etc. Also, it is important to emphasize the appearance of new ways of organizing criminal groups in so-called criminal network, that is, transnational criminal collectivities, and also to point out the specificities caused by this form of organization and activity of criminal groups. Some of these tendencies*

are present in the Republic of Srpska and BiH, which requires an adequate institutional and legal reaction.

*The purpose of this paper is reflected in the assessment of new forms of organized crime in the Republic of Srpska and BiH and institutional and criminal responses to them. A new phenomenology is caused by the global social changes that have been occurring in the last twenty years, such as technological development, migration, transfer of capital and services across the border, open markets, etc. The results of this paper may be applied in the assessment of new forms of organized crime, caused by global changes, and may provide institutional and criminal law proposals (de lege ferenda) which would lead to the successful prevention of and combating these forms of crime.*

**Keywords:** *Organized crime, cyber-crime, phenomenological dimension of organized crime, etiological dimension of organized crime, global social changes.*

## **GLOBAL CHANGES – ETIOLOGICAL FACTORS OF ORGANIZED CRIME**

Crime in general, and therefore organized crime, is a constant companion of social, political, economic and other changes, manifested through various forms of social instability, which, depending on the development and objectives, destabilizes the core values of any society<sup>1</sup>. In addition, the social development and globalization have certain negative implications when it comes to organized crime. Thus, the causes of organized crime can be primarily found in the deep and irreconcilable global changes in political, economic, social, normative and moral spheres of social life. Changes in world politics, social status and economics; global market for legal and illegal goods; weak, unstable governments with changeable political and economic conditions that encourage corruption; increased number and heterogeneity of immigrants; advanced technology, electronic-financial institutions, cyber-technology, weak borders, the desire for money and power, poor international cooperation, global separatism and ethnic restlessness are just some of the factors which give rise to organized crime in

---

<sup>1</sup> Etiological factors of organized crime are also causes of crime in general. The etiology of crime deals with the researching of the causes of crime (and thus of organized crime), and the issue of causation is considered by many criminologists the basic question of criminology, at which it is emphasized that crime occurs within a society based on certain social processes that refer to the offenders, victims and other entities, which play a certain role in a criminal offence, after which comes a social reaction to crime, all together provoking great difficulties in determining the causes of criminal behavior and causing a number of different theories in relation to this issue in the current criminology. Causal aspects of criminal phenomenon take an important place in criminological research of etiologic dimensions of crime. Specific conditionality of criminal phenomenon reflected on the diversity of views and interpretations of the causes and conditions of crime.



a modern form. There are several reasons for these conclusions. *The first*, the increasing ease of international communication among the people around the world is, at the same time, a potential threat to individuals who participate in that communication. Internet provides access to a wide range of information, enables leading businesses around the globe, but also creates conditions for criminal activities at the global level (*online* gambling places, child pornography, manipulation of stock markets, etc.). *The second*, the development of international trade and constant increase of international banking operations have a vital interest in the world of economy, but also, they create opportunities for wide-scale frauds at the international level, and of course, are the extraordinary suitable for money laundering. *The third*, changes in the socio - economic systems of many transitional countries have created conditions for rapid enrichment of certain classes of society, creating all those forms of organized crime which are connected with the state and its authorities (Sikman, 2010: 38-39).

The above mentioned indicators suggest that organized crime is derived directly from the economic, social and political causes (Santino, 2003:82-87). These are the causes that are present both in highly and middle developed countries and in underdeveloped and transitional countries, and are not exclusively attached to the current situation, but, instead, are viewed from the perspective of existing and future criminogenic factors<sup>1</sup>.

*Economic causes of organized crime* - economic causes of organized crime can be observed in the context of economic development and decline of a country, and lead to the emergence and development of both organized crime and transnational organized crime. In this context, there must be noted scientific views which emphasize the connection between problems of economic development of a country and new forms of organized crime (Boskovic, 2004:55), while the emergence of global financial markets and capital, which require a more flexible and more open borders, contributes to the presence and development of transnational organized crime. Therefore, those economic factors lead to the outbreak of organized crime, not only in social systems of capitalism, but also in transitional economies and socialist countries, but also to the emergence of transnational organized crime which encompasses borders of one country. The foundation of widespread financial markets, globalization of the economy and the establishment of the common

---

<sup>1</sup> The causes which favor the emergence and development of organized crime are phenomena and process that, when combined, lead to the organized crime as a negative and socially sanctioned phenomenon. They include the objective existence of social conditions and relations which can be determined, and as such, lead to the appearance of organized crime. Conditions and causes that lead to the emergence of organized crime, and maintain its existence, are numerous and complex.

markets<sup>1</sup> are the main economic factors that contribute to the organized crime, since the free movement of goods, services, money and people opens up new dimensions to the organized crime, but also bring to the actualization of the existing forms such as cross-border smuggling, various types of organized fraud, etc. The new system of forming a company, transnational establishments, and better regulated process of employment that allows hiring people from different countries, represent suitable conditions for the emergence and development of organized crime, particularly in developed, Western countries. Important economic factors that contribute to organized crime are exceptional movements and transfer of money and capital, which take place both within the state, and at the international level. In addition, economic interdependence and reforms being carried out continuously in most countries are also considered to be the economic causes and organized crime. From an economic point of view, organized crime has already usurped the existing legal business transactions, and if this trend continues, there is a risk that other economic subjects (small and medium companies), conflicted with unequal job opportunities, will take the similar, unethical, and criminal activities of organized crime, such as smuggling of goods and services (EU Organized Crime Report, 2003:11).

Besides the developed countries, organized crime is present in countries that are less economically developed, and it has also found the appropriate economic conditions in the countries in transition. In the first place, this is the case of the transformation of the economic systems of the transitional countries through the process of ownership transformation, i.e. the strengthening of private and public property while weakening the social one, which inevitably leads to economic crisis of large proportions, enabling the creation of free markets where the rule of supply and demand has a primate, and the country going through the economic crisis does not have a possibility to direct certain economic laws and fully control the market. This leaves space for the organized crime which tries to take control of and direct the flow of the free market. In this context, one should observe the emergence of "black market" that supplies the consumers with the deficient and other goods at freely formed prices, and the presence of certain forms of "underground economy" which is a favorable condition for the emergence of

---

<sup>1</sup> Essentially, it is a model of economic globalization which includes creating a free market dominated by the economic laws of supply and demand, and market competition of the companies mostly with private companies and joint stock ownership. Transnational corporations take special place and role in achievement of set objectives, which appear as carriers of a global strategy, imposing a new model of economic relations in which the economic power of national states significantly weakens.

organized crime, but also the coordination among existing forms of organized crime, establishing the full control over all flows of "underground economy" especially over those which make the profit (Boskovic, 1998:14-15). Furthermore, new opportunities for fraud, crime-related economic - financial transactions, counterfeiting and other forms of economic crime, rely on insufficiently clearly defined the distinction between the legal economies and the financial sector. The difference between legitimate companies that use illegal means of business by investing illegal incomes into something that is apparently legal, and organized criminal groups formed with the aim of committing criminal acts in the business and financial operations is minimal and is reflected in the degree of corruption, which is more obvious in the first case (Sikman, 2010: 42-43).

*Social causes of organized crime* - social change, as a permanent feature of a social life, where content, composition or shape of some social phenomena are being changed (including the society as a whole), and which takes place in all spheres of social life, adversely affects the appearance, development and expansion of negative social phenomena such as organized crime. In this context we can talk about political, economic, social, normative and moral social changes that contribute to the appearance, development and expansion of organized crime. Sources of social changes, and therefore of organized crime, are versatile and some of them include: social conflicts, evolutionary trends in the society, or the influence of power and authority. Besides the mentioned ones, many social contradictions in the society lead to the growth of all forms of violence which devastatingly affect the stability and security of newly-established social frameworks in which organized crime represents one of the most complex threats to economic and social stability and security of the societies, especially those in transition (Maslesa, 2003:142). Permanent urbanization, accompanied by increased flow (mobility) of people, leads to the higher anonymity in the society, which can be used for organized criminal activities in terms of facilitating contacts of people at great distances, which contributes to the expansion of organized crime. The presence of large numbers of immigrant communities, particularly in the EU Member States the United States, represents an important social factor that contributes to development of organized crime. Namely, very often these immigrant communities make use of the benefits they are guaranteed in the states where they are stationed in order to deal with organized criminal activities<sup>1</sup>. Insufficiently educated population,

---

<sup>1</sup> In this context, particularly active are isolated traditional immigrant communities such as Turkish and ethnic Albanian criminal groups, and other non-domestic organized criminal groups that are active in the European Union, such as Nigeria, Iraq or Iran's organized criminal groups, as it is stated in a 2003 Europol report on organized crime. In: 2003

poverty, alienation, isolation of individuals and social groups, and other social anomalies significantly contribute to the emergence and development of organized crime in developing countries and countries in transition. Furthermore, social instability, besides the economic crisis which causes a drop in social standards due to low income, significantly affects the occurrence and development organized crime in the society, especially in the underdeveloped countries.

*Political causes of organized crime* - the beginning of the nineties of the twentieth century represents the entrance into a new stage of social relations in the world, which has been accompanied by numerous and frequent social changes at the global level that influenced all spheres of social life (political, economic, social, cultural, normative, moral, etc.), and that, as such, had an impact on various social phenomena, even negative ones, such as organized crime. Those fundamental changes have substantially affected the political structure and political processes of the international relations. Furthermore, these political changes have led to the profiling of a particular political model reflected in an attempt to establish a single political system that would be only valid model of a political system. This political model is, essentially, the American one, where America is marked as a future model of all humanity. The efforts have been made that the "American political model" is generalized and institutionalized in all countries, in the first place, in the countries that made up the Warsaw Pact, countries constituted by the breakdown of the former multinational states (USSR, Yugoslavia, Czechoslovakia) referred to as "countries in transition". In order to establish this kind of political system, it is necessary to establish and expand democracy in these countries. This process is being achieved through the "strengthening the institutions of a democratic society", the development of multiparty parliamentary democracy, strengthening the electoral system, establishing a proper educational system, etc. This would create a political model characterized by the existence of several political parties, which fight for power or alternate power in democratic elections. This state of social relations contributes to the creation, development and expansion of organized crime in countries in transition.

In addition, political changes that occurred at the end of the last century, especially in Europe, starting with the Single European Act 1986, as well as the introduction of the Single European Market 1993, contributed to the emergence and development of organized crime, especially in Western countries, but it has also inevitably affected the underdeveloped countries

and countries in transition. It is also necessary to point out a transformation of the European Union in terms of its enlargement to 27 members, which provided new opportunities to the organized crime. Specifically, by expanding the EU borders to the east, many countries of the European Union, if not all member states, will become a source, transit point and destination of criminal goods and services<sup>1</sup>. Besides the mentioned ones, one can include among the political causes of organized crime also non-democratic constitutional framework of states, weak performance of state institutions, economic and social disparities within states, etc. Nowadays, many countries are not capable of independently solving internal problems and conflicted interests, which negatively reflects on the security of a society and is a fertile ground for the emergence of organized crime. Internal crisis, being the result of pressure and influence from the environment (political, economic, technological, etc.), inevitably lead to further negative tendencies in order to destabilize the legal system, at the same time violating national security and stability of a political system.

All these phenomena allow the emergence and development of organized crime, but also impose a direct threat to states, since there is a possibility that organized crime infiltrates in the basis of the political system, in that way affecting the credibility of the political system of the concerned state, or directly influencing the executive parts including law enforcement executive authorities. It is evident that the character of civil and political institutions emerges as a key determinant of organized crime. General frameworks, in terms of politics and governance, imply the expansion of the powers and role of the state.

In addition to these criminogenic factors, it is important to note that criminal organizations often use new technical and technological achievements for planning, monitoring and execution of their criminal activities. Technological development that has progressed over the past ten years has changed the way people communicate and strongly influenced, among other things, the financial transactions. These conditions were favorable for the development of organized crime that is among the major beneficiaries of technological progress in areas such as telecommunications,

---

<sup>1</sup> The Europol report on organized crime states that there are indications that international criminal organizations moved their activities and members in the border countries which have become focal points for their investment of illegal funds. There are, already, numerous organized criminal groups that are able to make profit of the European Union's transformation, and their increase to 25 members. *2003 European Union organized crime report*, Europol, Office for Official Publications of the European Communities, Luxembourg, 2003, pp 10.

transport and, most importantly, the development of cyber-technology (the Internet), which provide many wider opportunities for organized crime activities.

The spread of e-business, the possibility to create so-called “virtual identity” facilitates criminal activities and provides the required anonymity. This allows the emergence of new forms of organized crime, particularly hazardous, harmful and profitable forms of crime, at the same time making them difficult to detect and investigate. The significant development has occurred in the field of computer and printing technology, which enables organized crime groups to produce counterfeit documents, as well as counterfeiting of banknotes. Money transfer can be done very quickly using advanced technologies, while monitoring of such financial transaction has been made very difficult and complicated. The wide-scale use of mobile phones, particularly a prepaid system, is a key feature of the current organized crime. Many organized crime groups use pirated or non-encrypted phones, and stolen cards, which change frequently, thereby increasing communication and mobility. Furthermore, the use of Internet technologies for acquiring commercial items, without being subject to the budgetary constraints of the country, administrative delays and costs of technological development, enables an organized crime to act even in the area of legal transactions.

### **PHENOMENOLOGICAL DIMENSION OF ORGANIZED CRIME - STATICS, DYNAMICS, AND TYPOLOGY OF ORGANIZED CRIME**

Phenomenological dimension of organized crime involves the studying of organized crime from the descriptive point of view by describing the forms of its manifestation. In this context we can talk about the statics and dynamics of organized crime, as well as the typology of its forms<sup>1</sup>. Statics of organized crime is seen through the structure of behavior referred to as organized crime. Dynamics deals with changes in the scope and distribution, and typology classifies different types of organized crime, based on common characteristics, into groups allowing for easier study of organized crime. Statics and dynamics of organized crime can be made on the basis of collected statistical and other data and information. However, collection of relevant information and data on organized crime imposes a

---

<sup>1</sup> Of course, here we talk about conditional categories, since the static, dynamics and typology of manifesting forms concern the crime in general, while the organized crime is only part of the overall social negative activity. (Šikman, Pena, 2009: 519-538).

series of problems, including significant methodological problems (Rawlinson, 1999). Typology of organized crime is a complex and important issue, and depends on the classification criteria. The classification criteria of crime in general can be used as organized crime classification criteria. Thus, classification of crimes and their perpetrators may be legal, socio/ambient, psychological/motivational and clinical<sup>1</sup>. American criminologist Conklin (John E. Conklin) writes about the four basic types of crime: conventional crime, white collar crime, organized crime and consensual crime (Conklin, 2007:206). Conventional crime is divided into two main categories: violent crime (crimes against persons) and property crime (crimes against property). White collar crime is related to the special category of persons who enjoy the prestige and high social status, and criminal acts are carried out within the activities they deal with. The main types of white collar crime are crimes by entrepreneurs, crimes by employees, the crimes of the civil servants, the crimes of the various professions (lawyers, doctors, etc.). Organized crime is a special kind of crime due to the damage it causes to the economy and society in which it occurs. Consensual crime involves those types of crime where there is no victim in the truest sense of the word, but the injured party agrees with the offense. This category includes offenses related to drugs, gambling and prostitution.

Since there are two dominant conceptions of organized crime (based on criminal activities and on the basis of a criminal organization), it is necessary to classify it according to that criteria: the type of criminal activity and type of criminal organization.

As for the type of criminal activity, it is also known as "organized criminal activity" and includes three categories: providing illegal services, provision of illicit goods and investment in legal affairs (Albanese, 2004:7). Providing illegal services implies facilitation of certain services that are not permitted or, in some way, prohibited. This activity typically includes usury (lending money at interest rates that are far above the allowable), gambling and prostitution. Provision of illegal goods is a category of organized crime which implies offering products (goods) that can not be obtained legally. It is undisputable that trafficking in illegal drug is one of the most present criminal activities, but here can be included, also, some other goods which are demanded in great measure and can not be obtained through legal means (weapons, ammunition, cars, stereo equipment, software or any other product). The third category of organized crime represents an investment in

---

<sup>1</sup> This is a classification proposed by the famous Italian criminologist Ponti who points out artificial character of each of these classifications and clearly points out that any generalization in criminology is arbitrary and that therefore there is no general concept of "crime". (Ignjatović, 1999:206).

legal businesses (construction industry, communications, etc.), where organized criminal group try invest illegally earned money into legitimate businesses.

In 2005, Europol identified the following forms of organized criminal activities<sup>1</sup>: drugs trafficking which includes trafficking in cocaine, heroin, synthetic drugs, cannabis, pharmaceutical products which are classified as drugs, and doping and anabolic substances; crimes against persons which include illegal migration, human trafficking and exploitation of children; financial crimes and other crimes against property which include money laundering, fraud, forgery, organized burglaries and thefts, as well as theft of cultural property; illicit trafficking which includes trafficking in stolen vehicles, tobacco smuggling, illicit trafficking in firearms and illegal business.

The issue of classification of organized criminal groups is rather complex. In fact, there is no universally accepted classification of organized criminal groups. Typology of organized criminal groups was usually connected in the past to a threefold classification proposed by American criminologist Albanese (Jay S. Albanese), which distinguishes "hierarchical model", "the patron-client model" and "an enterprise model of organized crime". All three models are related to the American *La Cosa Nostra* (Albanese, 1989). Halstead (Boronia Halstead) distinguishes two broad categories of criminal organizations, such as: "a model of focus groups" and "economic model", within which different sub-models can be differentiated emphasizing certain aspects, such as, structure, activities and social component of criminal groups (Halstead, 1988:1-24). Williams and Godson (Williams Phil & Roy Godson) point to several potential predictive models which emphasize the causal relationships between certain social conditions, certain manifestations of organized crime and certain outcomes. Thus, they describe the political model, economic model, social model, the model of risk management and the hybrid - composite - model (Williams, Godson, 2002:311-355). German criminologist Lampe (Klaus von Lampe) discusses two models of organized crime: a causal model of organized crime and the analytical model of organized crime (Lampe, 2003).

As a reference typology of criminal organizations, we can take a typology based on the structure of transnational criminal organizations, prepared by the Centre for International Crime Prevention of the United Nations, and which is related to transnational organized crime groups in

---

<sup>1</sup> 2005 EU Organized Crime Report, Public version, EUROPOL, The Hague, 2005, p. 9-24.



Europe<sup>1</sup>. Namely, the research team of the United Nations came to the conclusion that all organized transnational criminal groups can be classified into five typologies. The criteria of this typology were ten following variables: the structure<sup>2</sup>, size, activity, cross-border operations, the identity, the use of violence, the use of corruption, political influence, the investment in legal affairs and cooperation with other criminal groups. Based on these variables we can identify the following typologies: the typology 1: The Standard Hierarchy; typology 2: The Regional Hierarchy; typology 3: The Clustered Hierarchy; typology 4: The Core Group and typology 5: The Criminal network.

### **"NEW" FORMS OF ORGANIZED CRIME - A REVIEW OF THE REPUBLIC OF SRPSKA AND BIH**

When it comes to various forms of organized crime, it is clear that we can not divide them into the "new", "traditional" or other forms of manifestation of organized crime. This conclusion stems from the fact that organized crime is a dynamic category characterized by the easiness of adjustment to present socio-economic conditions, and by various forms of manifestation. In this context, we talk about the "new" forms of organized crime, that is, the new forms of manifestation of organized crime, or the manifestation of the already identified activities of organized crime.

Identification of organized crime forms is a very important preliminary issue in combating organized crime. There are different criteria for the identification of organized crime forms, but they are mainly related to the identification of key characteristics of organized crime, and then identification of specific types of organized crime. Namely, if a particular form of crime manifestation has characteristics of organized crime, then we can talk about the particular offense as a form of organized crime. In addition, some crimes can only be performed in a manner that includes the characteristics of organized crime (Sikman, 2010:293). In this context, we can talk about the activities of organized crime related to drugs (illicit production and trafficking of narcotics), smuggling as an activity of

---

<sup>1</sup> See more results from this research: Assessing Transnational Organized Crime: Results of a Pilot Survey of 40 Selected Transnational Organized criminal groups in 16 Countries, Centre for International Crime Prevention, United Nations Office at Vienna, Vienna 2002nd ([http://www.unodc.org/pdf/crime/publications/Pilot\\_survey.pdf](http://www.unodc.org/pdf/crime/publications/Pilot_survey.pdf)) Compare to: Bošković, G., Mijalković, S.: Characteristics of the organizational structure of criminal organizations, *Nauka, bezbjednost, policija*, no. 1 / 2008, Belgrade, Crime Police Academy, 2008.

<sup>2</sup>The issue of the structure was a dominant one in determining the typology of transnational criminal groups.

organized crime (smuggling of weapons and ammunition, smuggling and illegal trafficking in cultural goods, smuggling and illegal import of radioactive waste and other hazardous substances, smuggling and illicit trade in other worth of goods), trafficking in human beings as an activity of organized crime (trafficking due to prostitution, child trafficking, trafficking in human organs), some forms of organized crime in the business - financial transactions (abuse of power, abuse of competences in economy, organized forms of money counterfeiting and placing counterfeit money in circulation, money laundering, forgery of credit cards for cashless payment, forgery of identity documents), criminal offences of corruption as activities of organized crime, violent organized crime, computer organized crime, organized gambling, misuse of copyright, organized theft of motor vehicles and illegal activities in the exploitation of natural resources (Sikman, 2010:294). We opted for this form of organized crime, since they are predominantly expressed in the territory of Bosnia and Herzegovina.

*Activities of organized crime related to drugs* (illicit production and trafficking in narcotic drugs) - a global world trends in smuggling and trafficking in drugs have implications to Bosnia and Herzegovina and the Republic of Srpska. The illicit trafficking in narcotic drugs is considered to be one of the most important activities of organized criminal groups in Bosnia and Herzegovina and the Republic of Srpska, given the geographical position of Bosnia and Herzegovina, and the importance of so-called "Balkan route"<sup>1</sup> which partly passes through Bosnia and Herzegovina. Data on the quantities seized in "Balkan Route" confirm presuppositions about drug markets, primary routes of trade and the role of organized crime groups. Further, in terms of drug trafficking, the Republic of Srpska and BiH can be probably considered "a redistribution center" of drugs. The severity of the drugs abuse is confirmed by the fact that only in the PSC East Sarajevo, Canton Sarajevo and Bosna-Podrinje Canton there has been identified over 10 organized criminal groups dealing with various forms of drug abuse, including trafficking, facilitating the use of narcotics, etc. Organized criminal group for drug trafficking in the Republic of Srpska and BiH are not of

---

<sup>1</sup> The data for the period from 1998 to 2004 was taken from the UNDOC "World Drugs Report 2005". Data for 2004 was taken from the U.S. State Department's Report "International Narcotics Control Strategy Report for 2003 and 2004, with the exception of Albania which provided the data itself. Taken from: Report on status of economic and organized crime in Southeastern Europe, CARPO regional project, Ref. PC-TC (2005) 9, European Commission and Council of Europe, Strasbourg, August 2005, p. 23-24. ([www.coe.int/economiccrime](http://www.coe.int/economiccrime))

particular ethnic domination, but have strong regional ties in neighboring countries, which are based on common origin and geographical location.

*Smuggling as an organized crime activity* (smuggling of weapons and ammunition, smuggling and illegal trafficking in cultural goods, smuggling and illegal import of radioactive waste and other hazardous substances, smuggling and illicit trade in other worth of goods) – smuggling, as an activity of organized crime implies illegal transfer of goods of great worth across national boundaries in an organized way, as an occupation. A customs inspection is avoided by camouflaging goods, corrupting authorized persona in the customs or by using illegal border crossings. According to available data, the security of Bosnia and Herzegovina and the Republic of Srpska is significantly threatened by the illegal trafficking in weapons which is being carried out by the individuals and groups at the inter-entity, but in part, at the international level. The most trafficked weapons are the militaristic ones, left over from the war, and are mainly stored in hidden locations, as well as weapons stolen from military warehouses. In most cases the end user is unknown. In terms of smuggling of migrants, BiH is considered a transition country through which citizens of Albania, China, Turkey, India and Pakistan are being illegally transported to Western Europe. They enter Bosnia and Herzegovina through Serbia and Montenegro at the legal and illegal border crossing points in eastern Bosnia, reach Sarajevo, and from there they go to western Bosnia, often by taxi. From the western part of BiH, the local criminal groups take them across the river or the illegal crossings into Croatia. When it comes to smuggling and illegal trade in cultural property in the early nineties, in Croatia and Serbia the so-called “Budapest link” was very popular. It functioned thanks to a woman who lived in Belgrade and then in Croatia - the dealers used to take paintings by Croatian authors using her as a link, and then would sell them in Western Europe.

*Trafficking in human beings as an activity of organized crime* (trafficking due to prostitution, child trafficking, trafficking in human organs) - trafficking in persons is a global phenomenon that strongly affects states in political and economic transition or post-conflict stress, which are usually the main starting country for human trafficking. This phenomenon also affects the economically more developed countries which are mainly countries of destination and transit countries. Trafficking in human beings represents an important transnational, regional and national issue nowadays. It is estimated that each year in the world between one and two million people are being trafficked and that most of them are women and children (Francis, 2000). Bosnia and Herzegovina is very important link in the chain of trafficking. In the context of human trafficking, BiH is considered a transit country to Western Europe, but simultaneously a country of destination for many victims, girls and women from Eastern Europe. Recently, Bosnia and

Herzegovina has become a country of origin where victims are girls from Bosnia and where human trafficking and prostitution have been moved from night clubs to private homes, hotels, motels and houses.

*Some forms of organized crime in the business - financial transactions* (abuse of power, abuse of competences in economy, organized forms of money counterfeiting and placing counterfeit money in circulation, money laundering, forgery of credit cards for cashless payment, forgery of identity documents) – the forms of organized crime in business - financial operations are the most serious problem for Bosnia and Herzegovina in terms of the damage that these forms of crime, due to tax and other financial charges evasion, cause to the budget of the country, as well as to the society in whole. Certain estimates indicate that the annual amount of damage exceeds the amount of about 1.5 billion euros<sup>1</sup>. The largest number of cases so far in this area has been related to criminal activities related to import and trade of goods. According to available data, dominant has been the illegal import of so-called high tariff goods (oil products, alcohol and cigarettes), and large quantities of textile and technical goods, when, in addition to illegal cross-border imports (smuggling), other methods, such as falsifying import documents (customs fraud), were used. In the internal trade of goods, there have been present organized forms of tax evasion through fictitious (shell) companies, and which has benefited from the earlier system of taxation. Money laundering has been identified in Bosnia and Herzegovina as an exceptional risk to the integrity of financial institutions in BiH, which has been resulting for years in an unfavorable position of the undertakings which operate legally. Identified money launderers in Bosnia and Herzegovina seek the easiest and fastest way to “recycle the money” and are not always primarily concentrated on achievement of the highest profit rate on the laundered money, or its investment.

*Criminal offence of corruption as an activity of organized crime* – since corruption and organized crime are mutually linked negative social phenomena, we can talk about specific relations where this correlation is demonstrated. Here is the case of a conditional classification based on a descriptive analysis of the practical manifestation of links between corruption and organized crime. Thus, we can speak of two basic forms of connection between organized crime and corruption: *the first*, the influence to government bodies, individuals and other entities of social control, and *the second*, cause-effect relationship of organized crime and corruption (Chene,

---

<sup>1</sup> REPORT FROM THE COMMISSION TO THE COUNCIL on the Preparedness of Bosnia and Herzegovina to Negotiate a Stabilization and Association Agreement with the European Union. Brussels, 18.11.2003, COM (2003), 692 final, p. 28.

2008). Some authors distinguish between traditional and "new" forms of organized crime which show different patterns of behavior, motivation and attitude towards the public authorities (Shelley, 2003: 303-312). Traditional crime groups, such as the Italian mafia, need the state and the economy in order to maintain their wealth and continue their development. For this purpose, such groups tend to make collusion with representatives of public authorities and, by various means, influence their work. For them, corruption is an operational tool used to influence public authorities in order to exercise certain privileges<sup>1</sup>. "New" criminal groups, such as those having arisen in the former Soviet Union, often come from post-conflict countries full of chaos and weak rule of law, so that they have no direct interest in making "partnership" relationship with the state. They use the institutional weaknesses and corruption to destabilize the state and its structures, all in order to help make profits. Attempts to control organized crime are almost useless by the corrupt and inefficient law enforcement agencies.

*Other forms of organized crime* (violent organized crime, computer organized crime, organized gambling, misuse of copyright, organized theft of motor vehicles and illegal activities in the exploitation of natural resources) - violent organized crime is a type of organized crime dominated by violence, characterized by brutal and aggressive behavior of the offender. Computer organized crime is a special type of organized crime that is manifested in various forms of abuse of computer technology for criminal purposes. It can occur in several forms: a computer as a tool of a crime perpetration (fraud, the insurance fraud, theft, embezzlement, etc.); a computer as an object of attack in which the computer or computer network and the information they contain are the ultimate goal of a criminal action; computer as an instrument of organizing, planning, management and implementation of criminal activities (particularly during the planning and preparation of criminal activity). The development of information and communication technologies (ICT) has created opportunities for organized crime providing the criminals with new tools, as well as resources and markets for new types of crime<sup>2</sup>. The new technology may affect the structure of criminal organizations and management of companies involved in crime, at which enterprises and companies with advanced ICT follow a logic of the network, instead of that of clear hierarchy (Castells, 2003: 21), and this, also, applies to organized

---

<sup>1</sup> See more: Shelley, L.: Unravelling the New Criminal Nexus, *Georgetown Journal of International Affairs*, 2005., p. 513; Shelley, L.: The Unholy Trinity: Transnational Crime, Corruption and Terrorism, *Brown Journal of International Affairs*, XI, issue 2, 2005, p. 101-111.

<sup>2</sup> Computer-related crime in the EU: Old crimes, new tools; new crimes, new tools, EUROPOL, Den Haag, 2002.

crime groups that exhibit network structure. Some forms of organized crime can be manifested in organized gambling. Criminal acts with elements of fraudulent behavior, and extremely sophisticated and innovated modalities of performance, are expanding nowadays. One of them is a specific type of fraud that is in criminal justice and criminological literature usually referred to as *Pyramidal fraud*. It is criminalized fraudulent organizing of games of chance through the progressive entrapment of the participants in a game or so-called "Pyramid of happiness", with the expected income from the invested, while the participants are promised financial gain under the condition that they or other person, under the same conditions, recruit more participants. Particularly concerning are the cases of organized gambling that are associated with high technology, also known as "gambling on the Internet", as well as forms of its manifestations, such as online casinos, online sports betting places, etc. As such, organized gambling is a significant criminal activity with millions of profit, carried out by big criminal organizations, especially by those of transnational character<sup>1</sup>. In fact, gambling becomes an organized criminal activity the moment the criminal groups organize various forms of gambling, using known methods, such as the opening of casinos, eliminating competition, renting gaming machines, participating in the distribution of revenues generated by organized gambling, etc. Organized theft of motor vehicles is a type of organized crime which has been increasing in the European Union since 1993. This has been caused by the political changes that have taken place in the European Union, primarily related to the abolition of controls at border crossings between the European Union countries, which allowed free movement of vehicles from one to the other end of the European Union<sup>2</sup>. According to the estimates of EU member states, the main destinations of stolen motor vehicles have been Eastern European, Central European and Southeastern European countries. A form of crime which has been recently becoming more and more of

---

<sup>1</sup> The American Mafia La Cosa Nostra, one of the most famous criminal organization in the world, much of their criminal activities directs through organized gambling, causing huge losses to the American economy. It is estimated that these annual losses exceed one billion U.S. dollars.

<sup>2</sup> Namely, stealing 100 cars one can make a profit between one and two million, and since it is estimated that 700,000 cars are being stolen each year from the European Union countries and resold in countries of Southeast Europe. For example, in 1999, it was stolen about 500,000 vehicles whose average value was of 15,000 euros, which indicates that that year the average profit made by the organized theft of motor vehicles was 7.5 billion euros. Similar calculations can be obtained in the United States, Canada and Africa (1.6 million of stolen vehicles) where the estimated profit made by the organized vehicle thefts amounts 18.5 billion U.S. dollars. Europol, *An overview of Motor Vehicle Crime from European Perspectives*, The Hague, January, 2006, p. 1.

organized criminal activity in BiH is a theft and resale of stolen motor vehicles. Profit of the stolen vehicles can be achieved in two ways: *the first*, the further resale, and *the second*, the extortion of ransom from the owners for the car's return.

## CONCLUSION

There is no doubt that organized crime is determined by the global social changes that have been occurring over the past 20 years. These changes have significantly influenced the phenomenology of organized crime, especially its forms of expression. This has led to the modification of existing forms of organized crime, which is reflected in the emergence of new forms and ways of manifestation. That is why we have a term "new" forms of organized crime, although those are already manifested forms of organized crime, now manifested in a different, "new" way. Closely related to the new manifestation of organized crime is the process of criminal organizing, that is, establishment and operation of organized crime groups. Thus are noticeable trends of significant exceptions from the traditional, hierarchical criminal organizations, and more dominant are becoming so called criminal networks. Unfortunately, these global trends of organized crime are present in the Western Balkans including Bosnia and Herzegovina. Depending on the circumstances, and monopolistic tendencies (the criminal enterprise) some particular forms of organized crime are being manifested in Bosnia and Herzegovina. In some cases, Bosnia and Herzegovina is a country of transit (e.g. smuggling in cocaine), the country of origin (e.g. smuggling in arms and ammunition), and in some cases the destination country (e.g. smuggling in human beings), or all that together.

This statement leads to a logical conclusion: global organized crime requires a global response. This conclusion implies a greater degree of international and regional integration in combating organized crime. Since the organized crime has new (modified) forms of manifestation, therefore responses to organized crime must be promoted. This primarily refers to a greater degree of international police and criminal justice integration in the field of combating organized crime. Certainly, this international integration can be followed by the appropriate regional integration aimed at this direction. International integration in this area, also, implies the parallel strengthening of national capacities (institutional and legislative) in combating organized crime.

## SOURCES:

1. Albanese, J. (2004). *Organized Crime in our Times*, (Fourth Edition), Cincinnati: LexisNexis Group
2. Albanese, J. (1989). *Organized Crime in America*, 2nd ed., Cincinnati, OH: Anderson.
3. *Assesing Transnational Organized Crime: Results of A Pilot Survey of 40 Selected Transnational Organized criminal groups in 16 Coutries*, Centre for International Crime Prevention, United Nations Office at Vienna, Vienna 2002. ([http://www.unodc.org/pdf/crime/publications/Pilot\\_survey.pdf](http://www.unodc.org/pdf/crime/publications/Pilot_survey.pdf)).
4. Bošković, G., Mijalković, S. (2008). Specifičnosti organizacione strukture kriminalnih organizacija, *Nauka, bezbjednost, policija*, br. 1/2008. Beograd: Kriminallističko policijska akademija.
5. Bošković, M. (2004). *Organizovani kriminalitet i korupcija*, Banja Luka: Visoka škola unutrašnjih poslova.
6. Bošković, M. (1998). *Organizovani kriminalitet*, Beograd: Policijska akademija.
7. Ignjatović, Đ. (1999). *Kriminologija*, Beograd: Nomos.
8. *Izveštaj o stanju u oblasti organizovanog i privrednog kriminala u Jugoistočnoj Evropi*, (2005). CARPO regionalni projekat, Ref. PC-TC(2005)9, European Commission and Council of Europe, Strazbur ([www.coe.int/economiccrime](http://www.coe.int/economiccrime))
9. *Kriminal povezan sa kompjuterima u EU: Stari kriminal nova sredstva; novi kriminal nova sredstva*. (2002). Den Hag: EVROPOL.
10. Lampe, K. (2003). The Use of Models in the Study of Organized Crime (Paper presented at the 2003 conference of the European Consortium for Political Research (ECPR) Marburg, Germany, 2003. (19 September 2003) <http://www.organized-crime.de/modelsofoc.htm>
11. Rawlinson, P. (1999). Mafia, Methodology and “Alien” Culture’, In R D Kind and E Wincup (eds), *Doing Research on Crime and Justice*, Oxford; Oxford University Press.
12. REPORT FROM THE COMMISSION TO THE COUNCIL on the Preparedness of Bosnia and Herzegovina to Negotiate a Stabilisation and Association Agreement with the European Union. Brussels, 18.11.2003., COM(2003) 692 final.
13. Masleša, R. (2003). Suvremeni oblici organizovanog kriminaliteta i sigurnost policije, Međunarodno naučno-stručno savetovanje – Ugorožavanje bezbednosti pripadnika policije – uzroci, oblici i mere zaštite, *Zbornik radova*, Beograd: Policijska akademija.



14. Castells, M. (2003): *Born of network society*, Oxford: Malden, Victoria.
15. Chêne, M. (2008). *Organised crime and corruption*, Anti – Corruption Resource Centar, Online Publishing 28 May 2008: <http://www.u4.no/helpdesk/helpdesk/query.cfm?id=171>
16. Conklin, J. (2007). *Criminology* (Nine Edition), Pearson Education, Prentice Hall:Upper Saddle.
17. Francis M. (2000). *Trafficking in Women and Children: The U.S. and International Response*, Congressional Research Report 98-649-C.
18. Halstead, B. (1998). The Use of Models in the Analysis of Organized Crime and Development of Policy, *Transnational Organized Crime*, 4(1).
19. Williams, P. & Godson, R. (2002). Anticipating organized and transnational crime, *Crime, Law and Social Change*, 37(4).
20. Santino, U. (2003). Organized crime: An Italian Perspective: Mafia and Mafia-Type Organizations in Italy, *Organized Crime, World Perspectives*, New Jersey: Upper Saddle River.
21. Shelley, L. (2003). Organized Crime, Terrorism and Cybercrime. In. Bryden, A., Fluri P. (eds.). *Security Sector Reform: Institutions, Society and Good Governance*, Baden-Baden: Nomos Verlagsgesellschaft.
22. Shelley, L. (2005). Unravelling the New Criminal Nexus, *Georgetown Journal of International Affairs*, (Winter/Spring 2005).
23. Shelley, L. (2005). The Unholy Trinity: Transnational Crime, Corruption and Terrorism, *Brown Journal of International Affairs*, XI, issue 2.
24. Šikman, M. (2010). *Organizovani kriminalitet – krivični, procesni, kriminalistički aspekt*. Banja Luka: Defendologija centar za bezbjednosna, sociološka i kriminološka istraživanja.
25. Šikman, M., Pena, U. (2009). Fenomenološka dimenzija organizovanog kriminaliteta, *Pravna riječ*, br. 19/2009, Banja Luka: Udruženje pravnika RS.
26. *2003 European Union organised crime report*. (2003). EUROPOL, Luxembourg: Office for Official Publications of the European Communities.

## NOVI POJAVNI OBLICI ORGANIZOVANOG KRIMINALA UZROKOVANI GLOBALNIM PROMJENAMA – OSVRT NA REPUBLIKU SRPSKU I BIH

**Rezime:** U kontekstu sveukupnih negativnih društvenih pojava organizovani kriminalitet zauzima posebno mjesto, s obzirom na njegovu prisutnost i trend stalne ekspanzije, te tendencije da se ispoljava kroz nove pojavne oblike, sa visokim stepenom organizovanosti, tajnosti i internacionalizacije, prilagođavajući se pri tome društveno – ekonomskim i političkim odnosima svake zemlje. Naime, početak devedesetih godina prošlog vijeka donio je dramatične i iznenadne društvene promjene na globalnom nivou, koje su se odrazile na sve sfere društvenog života (političku, ekonomsku, socijalnu, kulturnu, normativnu, moralnu itd.) i koje su, kao takve, imale uticaja na razne društvene pojave, uključujući i organizovani kriminal. Sve ovo dovelo je do pojave novih ili aktuelizacije postojećih bezbjednosnih izazova, rizika i prijetnji, među kojima se organizovani kriminal, a naročito onaj internacionalnog karaktera, nametnuo kao glavni bezbjednosni problem. Međutim, ono što je karakteristično za organizovani kriminal, jeste da je on pod uticajem globalnih društvenih promjena pretrpio značajne izmjene, što ukazuje na aktuelizaciju pojedinih oblika, te pojavu novih pojava oblika organizovanog kriminala. Tako je u poslednje vreme uočena tendencija novih pojava oblika organizovanog kriminaliteta, kao što su: kockanje putem interneta (online sportske kladionice, online kockarnice, velike šeme pranja novca, itd.), manipulacije na berzama (šeme podizanja i obaranja), prevare putem hipoteka (nepoštene procene, nepošteni kreditori, kupovina imovine po stvarnoj vrednosti, osiguranje imovine po fiktivnim vrednostima), prevare kreditnim karticama, visokotarifni telefonski razgovori (enormno visoki telefonski računi), zloupotreba savremenih tehnologija (visokotehnoški kriminal), itd. Takođe, značajno je napomenuti i novi način organizovanja kriminalnih organizacija u tzv. kriminalne mreže, odnosno u transnacionalne kriminalne kolektivitete i specifičnosti koje donosi takav oblik organizovanja i delovanja kriminalnih organizacija. Neke od ovih tendencija prisutne su i u Republici Srpskoj i BiH, ispoljavajući se u manjem ili većem obimu, što zahtjeva i adekvatnu institucionalnu i krivičnopravnu reakciju.

Svrha rada ogleda se u sagledavanju novih pojava oblika organizovanog kriminala u Republici Srpskoj i BiH, te institucionalna i krivičnopravna reakcija na iste. Nova fenomenologija uzrokovana je globalnim društvenim promjenama koje se dešavaju u poslednjih dvadeset godina, kao što su tehnološki razvoj, migracije stanovništva, transfer kapitala i usluga preko granica, otvorenost tržišta, itd. Rezultati rada mogu se primjeniti u sagledavanju novih pojava oblika organizovanog kriminala, uzrokovano globalnim promjenama, te dati odgovarajuće institucionalne i krivičnopravno prijedloge (de lege ferenda) koji će voditi uspješnijem sprečavanju i suzbijanju ovih formi kriminala.

**Ključne riječi:** Organizovani kriminal, visokotehnoški kriminal, fenomenološka dimenzija organizovanog kriminala, etiološka dimenzija organizovanog kriminala, globalne društvene promjene.

**Vojkan Zorić, PhD**

*Ministry of Interior affairs of the Republic of Serbia,  
CPD-National Criminalistic-Technical Center, Belgrade, Serbia,  
email: [vojkan.zoric@mup.gov.rs](mailto:vojkan.zoric@mup.gov.rs)*

**Dragan Tatomir, MSc**

*Device of Strategic Planning of Defence Policy Sector, Ministry of Defence,  
Republic Serbia  
email: [dragan.tatomir@mod.gov.rs](mailto:dragan.tatomir@mod.gov.rs)*

**Božidar Forca PhD**

*Department of Strategic Planning of Defence Policy Sector, Ministry of  
Defence, Republic Serbia  
email: [bozidar.forca@mod.gov.rs](mailto:bozidar.forca@mod.gov.rs)*

**Stevan Armaković, PhD student**

*Faculty of Sciences, University of Novi Sad, Vojvodina, Serbia  
email: [stevan.armakovic@df.uns.ac.rs](mailto:stevan.armakovic@df.uns.ac.rs),*

**Igor Šetrajić, PhD student**

*Faculty of Sciences, University of Novi Sad, Vojvodina, Serbia  
email: [sele1976@yahoo.com](mailto:sele1976@yahoo.com)*

**Željko Nikac, PhD**

*Academy of Criminalistic and Police Study, Belgrade, Serbia,  
email: [zeljko.nikac@kpa.edu.rs](mailto:zeljko.nikac@kpa.edu.rs)*

**Stevo Jacimovski, PhD**

*Academy of Criminalistic and Police Study, Belgrade, Serbia,  
email: [stevo.jacimovski@kpa.edu.rs](mailto:stevo.jacimovski@kpa.edu.rs)*

***ANALYSIS OF SUICIDAL TERRORISM PREVENTION IN  
ORDER TO PREVENT DISTURBANCE OF STATE  
STABILITY***

***Abstract***

*Correlations and connections of criminology (which in general sense  
should be considered as fight against sociological contamination of human*

*environment and as such, it should be classified in the category of social sciences along with medicine, biology, chemistry and physics) represent one of the typical examples of social and natural sciences' coupling. Precisely that coupling will be utilized in this work for the sake of analytical approach to the suicidal terrorism. Ideological suicidal situation, ideological pressure, students of the Japanese school "Hirohito", hypnosis, drug addiction, all these are potential sources and ways of recruitment of suicidal personalities/persons. This paper includes analytical aspects of people without hope because of material (difficult economical situation) or health reasons (serious, untreatable diseases) as well as in patients of mental facilities from whose lines the potential executors of suicidal terrorism can be recruited, and proposals for prevention of the government stability violation are given.*

**Keywords:** *Suicidal terrorism, analysis of prevention, government stability*

## INTRODUCTION

The definition of terrorism that would be generally accepted among the international social and scientific population, despite the great interest of the world scientific community, is not clear. Among the many reasons for different approaches in defining the terrorism, one thing is for sure - there is no political will of the countries to establish a single definition of terrorism that could be equally applied, regardless of the specific political interests in the international relations. Due to the lack of unique definitions we introduce semantic, lexical, criminal justice, strategic, political and other criteria to define this term.

Serbian-speaking theorists generally accept the Latin origin of the word terror that is associated with the French revolution, and indicates fear, fright, reign based on fear.<sup>1</sup> In the broader literature we can find accepted origins of English (Terrorism), French (Terrorisme), German (Terrorismus), Spanish (Terrorismo) and Russian (terrorizm) language.

Starting from semantic basis, in the lexicon of foreign words and phrases, description of terrorism is given as the reign by intimidation, means of reign by fear and violence, political battle through individual terror.<sup>2</sup>

Further, the science of security as a discipline of social sciences, through its theoretical development also developed specific language expressions appropriate for specialist practice, and "the concept of terrorism found a place in the theoretical foundations of security". In the lexicon of

---

<sup>1</sup> In the period of the French Revolution, the Jacobins established a regime based on cruel political violence called a terror.

<sup>2</sup> M.Vujaklija: LEXICON OF FOREIGN WORDS AND EXPRESSIONS, PROSVETA, Belgrade 1961, p.947.

<sup>3</sup> Obren Đorđević, Lexicon security Partisan books, Belgrade 1986, p.382.

security, terrorism has been described as “a form of subversive activities and special war” and “as a method of deliberate and systematic use of violent acts for spreading fear towards people of the state organs or organized groups in order to achieve certain political objectives”.<sup>1</sup>

For explanation of the concept of terrorism as a subsystem in the system of antiterrorist defense, other scientific disciplines are relevant apart from the security science, and these are: practice, and above all military, legal and political science.

The military approach for definition of terrorism is giving priority to properties which have a major influence on the combat and defensive preparations. Our military encyclopedia defines terror as “an action (the reign) of violence whose purpose is intimidation, e.g. destruction of an opponent. It occurs in conditions of intensifying conflict of antagonistic classes and the struggle for power. Many actors of terrorism use all possible ways and means (physical and psychological constraints) in order to crush the resistance and the will, not only of individuals but also of groups of people and even entire nations”.<sup>2</sup>

In the science of law, a large contribution to the defense against terrorism particularly in the field of antiterrorist protection is offered by the criminal-legal aspect. In the criminal legislation of almost all the countries in the world, acts of terrorism are marked as a serious crime, and in legal practice negative consequences are established. In the criminal justice, the meaning of terrorism is to cause an explosion or fire or other hazardous actions or acts of violence, which create a feeling of insecurity among the citizens.<sup>3</sup>

Political science refers to terrorism as a complex form of political violence in the social phenomena. Thus, the political encyclopedia states that terrorism is a method of combat doctrine and on the other side, specific goals for systematic use of violence.<sup>4</sup>

All these and many other (semantic, lexical and encyclopedic) definitions of terrorism are theoretically inexhaustible sources for numerous experts in the field of military strategy, political science or social theory in general.

Suicide terrorism is not typical solely for one religion, one nation, state or continent [1]. Suicide terrorism in the modern world is used by different religious groups, including Muslims (Sunni and Shiite), Christians

---

<sup>4</sup> Military Encyclopedia, Ninth

<sup>5</sup> Gulthy the law of the FRY, Article 125

<sup>6</sup> Political Encyclopedia, Modern Administration, Beograd 1975th. pg.1079

<sup>7</sup> CRS Report for Congress, Terrorists and Suicide Attacks.

and Jewish people and secular organizations, as well as many other groups and organizations in different parts of the world. Among the others, terrorist groups that use suicidal attacks are: Palestinian Islamic Jihad Brigade of Martyrs al-Aqsa, Al-Ansar mujahideen in Chechnya, the Egyptian Islamic Jihad, Lakshare-Taiba in Pakistan (Kashmir), Armed Islamic Group in Algeria, Barbar Khalsa international from India, Kurdistan Workers Party in Turkey, and "Tamil Tigers" in Sri Lanke.<sup>1</sup>

## STATISTICAL DISTRIBUTIONS AND THEIR CONVOLUTION

This paper is an attempt to increase the possibility of determination of potential perpetrators of suicidal terrorism (or group of suicide terrorists), using the methods of mathematical statistics, composition and convolution of statistical distributions. To understand the method, it is necessary to give a brief mathematical approach, with an explanation.

If we observe a set of random variables:  $X_1, X_2, \dots, X_3, \dots, X_n$ , (perpetrators of suicidal terrorism), then they have their own distribution, which may be of various types [2]. Distributions can be discrete and continuous, depending on whether the random variables are countable or uncountable sets. Uncountable sets of values (which are the subject of this paper) correspond to a continuous distribution (eg. Gaussian distribution, exponential distribution, etc.). Each division has its own interval (which changes the random variable) and density distribution. Density distribution of random variables, if they take values from the uncountable set, are denoted with

$$P_{a_1}(x), P_{a_2}(x), \dots, P_{a_3}(x), \dots, P_{a_n}(x).$$

In this formula,  $a_1, a_2, \dots$  and  $a_n$  are the parameters of the distribution. The most common case that occurs in practice is that a random variable (e.g., perpetrators of suicidal terrorism) have the same interval of change of the random variables (total number of potential perpetrators) and the same type of density distribution  $P$  (selected group or individual - the perpetrators of suicidal terrorism), but the parameters of density distributions are different (age, education, social status, motivation). Then it is clear that if the analysis process is characterized by a given distribution using only one aspect of density, the result can not be complete and totally objective.

---

Ibid

Therefore, we introduce the procedure of convolution of distributions in order to obtain the resulting distribution, which gives more objective results, than a single distribution.

As an example, we saw a convolution of two distributions, i.e. demanded the resulting density distribution  $P_{a_s}(x)$  i  $P_{a_\sigma}(x)$ . The composition of these two distributions obtained by convoluting is given by the formula:

$$C_{2;a_s a_\sigma}(x) = \int_{g_1}^x dy P_{a_s}(x-y) P_{a_\sigma}(y) \quad (1)$$

The resulting density distribution is the mathematical expectation of the distribution  $P_{a_s}(x)$  by the distribution  $P_{a_\sigma}(x)$ , because the formula (1) is the de facto definition of mathematical expectation of some variable (in this case, the probability of finding a potential perpetrators of suicidal terrorism).

It is quite clear that neither the density distribution of  $C_2$  (given by the formula above) can be considered as the most objective, because it is a superposition of only two aspects of density and the total number of density is  $n$  ( $n$ -groups or individuals in the general case). The only fair allocation gives the composition of  $n$  distributions whose convolution formula is written in the form:

$$C_n(x) = \int_0^x dy C_{n-1}(x-y) P_n(y) \quad (2),$$

where, because of the simplifications accounted, is taken that the lower limit is  $g_1 = 0$ .

It is assumed that all random variables  $X_1, X_2, \dots, X_n$  change from 0 to  $\infty$ . This assumption gives the possibility (through the Laplace transform of formula (2)), that the functional form which contains the integration over  $y$  translates into an algebraic form, which is easier for further analysis.

Because of that, the above formula is multiplied by  $e^{-kx} dx$  and the result from that multiplication is integrated by  $y$  in the range from 0 to  $\infty$ .

Thus it is obtained:

$$\int_0^{\infty} dx e^{-kx} C_n(x) = \int_0^{\infty} dx e^{-kx} \int_0^x dy C_{n-1}(x-y) P_n(y).$$

By applying the Dirichlet rule to change the order of integration, the right side of the last formula is:

$$\int_0^{\infty} dx e^{-kx} \int_0^x dy C_{n-1}(x-y) P_n(y) = \int_0^{\infty} dy P_n(y) \int_y^{\infty} dx e^{-kx} C_{n-1}(x-y),$$

and with the following denotations:

$$x-y = z; \quad dx = dz; \quad \int_y^{\infty} \rightarrow \int_0^{\infty}; \quad e^{-kx} = e^{-ky} e^{-kz},$$

one can obtain:

$$\int_0^{\infty} dx e^{-kx} C_n(x) = \int_0^{\infty} dy e^{-ky} P_n(y) \int_0^{\infty} dz e^{-kz} C_{n-1}(z).$$

Each term in the last equation is the Laplace image of appropriate function. So we get an algebraic equation:

$$C_n(k) = P_n(k) C_{n-1}(k) \quad ; \quad n = 1, 2, \dots$$

This algebraic equation gives Laplace's image of superposition of all distributions of random variables  $X_1, X_2, \dots, X_n$ .

It is concluded that the general formula of the form:

$$C_n(k) = \prod_{\mu=1}^n P_{\mu}(k),$$

can be used for the last equation.

Later, we will deal with the exponential distributions of the next form:

$$P_{\mu}(x) = a_{\mu} e^{-a_{\mu}(x)}; \quad \mu = 1, \dots, n.$$

Based on the definition of Laplace's image, we can write:



$$P_\mu(k) \int_0^\infty dx e^{-kx} P_\mu(x) = a_\mu \int_0^\infty dx e^{-(k+a_\mu)x} = \frac{a_\mu}{k+a_\mu}, \quad (3)$$

thus:

$$P_\mu(k) = \frac{a_\mu}{k+a_\mu}.$$

Introducing into (3) it is obtained:

$$C_n(k) = \prod_{\mu=1}^n \frac{a_\mu}{k+a_\mu},$$

or, after application of the theory of residues, one can obtain:

$$C_n(x) = \sum_{\mu=1}^n \operatorname{Res}_{k=a_\mu} \left( e^{kx} \prod_{\mu=1}^n \frac{a_\mu}{k+a_\mu} \right),$$

i.e. finally:

$$\begin{aligned} C_n(x) = & \left[ \frac{e^{-a_1 x}}{(a_2 - a_1) (a_3 - a_1) \cdots (a_n - a_1)} + \right. \\ & + \frac{e^{-a_2 x}}{(a_1 - a_2) (a_3 - a_2) \cdots (a_n - a_2)} + \\ & + \frac{e^{-a_3 x}}{(a_1 - a_3) (a_2 - a_3) \cdots (a_n - a_3)} + \cdots \\ & \left. \cdots + \frac{e^{-a_n x}}{(a_1 - a_n) (a_2 - a_n) \cdots (a_{n-1} - a_n)} \right] \prod_{\mu=1}^n a_\mu \end{aligned}$$

This formula can be used for non-standardized distributions of the type:

$$D_{\mu}(x) = \mathcal{N}_{\mu} e^{-a_{\mu}x}.$$

In that case, it is:

$$D_{\mu}(x) = \left[ \frac{e^{-a_1x}}{(a_2 - a_1)(a_3 - a_1) \cdots (a_n - a_1)} + \frac{e^{-a_2x}}{(a_1 - a_2)(a_3 - a_2) \cdots (a_n - a_2)} + \frac{e^{-a_3x}}{(a_1 - a_3)(a_2 - a_3) \cdots (a_n - a_3)} + \cdots + \frac{e^{-a_nx}}{(a_1 - a_n)(a_2 - a_n) \cdots (a_{n-1} - a_n)} \right] \prod_{\mu=1}^n \mathcal{N}_{\mu}$$

It is interesting to note that all compositions, regardless of the number of exponential distributions which form them, are positive, definite and well shaped curves which tend to zero, as  $x$  tends to zero and also when  $x$  tends to infinity. All composition curves have one maximum with the abscissa  $x_M$  and one saddle point with the abscissa  $x_P$ . The saddle point is always at the right side of the maximum, which means that it is  $x_P > x_M$ .

The composition curve can be simulated very well by the following type of function:

$$y = \mathcal{N} x^r e^{-\frac{r}{x_M}x} ; \quad r = \left( \frac{x_M}{x_P - x_M} \right)^2$$

where  $\mathcal{N}$  is a normalizing multiplier.

The simulation function is represented in Figure 1:

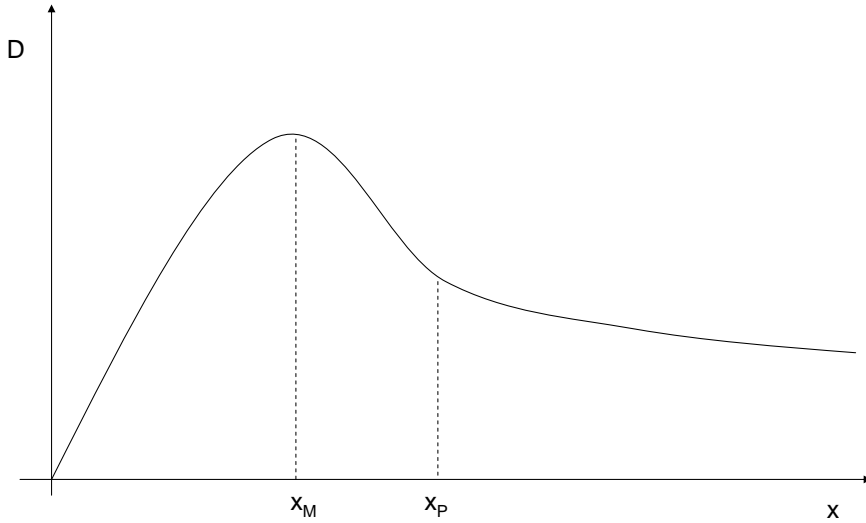


Figure 1: Simulation curve of  $Dn(x)$

For  $\mathcal{N}$  it can be obtained that:

$$\mathcal{N} = \frac{1}{\Gamma(r+1)} \left( \frac{r}{x_M} \right)^{r+1}.$$

Based on the gained result, a standardized simulation function has the form:

$$y = \frac{1}{\Gamma(r+1)} \left( \frac{r}{x_M} \right)^{r+1} x^r e^{-\frac{r}{x_M} x}.$$

It is very complicated to calculate mean values through expression in practice. Therefore, it is far easier to use normalized simulation function for calculation of mean values. With this function we will calculate the mean value of a variable  $x$ . i.e. its mathematical expectation. This mathematical expectation will be, beside  $x_M$  and  $x_P$ , our third element for identification.

By definition, the mathematical expectation of  $x$  is:

$$\langle x \rangle = \int_0^{\infty} dx x y.$$

After the replacement it is obtained:

$$\begin{aligned} \langle x \rangle &= \int_0^{\infty} dx x y = \frac{1}{\Gamma(r+1)} \left( \frac{r}{x_M} \right)^{r+1} \int_0^{\infty} dx x^{r+1} e^{-\frac{r}{x_M} x} = \\ &= \frac{1}{\Gamma(r+1)} \left( \frac{r}{x_M} \right)^{r+1} \Gamma(r+2) \left( \frac{x_M}{r} \right)^{r+2} = \frac{\Gamma(r+2)}{\Gamma(r+1)} \frac{x_M}{r}. \end{aligned}$$

Bearing in mind that  $\frac{\Gamma(r+2)}{\Gamma(r+1)} = r+1$ , the final expression for the mathematical expectation of  $x$  is:

$$\langle x \rangle = \frac{r+1}{r} x_M \quad ; \quad r = \left( \frac{x_M}{x_P - x_M} \right)^2.$$

## CONCLUSION

The resulting formula can be used to determine the probability of finding potential perpetrators of suicidal terrorism [3], after statistical analysis of data collected in the following cases:

1. Statistics of the number of people suffering from serious incurable diseases (based on medical records),

2. Statistics of people who live on the border of economic existence (from data held by the Centers for Social Work and shelters) [4],

3. Statistics of visitors of mental patients who are not related to the patient (medical records violation of discretion on the doctor-patient relationship);

4. Statistics of people from religious institutions (data obtained from police records and registered companies) [5],

5. Statistics on the number of people who are the subject of other ideological pressures [6].

After the formation of the distribution curve, using the methods of composition and convolution explained above, the mathematical expectation of the potential perpetrators of suicidal terrorism can be calculated. In this way, prevention against destabilization of the order in the system of the country can be made, not only in cases of individual suicide terrorism, but also in cases of suicidal groups.

#### REFERENCES

- [1] K.Terzić, K.Štrbac: Suicidal terorizm, Vojno delo, vol. 59, br. 3, str. 80-102, 2007.
- [2] V.Zorić: Analysis of mechanical oscillations in the colored coating and method of application of results in forensic research, Dr. thesis, TF M. Pupin, Zrenjanin, 2009.
- [3] Xonatan R. Vajt, Terorizm, „Aleksandria Press“, Beograd, 2004.
- [4] Boaz Ganor, The Counter-Terrorism Puzzle, The Interdisciplinary Center for Herliziya Projects, 2005.
- [5] Self Destructive Behavior –Underlying Causes and Coping <http://www.clarocet.com/encyclopedia/se-intro.htm>.
- [6] Gelder, M., Mayou, R., Cowen, P. (2001) Shorter Oxford textbook of psychiatry. Oxford University Press

#### ACKNOWLEDGMENT:

This work was supported by the Serbian Ministry of Science and Technological Development Grant No. 34019.

**Snezana Nikodinovska-Stefanovska, PhD**

Faculty of Security-Skopje

e-mail: [snikodinovska@fb.uklo.edu.mk](mailto:snikodinovska@fb.uklo.edu.mk)

## **SECURITY CONCEPTS OF THE EURO-ATLANTIC SECURITY ORGANIZATIONS -FIELD OF COORDINATION, COOPERATION OR COMPETITION?**

### **Abstract**

*The subjects of the international order that have gained more importance and authority in the recent decades are the international organizations with competence in the field of security and defense. The first place in terms of development and active role in maintaining international peace and the overall security is held by the organizations that stretch over the Euro-Atlantic region. The North Atlantic Treaty Organization (NATO), the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) are the three most important organizations in the Euro-Atlantic region that have shaped world history through their commitments in the framework of maintaining peace, security and stability. Their commitments have been with different characteristics and in accordance with the characteristics of the international order, the scope of intervention and goals to be achieved.*

*The concepts of security refer to different sets of issues and have their origins in different historical and philosophical context. The end of the Cold War made the concept of security one of the most disputed concepts in international relations.*

*In this paper, the security concept of these three major security organizations for Europe and Western Balkans will be analyzed. In this respect, the basic documents that explain the way in which these organizations understand and apply their security concepts will be analyzed.*

**Key words:** *security, NATO, EU, OSCE.*

### **INTRODUCTION**

As one of the main concepts used in the international relations, security was and still is one of the most contested ones<sup>1</sup>. Even before the demise of the Cold War, traditional state-centric and military-focused approaches to security studies were being questioned by a growing number

---

<sup>1</sup> As Barry Buzan points out in *People, State and Fear* security is an “essentially contested concept”, p. 7.

of scholars and practitioners<sup>1</sup>. At the end of the “short twentieth century”<sup>2</sup>, the environment dramatically changed in Europe and the old approaches to security had to be replaced by others that fit better to the multidimensional characteristics of the European Security landscape today.

As an international relations concept, the term security is ambiguous in content as in format: is it a goal, an issue-area, a concept, a research program, or a discipline?<sup>3</sup> There is more than one concept of security; ‘national security’, ‘international security’ and ‘global security’ refer to different sets of issues and have their origins in different historical and philosophical contexts.”<sup>4</sup>

All these difficulties in understanding security and the concepts related to it increased in the last twenty years. The end of the Cold War, the disintegration of the Soviet Union, and the end of the bipolar balance of power in Europe and in the world, made the concept of security one of the most disputed concepts in international relations.

As a result of all these changes, the European Security Organization adapted their security concepts to the changing environment. These changes make the task of comparing these security concepts an interesting one.

In this article, the security concepts of the three major / most prominent European Security Institutions, such as NATO, EU and OSCE will be presented in order to identify their commonalities and distinctiveness. In order to compare them, the documents that explain the way in which these organizations understand and apply their security concepts will be analyzed.

## A CHANGING VIEW OF SECURITY

There is a consensus that security implies the absence of threats to core values (for both individuals and groups) but there is a major disagreement about whether the main focus of enquiry should be on “individual”, “national”, or “international”.<sup>5</sup> During the Cold War, security in Europe was conceived in largely military terms: it was about the

---

<sup>1</sup> Hyde-Price, A. (2001), *Beware the Jabbewock*: Security Studies in the Twenty-First Century in Gärtner, H., Hyde-Price, A. and Reiter, E., eds., *Europe's New Security Challenges*. Lynne Rienner Publishers, 2001, p.29.

<sup>2</sup> Hobsbawm, E. (1995). Age of Extremes, The Short Twentieth Century 1914-1991, Abacus.

<sup>3</sup> Haftendorn, H., The security Puzzle: Theory-Building and Discipline-Building in International Security, *International Studies Quarterly*, 35:1 (1991).

<sup>4</sup> Ibid., p.3.

<sup>5</sup> Baylis, J. & Steve Smith (2005). *THE GLOBALIZATION OF WORLD POLITICS*, An introduction to international relations, third edition, OXFORD University Press, p.300.

threatening use of military power in the international relations.<sup>1</sup> Security was usually assessed in negative terms as the absence of conflict between the continent's two military blocs. This traditional understanding of security focused on the threat of military force to sovereign states (national security).

The concept of 'collective security', in which all states guaranteed the security of their neighbors, had been discredited in the inter-war period by the failure of the League of Nations, which sought to embody this principle. The Cold War witnessed the building of alliance 'collective defense' arrangements in which groups of states came together to guarantee each other's security. States within the transatlantic framework developed patterns of economic and political cooperation to such an extent that it became impossible to imagine a military conflict between them. A 'regional security complex' was formed in Western Europe in which the states became interdependent in their security.

A more differentiated concept of security began to emerge with the end of the Cold War. Drawing on the work of Buzan and the Copenhagen school, security was viewed as a much more multifaceted concept which was not necessarily linked to a territory.<sup>2</sup> According to this approach, security could be measured on a variety of levels, both above and below the state, and it could be assessed in relation to political, economic and societal values.<sup>3</sup>

## **ANALYSIS OF SECURITY CONCEPTS IN THE SECURITY ORGANIZATIONS' BASIC DOCUMENTS**

The North Atlantic Treaty Organization (NATO), the European Union (EU) and the Organization for Security and Cooperation in Europe

---

<sup>1</sup> In a narrow realist, or later, neorealist approach, military security was an attribute of relations of a state, a region or a grouping of states (alliance) with other state(s), regions, grouping of states. It was also referred to as "international security".

<sup>2</sup> See for example, B. Buzan, B. (1983). *People, States and Fear: The National Security Problem in International Relations*, Wheatsheaf, Brighton, and Waever, O., B. Buzan, M. Kelstrup and P. Lemaitre (1993). *Identity, Migration and the New Security Agenda in Europe*, Pinter, London and the Centre for Peace and Conflict Research, Copenhagen.

<sup>3</sup> Broadening of the neorealist concept of security means inclusion of a wider range of potential threats, beginning from economic and environmental issues, and ending with human rights and migration. Deepening the agenda of security studies means moving either down to the level of individual or human security or up to the level of international or global security, with regional and societal security as possible intermediate points. While broadening can be attributed predominantly to attempts made by representatives of neorealist approach, then parallel broadening and deepening of the concept of security has been proposed by the constructivist approach associated with the works of the Copenhagen School. See more in B. Buzan, B., O. Wæver & J. de Wilde (1998). *Security. A New Framework for Analysis*, Lynne Rienner Publishers: Boulder-London.



(OSCE) are the three most important organizations in the Euro-Atlantic region that have shaped world history through their commitments in the framework of maintaining peace, security and stability. Their commitments have been with different characteristics and in accordance with the characteristics of the international order, the scope of intervention and goals to be achieved.

As a result of the changes in the international community, especially in Europe, after the end of the Cold War, the European security organizations should have their security concepts adapted to the changing environment. These changes make the task of comparing these security concepts an interesting one.

### **NATO Strategic Concept**

On 19-20 November 2010, the 22<sup>nd</sup> summit of the NATO member states was held. It was dedicated to the adoption of a new Strategic Concept and of a number of other documents defining the Alliance's policy in the coming decade. For the first time in NATO's history, the strategic concept is purely political in nature and contains no guidelines for a military planning process.<sup>1</sup>

The 2010 Strategic Concept entitled "Active Engagement, Modern Defense"<sup>2</sup> is the most important document adopted during the Lisbon summit. It is a very clear and resolute statement on NATO's core tasks and principles, its values, the evolving security environment and the Alliance's strategic objectives for the next decade.

In accordance with the logic of previous documents of this importance, the new strategic Concept is intended to specify NATO's objectives, the tasks which have been set before the Alliance, and how they are to be implemented by the end of 2020. In contrast to the previous concepts, this present one shows changes in the approach to the very role of the NATO concept. It is now increasingly clear that the strategic concept is intended to form the basis for further discussions and negotiations among the allies on how to implement the points of the concept, rather than a clear interpretation for the process of NATO's defense planning and policy. This

---

<sup>1</sup> Wilk, A., NATO after the Lisbon summit: the consequences for Central and Eastern Europe, *Analytical Newsletter Issue 39 (232)*, 24 November 2010, Centre for Eastern Studies, p. 2.

<sup>2</sup> "Strategic Concept for the Defense and Security of The Members of the North Atlantic Treaty Organisation" Adopted by Heads of State and Government in Lisbon, Active Engagement, Modern Defense <http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf>

no longer constitutes a “guide for the further adaptation of the armed forces” (as recorded in the concept adopted in Washington in April 1999), but is in fact a guide for the next phase of NATO’s evolution”, although it does not specify on what it is based, or how it should be proceeded.<sup>1</sup>

The document describes the current security environment and identifies the capabilities and policies it will put into place to ensure that NATO’s defense and deterrence, as well as crisis management abilities are sufficiently well equipped to face today’s threats. These threats include for instance the proliferation of ballistic missiles and nuclear weapons, terrorism, cyber attacks and fundamental environmental problems. The Strategic Concept also affirms how NATO aims to promote international security through cooperation.

The new Strategic Concept formally maintains the *status quo* in terms of the Alliance’s three main missions: collective defense (which is listed first, with reference to Article 5 of the Washington Treaty<sup>2</sup>), crisis management, and cooperative security. It does not assign a priority to any of these three missions, whose actual importance can only be assessed on the basis of NATO’s future activity. However, the largest part by volume of the new concept are crisis management and preventive actions: arms control, disarmament and non-proliferation, as well as cooperation (partnership) to strengthen the security of countries outside the Alliance (principally Russia), and with international organizations, while maintaining the so-called ‘open door’ principle (i.e. the possible accession to NATO of more European countries which comply with democratic standards)<sup>3</sup>.

The scope of the challenges and risks included in the new concept highlights two approaches to NATO’s future, which have competed with each other since the end of the Cold War. One sees NATO as a political-military alliance which deals with the defense of territory and the interests of its members; the other sees it as a political organization which is responsible for construction of cooperative security in Europe. Neither the new strategic concept nor the other documents from the summit have unambiguously resolved these discussions. This is demonstrated, among the other things, by a description of the international security environment in which (while not excluding the possibility that risks of a military nature may emerge) the highest-priority challenges for the Alliance are listed as the following: the proliferation of missile technology and weapons of mass destruction; terrorism and all types of activity concerning cross-border organized crime;

---

<sup>1</sup> Wilk, A., *Ibid.*, p.3.

<sup>2</sup> The North Atlantic Treaty, Washington DC, 4 April 1949 in NATO Handbook, NATO Office for Information and Press, Brussels, 1995, p. 232.

<sup>3</sup> “Strategic Concept ...”, op. cit., point 27.

the security of telecommunications networks (cyber-warfare), communication and energy supply routes; the militarization of space; epidemics; climate change, and water shortages. It should thus be assumed that the final interpretation of the new strategic concept will be made on the basis of international developments, the major allies' political interests, and financial constraints related to the global economic crisis.

NATO remains the unique and essential transatlantic forum for consultations on all matters that affect the territorial integrity, political independence and security of its members, as set out in Article 4 of the Washington Treaty. Any security issue of interest to any Ally can be brought to the NATO table, to share information, exchange views and, where appropriate, forge common approaches.

### **European Union (EU)**

The concept of *security* within the European integration/EU has undergone changes and amendments, leading to a broad, but diffuse security concept. All treaties, from the Treaty constituting the European Coal and Steel Community until the Treaty of Lisbon, contain references to security aspects. With subsequent treaty revisions, these references have not only increased in number but also in relation to the context they refer to. While at the beginning, the only security concept that was considered in the treaties was social security in relation to the free movement of workers; this has broadened to include social, political, economic and energy security with both internal and external implications.<sup>1</sup>

Whereas for some decades, 'security' within European cooperation was mainly perceived as referring to internal territorial security which could (only) be maintained with military means, the end of the Cold War and September 11, 2001 and March 11, 2004 led to a different and differentiated perception of security. Since the end of the 1990s, it is possible to identify two broader and more general concepts of security: the external, 'international' security and the internal security of the Union's citizens, the first capable of influencing the latter.

The Treaty of Maastricht, which was ratified in late 1993, was a turning point for the EU's foreign and security policy. The Common Foreign and Security Policy (CFSP) were set up as a second pillar of the EU. Security and defense were also explicitly included in the CFSP. The Treaty

---

<sup>1</sup> The concepts of security and liberty in the Framework of the European Union: the case of the EU's external action, University of Athens, University of Cologne, Deliverable: work package 12, p. 6, available at:

[http://www.libertysecurity.org/IMG/pdf\\_WP12\\_CHALLENGE\\_DELIVERABLE.pdf](http://www.libertysecurity.org/IMG/pdf_WP12_CHALLENGE_DELIVERABLE.pdf)

promised to develop a ‘common security and defense policy’ and perhaps also ‘a common defense’.

The Treaty of Amsterdam extends the concept of security to the newly established ‘area of freedom, security and justice’ (AFSJ)<sup>1</sup> dealing with several aspects of internal security. The Treaty of Nice also mainly contains the security concept of CFSP and of the AFSJ.

With the adoption of the European Security Strategy<sup>2</sup> (ESS) in 2003, the Union formulated for the first time a genuine and all-embracing security concept. As a modern, civilian power, the EU privileges a comprehensive approach in solving security problems, drawing from all the components of its international policy, not only military but also political, economic, judicial or those relating to internal security or development aid. The 2003 ESS articulates precisely this idea when it calls upon the Union to make use “of the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities”.<sup>3</sup>

The Lisbon Treaty reinforces the notion of national security as remaining the Member States’ own responsibility.<sup>4</sup> It furthermore establishes for the first time a special chapter on the Common Security and Defense Policy (CSDP). Social security is also mentioned in the treaty, again especially in relation to the freedom of the movement of workers.<sup>5</sup> Within AFSJ, a ‘high level of security’ shall be guaranteed, embracing measures ‘to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws’.<sup>6</sup> Finally, a new security dimension is introduced: security of energy supply which shall be ensured within the Union’s policy on energy.<sup>7</sup> Thus, in this last treaty reform, the concept of security is defined very broadly and embraces both internal and external security issues.

At the same time, the means to promote and guarantee the different concepts of security have increased towards more military capabilities on one hand, and increased police and judicial cooperation on the other hand.

---

<sup>1</sup> Art. 2 TEU, 61ff. TEC.

<sup>2</sup> Javier Solana, “A safer Europe in a better world”, European Security Strategy, Brussels, 12 December 2003.

<sup>3</sup> Ibid., p.18.

<sup>4</sup> Art. 4 (2) TEU.

<sup>5</sup> Art. 21, 48, 153 TFEU.

<sup>6</sup> Art. 67 (3) TFEU.

<sup>7</sup> Art. 194 TFEU.

While the EU is increasingly assuming responsibility for security and conflict resolution in different parts of the world (both with civilian and military means), it also intensifies its internal (judicial and police) cooperation, in order to provide for the security of its citizens. The EU thus increasingly perceives itself as an international ‘security actor’, which engages in a pro-active rather than reactive way for the promotion of international security.

In contrast to the massive visible threat in the Cold War, none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments. Proliferation may be contained through export controls and attacked through political, economic and other pressures while the underlying political causes are also tackled. Dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means. In failed states, military instruments may be needed to restore order, humanitarian means to tackle the immediate crisis. Regional conflicts need political solutions but military assets and effective policing may be needed in the post conflict phase. Economic instruments serve for reconstruction, and civilian crisis management helps to restore civil government. The European Union is particularly well equipped to respond to such multifaceted situations.

### **The OSCE Concept of Comprehensive and Cooperative Security**

The OSCE was the first security organization that conceived and adopted a concept of comprehensive and cooperative security, which the participating States have reaffirmed in major documents and decisions taken since the Helsinki Final Act<sup>1</sup>. While revolutionary at the time, and still innovative today, the OSCE’s unique approach to security is a crucial part of its record of achievements. This approach to security has allowed the OSCE to manage change in Europe from one century to the next.

The so-called *Final Act* (Helsinki Summit, August 1975) is the founding document of the Organization, which outlined for the first time the major principles and commitments that guided the work of the CSCE and, later, the OSCE.<sup>2</sup> The *Final Act* recognizes the “indivisibility of security in Europe”; the close link between security in Europe and the world, including the Mediterranean region; the complementary nature of political and military aspects of security; the security interests of all participating States on the

---

<sup>1</sup> Helsinki Final Act at: [http://www.osce.org/documents/mcs/1975/08/4044\\_en.pdf](http://www.osce.org/documents/mcs/1975/08/4044_en.pdf)

<sup>2</sup> See more: Snezana Nikodinovska – Stefanovska, *The Place and the Role of OSCE in the Contemporary International relations*, Faculty of Security, Skopje, 2001.

basis of sovereign equality; and the importance of the development of co-operation among the participating States in all fields.

In the *Charter of Paris for a New Europe* (Paris Summit, November 1990) the participating States emphasized that “security is indivisible and the security of every participating State is inseparably linked to that of all the others.”

The 1992 *Helsinki Document - The Challenges of Change*) upheld the notion of indivisible and comprehensive security, and the participating States agreed to make the CSCE more operational and effective.

Regarding “the management of change”, the participating States noted that their “approach is based on our comprehensive concept of security as initiated in the Final Act.”

*Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century* (Lisbon Summit, December 1996) outlines the security challenges facing the participating States and the possibilities for cooperative approaches in meeting them. The Declaration reaffirms that European security requires the widest cooperation and coordination among the participating States and European and transatlantic organizations. It states that the OSCE is the inclusive and comprehensive organization for consultation, decision-making and cooperation in its region and a regional arrangement under Chapter VIII of the United Nations Charter. As such, it is particularly well suited as a forum to enhance cooperation and complementarity among such organizations and institutions. The OSCE will act in partnership with them, in order to respond effectively to the threats and challenges in its area.<sup>1</sup>

The *Charter for European Security* (Istanbul Summit 1999) takes a number of important strides in strengthening the OSCE’s ability to prevent conflicts as well as its capacity to settle conflicts and rehabilitate societies ravaged by war and destruction. In addition to listing a number of challenges in the OSCE area (such as armed conflicts, international terrorism, organized crime, and economic and environmental problems), the *Charter for European Security* seeks to contribute to the formation of a common and indivisible security space free of dividing lines and zones with different levels of security. A further integral part of the *Charter for European Security* is the ‘Platform for Cooperative Security’ a two-page operative document outlining the principles and modalities for working together with other international and regional organizations and avoiding duplication. The *Platform* aimed at strengthening co-operation between the OSCE and other international organizations and institutions on the basis of equality, shared

---

<sup>1</sup> Lisbon Document 1996, DOC.S/1/96,p.12, at: <http://www.osce.org/mc/39539> .

values and the mutually reinforcing nature of their relationships. Also, the Platform includes modalities for the OSCE and the other international organizations and institutions to work cooperatively in a spirit of partnership and on a case-by-case basis in response to a specific crisis as well as to new risks and challenges. Since then, the OSCE has increasingly worked in concert with external partners, including the United Nations, the European Union, the Council of Europe, NATO and many other international, regional and sub-regional organizations and institutions. Cooperation ranges from high-level political dialogue to joint projects in the field.

The OSCE entered the 21<sup>st</sup> century as a consolidated organization with structures and institutions and a set of consensus-based decisions and agreements. The Organization began to address more specifically new security threats and challenges. This became cumulatively reflected in the Maastricht 2003 *OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century*<sup>1</sup>. In the *Maastricht Strategy*, the participating States acknowledged that in the 21st century, security throughout the OSCE area is increasingly jeopardized by threats that defy categorization into any one of the OSCE dimensions. Thus, the *Maastricht Strategy* recognizes that “threats to security and stability in the OSCE region are today more likely to arise as negative, destabilizing consequences of developments that cut across the politicomilitary, economic and environmental and human dimensions, than from any major armed conflict”<sup>2</sup>.

In particular, the *Maastricht Strategy* stipulates that the OSCE, with its broad membership and “its multidimensional concept of common, comprehensive, cooperative and indivisible security”<sup>3</sup> is particularly well-equipped to address the qualitatively new security challenges that have emerged in recent years. The *Maastricht Strategy* also calls for the continued search for negotiated solutions to unresolved conflicts in the OSCE area. In addition, the document underlines that present-day factors affecting security and stability are rarely limited to the OSCE area. It states that co-ordination between all relevant organizations is essential because no single state or organization is capable, on its own, to address these challenges.

The Declaration recognizes that the OSCE, as the most inclusive and comprehensive regional security organization in the Euro-Atlantic and Eurasian area, continues to provide a unique forum, operating on the basis of consensus and the sovereign equality of States, for promoting open dialogue,

---

<sup>1</sup> OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century at: [http://osce.org/documents/mcs/2003/12/4175\\_en.pdf](http://osce.org/documents/mcs/2003/12/4175_en.pdf)

<sup>2</sup> The OSCE Concept of Comprehensive and Co-operative Security, An Overview of Major Milestones\*, SEC.GAL/100/09, 17 June 2009, p.11.

<sup>3</sup> Ibid, .p.11



preventing and settling conflicts, building mutual understanding and fostering cooperation. OSCE is determined to work to fully realize the vision of a comprehensive, cooperative and indivisible security community throughout shared OSCE area.

## CONCLUSION

The modern security environment contains a broad and evolving set of challenges to the security of NATO's territory and populations. In order to assure their security, the Alliance continues fulfilling effectively three essential core tasks, all of which contribute to safeguarding Alliance members, and always in accordance with the international law: collective defense, crisis management and cooperative security.

The concept of *security* within the European integrations has undergone changes and amendments leading to a broad, but diffuse security concept. This includes the assumption that more and more issues/policy areas are being 'securitized', meaning that they gained importance for the broadened concept of what is understood as 'security'. Secondly, within its security and defense policy, the EU has moved from the concept of a purely 'civilian' power towards a hybrid actor with an ambitious and ambiguous mixture of traditional and new concepts of power.

OSCE, as the most inclusive and comprehensive regional security organization in the Euro-Atlantic and Eurasian area, continues to provide a unique forum, operating on the basis of consensus and the sovereign equality of States, for promoting open dialogue, preventing and settling conflicts, building mutual understanding and fostering cooperation. OSCE's comprehensive and co-operative approach to security, which addresses the human, economic, environmental, political and military dimensions of security as an integral whole, remains indispensable.

The analysis of the security concepts defined in the basic documents of NATO, EU and OSCE brings to the conclusion that they could be considered as compatible and that they should complete each other by implementing its political and military capabilities to address the full spectrum of crisis - before, during and after conflicts. Despite the overlapping and competition that still exists, these three major European security institutions should coordinate their efforts in the complex European environment. There are areas in which they could cooperate because of the complementarities that exist among their security concepts.



## BIBLIOGRAPHY

1. ASTANA COMMEMORATIVE DECLARATION, TOWARDS A SECURITY COMMUNITY, AS10EW01, available at: <http://summit2010.osce.org/sites/default/files/documents/444.pdf>
2. Baylis, J. & Steve Smith (2005). *THE GLOBALIZATION OF WORLD POLITICS, An introduction to international relations, third edition*, OXFORD University Press.
3. Buzan, B. (1983). *People, States and Fear: The National Security Problem in International Relations*, Wheatsheaf, Brighton.
4. B. Buzan, O. Wæver & J. de Wild. (1998). *Security. A New Framework for Analysis*, Lynne Rienner Publishers: Boulder-London.
5. Gärtner, H., Hyde-Price, A. and Reiter, E. (2001). *Europe's New Security Challenges*. Lynne Rienner.Publishers.
6. Haftendorn, H. *The security Puzzle: Theory-Building and Discipline-Building in International Security, International Studies Quarterly, 35:1 (1991)*.
7. Helsinki Final Act at: [http://www.osce.org/documents/mcs/1975/08/4044\\_en.pdf](http://www.osce.org/documents/mcs/1975/08/4044_en.pdf)
8. Hobsbawn, E. (1995). *Age of Extremes, The Short Twentieth Century 1914-1991*, Abacus.
9. Никодиновска-Стефановска, С. (2001). Местото и улогата на ОБСЕ во современите меѓународни односи, (докторска дисертација), Факултет за безбедност, Скопје.
10. OSCE Concept of Comprehensive and Co-operative Security, An Overview of Major Milestones\*, SEC.GAL/100/09, 17 June 2009.
11. OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century at: [http://osce.org/documents/mcs/2003/12/4175\\_en.pdf](http://osce.org/documents/mcs/2003/12/4175_en.pdf)
12. Solana, J., “A safer Europe in a better world”, European Security Strategy, Brussels, 12 December 2003.
13. “Strategic Concept for the Defense and Security of The Members of the North Atlantic Treaty Organization” Adopted by Heads of State and Government in Lisbon, Active Engagement, Modern Defense, at: <http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf>
14. The concepts of security and liberty in the Framework of the European Union: the case of the EU’s external action, University of Athens, University of Cologne, Deliverable: work package 12, at: [http://www.libertysecurity.org/IMG/pdf\\_WP12\\_CHALLENGE\\_DELIVERABLE.pdf](http://www.libertysecurity.org/IMG/pdf_WP12_CHALLENGE_DELIVERABLE.pdf)
15. Wæver, O., B. Buzan, M. Kelstrup and P. Lemaitr. (1993). *Identity, Migration and the New Security Agenda in Europe*, Pinter, London and the Centre for Peace and Conflict Research, Copenhagen.
16. Wilk, A., NATO after the Lisbon summit: the consequences for Central and Eastern Europe, *Analytical Newsletter Issue 39 (232)*, 24 November 2010, Centre for Eastern Studies 2.

## **БЕЗБЕДНОСНИТЕ КОНЦЕПТИ НА ЕВРО-АТЛАНТСКИТЕ БЕЗБЕДНОСНИ ОРГАНИЗАЦИИ – ПОЛЕ НА КООРДИНАЦИЈА, СОРАБОТКА ИЛИ НАТПРЕВАР**

### *Резиме*

*Субјектите на меѓународниот поредок што се здобија со значење и авторитет во последниве декади се меѓународните организации кои имаат компетенции во полето на безбедноста и одбраната. Најзначајни и најактивни во одржувањето на меѓународниот мир и глобалната безбедност се секако организациите кои се протегаат во Евро-атлантскиот регион. НАТО, ЕУ и ОБСЕ се трите најзначајни организации во Евро-атлантскиот регион кои ја обликуваат светската историја преку нивниот ангажман/обврска во одржување на мирот, безбедноста и стабилност. Нивните ангажмани беа различни во согласност со карактеристиките на меѓународниот поредок, просторот на интервенција и целите кои требаа да се постигнат.*

*Концептите на безбедност се однесуваат на различни сетови на прашања и имаат потекло во различни историски и филозофски контексти. Крајот на Студената војна го направи концептот на безбедност спорен концепт во меѓународните односи.*

*Во трудот ќе биде анализиран концептот на безбедност на трите главни безбедносни организации за Европа и Западен Балкан. Во таа смисла, основните документи кои го објаснуваат начинот на кој овие организации ја разбираат безбедноста ќе бидат разгледани.*

***Клучни зборови:*** безбедност, НАТО, ЕУ, ОБСЕ.

***Srdan Milašinović, PhD,***  
*Academy of Criminalistic and Police Studies, Belgrade, Serbia*  
*email: srdjan.milasinovic@kpa.edu.rs*

***Želimir Kešetović, PhD,***  
*Faculty of Security Studies, Belgrade, Serbia*  
*email: zelimir.kesetovic@gmail.com*

***Ljubiša Despotović, PhD***  
*Faculty for culture and media, Belgrade, Serbia*

## ***INDUSTRIAL CLASHES IN COUNTRIES IN TRANSITION***

***Abstract:*** *The issue of classes, class structure and industrial clashes is bottomless socio-political and economic subject. Being complex by nature, these processes and categories feature in various discussions and interpretations with more or less ideological content, in different contexts and for different purposes. This paper endeavors to present an objective overview of all the reasons for class division and industrial clashes in transitional countries.*

***Key words:*** *classes, class clashes, social inequalities, neo-liberalism*

### **Class clashes - theoretical framework**

Classes and class clashes represent some essentially contentious issues in modern social theory. A variety of theoretical considerations on these issues are either directly or indirectly linked to Marx's accentuating the significance of social classes in the overall history of human society. It is understandable, given that classic Marxist authors considered class clashes to be effectively a phenomenal form of the internal contradiction existing between productive relations and productive forces, thus creating in this context a driving force of societal development. Also, there is a not insignificant number of theories and theorists who, based on different criteria, rebut the Marxist theory of classes and class clashes and set forth their own ideas.

There are also theoretical opinions that classic theory of classes derives the class structure and class relations from the way of production and it reduces all class relations to class clashes between economy-wise ruling classes and exploited classes. All other clashes in society are regarded by this theory as sporadic or derived from the class clash. On the other hand, the stratification theory assumes there is a kind of gradualism in social

inequalities, thereby offering a broken down picture of isolated classes, without understanding any clashes between these classes. Thus such theoretical orientations offer a picture of reality “that is poor and incomplete, or, in turn, each of these orientations comprises only one aspect of reality. In order to apprehend the modern world as a whole, theoretical innovations are crucial and they demand a great metamorphosis of all modern classes’ faces”.<sup>1</sup>

The starting point of theoretical considerations about classes and class clashes during the latter part of the 20th century (especially those rebutting the Marxist class theory) is the idea of evolution in the development of industrial society. According to these concepts, human society evolved during the 1960s in its technical-technological and socio-economic essence into an industrial society. The development of this society leads to an overall progress and class structure changes in the sense of the middle classes strengthening and gradual disappearance of class clashes that characterized past epochs.

From the 70s onwards a special form of the evolution of industrial society came to life-post-industrial society. It is characterized by a radical change of social structure incurred by a management re-organization and the evolution of private property in the form of stripping of power a great number of small owners to the benefit of a small number of share-holders. This divorce between ownership and operational management of human resources and working processes leads to a shift in social structure and the disappearance of the historical differentiation between bourgeoisie and working class. New social strata emerged: managers, political-military elite, new middle classes, new working class (educated labourers, highly-qualified labourers) and intelligentsia. In line with the evolutionist approach, social structure got more complex in the postindustrial society, a greater stratification and fragmentation processes led to social mobility to become more intense, living standards went up. Working class no longer is no longer charged with revolutionary ideas as their demands for social security (employment, health insurance and education) had been largely satisfied in this “state of bliss”. As a result of this, labour-related antagonism and class clashes were eradicated on the whole.

Globalization is undoubtedly the prevalent feature of the post-modern 21st century society, causing significant changes in social structure, both in the developed and other societies. That is why contemporary class-related changes, changes in class structures and class relations, do not considerably affect the conceptual definition and shaping of classes, but more the

---

<sup>1</sup> Pečujlić, M. *Savremena sociologija*, NIU “Službeni list SFRJ”, Beograd, 1991, p. 132.

understanding of class structure, class relations and class clashes. Theoretical considerations concerning these processes also have their own evolution. There is an opinion maturing within social sciences that class structure, relations and clashes constitute a complex area of social life which cannot be observed outside the entirety of changes within the modern world based on neo-liberal values and ideology.

In line with the current social changes, researchers dealing with the emerging global society perceive today's social inequalities and clashes stemming from them in their nature all the more devoid of class roots, which makes the modern capitalism a classless capitalism. (U.Beck). Classes are no longer seen as classes but rather as a variety of possibilities, limitations and prospects, the formation of which is primarily influenced by globalization. (E. Giddens). According to Beck, poverty and inequalities are increasingly less correlated to class reasons, whilst Giddens claims the roots of classless capitalism lay in a rapid decrease in all kinds of paid labour, which renders modern capitalist societies increasingly labour-less capitalist societies.<sup>1</sup> There are other opinions too. M. Castells for example revitalizes the classic class theory and insists on the emergence of "sub-classes" and a new "lumpen-proletariat" class, both in the developed and other societies.<sup>2</sup>

Classic Marxist theory (created in the epoch of neo-liberal capitalism of 21st century), as well as the stratification theory, do not allow for a comprehensive understanding of the complexity of class relations, interests, inequalities and clashes stemming from these inequalities, which all come as a result of broad changes within the social physiognomy of basic classes in the emergent global society. Still, it does not mean that the significance of the "class-based approach" is fading away or that it can be disregarded upon the analysis of modern societies, surely not to the same degree as the approach about modern societies being deprived of class features.

An attitude only partially acceptable is that in modern capitalist societies it is difficult to establish the traditional demarcation lines between classes and that some other divisions (ethnic, racial, religious, political) are more important than class divisions. Still, a question remains: what is the character of economic inequalities in these societies is it true that these no longer have class nature whatsoever? The term "classes" is essentially linked to classic economic categories, primarily the categories of hired labour, profit and exploitation. If there are no such labour, profit and exploitation, then there are no classes, at least not in the Marxist sense of the word. It

---

<sup>1</sup> For more details see: Goldthorpe, J. H., *Globalisation and Social Class*, Manuheimer Vortage 9, 2001

<sup>2</sup> Castells, M. *End of Millennium*, Oxford, Blackwell, 2000.

would be difficult to prove the disappearance of the practice of appropriation of surplus value based on private property and labour hiring in the highly-developed capitalism both in the 21st century and over the course of the past epochs. Surely, the importance of the traditional exploitation decreases with the rising significance of technology and knowledge on the whole, both in the production of material goods and services. But what can be denied is the hypothesis that claims the exploitation of “live labour” in these countries is still far from standing at “zero value” today.

Social inequalities, along with the “old” and “new” poverty are not merely a construction and marginal phenomena and are not uprooted from class divisions.<sup>1</sup> This is especially applicable if the process of globalization is seen in the global context, as a ratio between rich and poor countries on the global market and elsewhere within global relations of capital reproduction. The growth and permanent amplification of the gap between rich and poor countries (though there is a variety of domestic causes and factors too)<sup>2</sup> is achieved through the most powerful corporations owned by a narrow ring of the world’s elite comprising the richest who are nowadays conducting the re-colonization of underdeveloped regions and nations.<sup>3</sup>

This is convincingly proven by a fact that 40 000 trans-national companies are owners of one third of all production funds, they produce 40% of the world’s domestic product, complete 50% of the foreign exchange and 80% of the overall high-tech trade, and control 90% of the global capital export. They almost entirely control the international trade in raw materials: 90% of the trade in wheat, coffee, maize, timber, tobacco, iron ore and jute, 85% of the trade in copper and bauxite, 80% of the tea and lead trade, 75% of the trade in bananas, raw oil and India-rubber. And these are all products the export of which is crucial for poor countries’ economies.<sup>4</sup>

Profit rate is the basic motive for exploitation on national level, but the opportunity of free migration of capital in neo-liberal globalization plays into entrepreneurs’ hands, primarily because of dodging of duties imposed by a social country and in relation to social and labour legislation. Therefore,

---

<sup>1</sup> Vidojević, Z. *Kuda vodi globalizacija*, “Filip Višnjić”, Belgrade, 2005, pp. 96-97

<sup>2</sup> Literature cites the following as internal poverty causes: inherited poverty, enormous demographic increases (over the last three decades, the population of Africa has grown from 281 to 647 million), structural failures, absence of a state of law, credit over-indebtedness, technical-technological slavery and other.

<sup>3</sup> In 1965, average income per capita in G-7 countries was 20 times higher than in the poorest of countries. The ratio grew to 40 to 1 1997 inclusive. Giddens, E. “Taking globalisation seriously”, *Republic*, No 246, 1-15. October 2000, page 25

<sup>4</sup> According to: Z. Vidojević, *ibid.*, pages 86-87

naming of social groups that benefit the most from the existing capital-based relations and national and global exploitation is not the most important thing.

It is not exceptionally relevant whether the rich or ultra-rich in a national or global neo-liberal economy are called a class, a stratum, elite or anything else, what matters is that these people have a crucial role in global economic flows. This social group's wealth and power is tellingly described by saying that world's three richest persons own a wealth that is bigger than gross national product of 48 world's poorest countries. The property of the world's 15 richest individuals exceeds national product of the sub-Saharan African countries, further, the wealthiest 84 have in their hands wealth bigger than the gross national product of China, a country going through an economic ascent with its population of 1.3 billion. Half of today's global population lives on less than 2 American dollars per day, and 80% of the population has merely 20% of the world's social product.<sup>1</sup>

Of course, these facts do not "seal" the conclusion that national and global class divisions, "amidst the conditions where global capitalist class acts as exploiter of the global production-oriented hired labour", are the only dimensions of inequality within the global relations concerning hired labour and capital reproduction. This is why the analysis and consideration of contemporary social structure in both developed and developing societies have to start with fully bearing in mind "the class-based approach", accompanied by a sharp theoretical system and criticism-based cognition and taking account of classic theoretical paradigms and changes brought about by the process of globalization.

Seen from the Marxist perspective, classes are social groups the members of which have the same attitude to means of production. Though the basis for class clashes lies in the economic sphere, that is, in the "social division of labour and the ownership over the means of production", it never stays at that level; it unavoidably manifests itself in all fields of social life and in different forms, primarily in the political-ideological field in the form of struggle for power. That is why class clashes within a society effectively represent the objectification, that is, the dialectic of the relations of production of the entire social life.

A great number of today's authors are completely rebutting the scientific importance and relevance of Marx's theory of exploitation and class clashes in modern capitalist societies based on the theory. A different class division model is more and more present in theory, disregarding ownership as a criterion of belonging to a class and taking as one crucial and

---

<sup>1</sup> Šuković, D. "Globalizacija i siromaštvo", in: *Globalizacija i tranzicija*, IDN, Fridrich Ebert Stiftung, Beograd, 2001, page 66

almost only criterion the division of social labour to manual and intellectual. Therefore, two conflicting classes in a modern society are no longer proletariat and capitalists, but rather non-manual labourers as a ruling class and manual labourers as a working class. Bearing this in mind, Aron says that working class is the only modern labour class, as it is homogeneous in its living style, ways of acquiring means of living and class consciousness. Opposed to it, bourgeoisie is heterogeneous given that “its members are a factory owner, a factory manager and a drama writer, though these people differ a lot in their respective living styles and their awareness of belonging to a class. In other words, upper class comprises elements of varied historical and social roots. “Proletariat, claims Aron, “which Marx favours in his philosophical considerations, does not effectively exist, that is, it has been reduced to a religious and ideological myth. The all encompassing and main feature of today’s “realistic” proletariat class lies in the fact that it achieves a favourable social position, primarily in the material sense. The economic progress has rendered this class of people free, turned them into the best paid goods in the history, which makes any kind of their struggle, especially potential revolutionary movements, superfluous and illusory.”<sup>1</sup>

Whilst ignoring class differences that are based on ownership, exploitation and appropriation, theoretical analyses are moving towards shifting of class clashes to the field of inter-personal, or in the best case, inter-group micro-conflicts, whereby it is attempted to hide the existence of exploitation and social marginalization of capital non-owners. In his theory of class structure of industrial societies R. Dahrendorf replaced private property as the main factor leading to class divisions with the phenomenon of social power. He claims that every “alliance of power” is a field conducive for class divisions, including also those that exist in the non-production areas of social life.<sup>2</sup>

On the other hand, there are attempts to prove that class clashes in modern societies have disappeared. Facts often cited to prove this, such as a drop in social differences amongst classes, greater social mobility of lower classes and strata, and claiming that material goods are no longer so highly rated on the scale of values, have already been replaced by non-material resources: knowledge, culture, creative labour and similar.

Thus, the critique of the capitalist way of production, appropriation and class conflicts gets replaced by various socio-psychological theories and elite theories which are all unlikely to provide a satisfactory reply to the question: why is it the case that in today’s most developed societies merely

---

<sup>1</sup> Aron, R., *Opium des intellectuels*, Calmann-Levy, Paris, 1968

<sup>2</sup> Dahrendorf, R., *Homo sociologikus*, Gradina, Niš, 1989



several percents of population own from two thirds to three fourths of the entire social wealth, or, why is the field of social inequalities and poverty constantly expanding (in the US, half the shares were owned in 1997 by 1% of the rich, and almost 90% of the population owned only one tenth, according to N. Chomsky)?<sup>1</sup>

### **Class conflicts in transition countries**

In some former socialist countries (USSR, SFRY) conflicts occurring during the socialism era moved from class-related to war conflicts (provoked by national and religious clashes), but the class direction naturally changed in the period marked by building of market economy and liberal democracy based on neo-liberal strategy, ideology and doctrine, and it was now directed from war conflicts to those class related. These serious shifts in global direction and focus of social conflicts in transition countries can be most adequately expressed in the following way: “moving from the political exaltation by 1989-1990 “revolutions”, via mass feelings of resignation and social chasm, to a potential social-political explosion, induced by betrayed expectations and acute disappointment with a new state of affairs, initial capital accumulation and market economy”.<sup>2</sup>

Masses of people living in the newly-created nation-states formed as results of the dissolution of socialist federations (USSR, Czechoslovakia, SFRY) quickly woke up to the value of individual and independent national countries and nationalism as such. Thus very soon the main issues to address became not those related to an independent, sovereign, ethnically and religiously clean national state, but rather those linked to the sphere of market rules, exploitation, existential survival, employment and social perspective of a dominant part of society.

Opposite to multinational, multi-confessional states in which nationalism produced involuntional social, political and economic flows, in the rest of Balkan and eastern European states the fiasco of the state socialism marked not only an epoch of political freedom and democracy, but also an era of new uncertainties and deep crises related to the capitalism of the European periphery. Thus these countries faced in different ways and to varying degrees some serious social and economic problems, primarily enormous unemployment rates, the destruction of domestic economy,

---

<sup>1</sup> SAD is keeping record amongst industrial countries in mortality rates of under-five year old children... and also in the number of hungry people, children poverty and other basic social indicators. Čomski, N., *Profit iznad ljudi, Neoliberalizam i globalni poredak*, Svetovi, Novi Sad, 1999, p. 134.

<sup>2</sup> Vidojević, Z. *Društveni sukobi od klasnih do ratnih*, Institut za novinarstvo, Beograd, 1993, page 119

increase in poverty, drastic social inequalities, pauperization, “Lumpensation” and the lack of any perspective for a vast social majority. The crisis induced by the inception of transition now merged with an inherited social crisis and consequences of the former regime’s crash. The beginning of the transformation process in socialist countries brought about the creation of a class-based stratification of society based on the ownership over wealth and means for production, whilst at the same time class-based differentiation founded on power and authority was carried over from the previous period, but in a much deeper way. Namely, the transition process is nothing else but building of capitalist social relations on the foundation of neo-liberal principles, that is, the creation of a class-based divided society resting on exploitation and hired labour.

Bearing in mind all the aforementioned, Marx’s principle categories get revitalized (strife between hired labour and capital, surplus of value, relative and absolute pauperization etc), all the more as the return to the capitalist reproduction of social life is achieved within a combination of the capitalism of initial accumulation and modern Latin American type of capitalism.<sup>1</sup> This return, amongst other things, is an indication that post-socialist societies have not gone through essential phases of “natural development” but instead merely omitted these through a “decree” and voluntarism for the second time in the 20th century.

Social structure still has not been clearly crystallized in transitional countries, though its main outlines can be noticed and these are based on the one hand on the ideas of having power and the power of ownership and on the other on the concept of hired labour, exploitation and misery. Thus a dichotomy-based division is created between a great number of the poor, few politically powerful “players” in the working process, proletariat and the unemployed on one side, and a coalition of political power mediators and nouveaux riches of the ruling class on the other. The extent of social inequalities and a gap between the rich and the ever-growing poor, as a necessary assumption of various social clashes, primarily class clashes, is best shown by Gini’s inequality quotient. During the 1990s it stood at over 0.30 in transitional countries. Researchers contend it should not exceed 0.30 in developing countries. As for transitional countries, the quotient came at 0.45 in Yugoslavia in 1993, in Bulgaria 0.30, and rose to 0.36 in 1995. In Russia, where inequality soared between 1993 and 1995, the quotient amounted to 0.45, and dropped to 0.40 in 2000, which was exactly the case in Estonia. In Romania the quotient stood at 0.31 in 1997 and in Poland it

---

<sup>1</sup> For more details see: Vidojević, Z. *Tranzicija, restauracija i neototalitarizam*, IDN, Beograd, 1997

varied over the last decade between 0.34 and 0.32.<sup>1</sup>The available data show convincingly the extreme unfairness that rules in transitional countries with respect to the distribution of social wealth; having said this, the enormous inequality in living standard and conditions exerts paralysing effects on the development of productive forces and modernization processes on the whole. On the top of this, high inequality quotient indicates to the conclusion that a majority of transitional countries have gone through a model of “development-wise incapable and robbing capitalism” and that these are altogether highly-confrontational and unstable societies. In order to have a full insight into class clashes in transitional countries (though these class clashes become not too clear due to the absence of modern labour institutes such as unions, given that these are more or less influenced by political, party-related and nouveaux riches oligarchies) it is essential we should point out some key features of social structure along with the criteria it is founded on. Namely, the foundation and main criterion for the class-based differentiation in Eastern European countries after 1989 became large private property (created by speedy re-privatization processes) that is now taking precedence over the political power of the former regime. At the same time though, large private property seeks to acquire immediate political power too.

Whilst political power used to be a means for the acquisition of material wealth in the phase of the dissolution of the former regime, today private property is one of the main paths for the acquisition of political power. Ownership over private property is becoming a crucial fact in the shaping of class-based social structure. Thereby, social premises have been created for the establishment of “classic” forms of class antagonism and conflicts between the working class and emerging capitalists. The newly-created capitalist class in transition countries has heterogeneous origin. It comprises the earlier small owners and “successful” managers from what used to be state and public owned and are now privatized companies, a great part of state and party leaders from the real-socialism period, but also mafia-type organizations that often have close business relations with others mentioned. Irrespective of their internal differences, these heterogeneous segments of social structure have one common feature, and that is the ideology of as quick and grand wealth accumulation as possible. They forge alliances out of interest and necessity, forming a new ruling class in the process. Their coalition has its shelf life as the ideologically converted political bureaucracy (bearing in mind it has largely retained its personal continuity in the new system), losing its ideological and manipulative control

---

<sup>1</sup> *World Fact-CIA* on [http:// www.worldfact.cia.com/](http://www.worldfact.cia.com/) 18th April 2005

and power it used to have over the entire social reproduction in the previous regime, especially over the social produce distribution and enforcement entities (military and police), is at the same time gradually losing its power to rule on its own, whilst on the other hand the new capitalist class is not strong enough to do completely away with the “politarchy” as a dissipating class. This dualism of class rule will most probably be retained in the foreseeable future along with gradual internal movements towards the capitalist class as the main entity in such distribution of power. Simultaneously, it means also a shifting with regard to prevalent types of class clashes. When speaking about the political bureaucracy forming a part of the ruling class in transitional countries, it also creates alliances with both the newly-formed capitalist class and so called Lumpen bourgeoisie – that is, nouveaux riches who came into possession of wealth overnight and quite often through criminal activities: smuggling, financial frauds, looting of the state/public owned property, trading in strategic goods, weapons, narcotics and similar. This part of the political bureaucracy and financial mafia will be seeking to defend their alliance founded on “prayer sharing” employing some cruel means of personal power and violence, and if needed by open terror. From the viewpoint of class clashes in transition countries it is important and paradoxical that:

- Historical delays get compensated for based on the foundations of the neo-classical, that is, neo-liberal ideology, which leads to breaking down of a re-distributional country, the application of cruel market laws, exploitation and sharp class divisions, which all, in turn, produce ever-growing dissatisfaction and tensions amongst lower strata and classes;
- Despite the existence of an objective foundation for the emergence of “classic” types of class clashes between the working and the newly formed capitalist class, between the rich and the poor, the powerful and those who are not by any means, the absence of social unrests and protest and a kind of social silence are prevalent. Sporadic protests by labourers concerning pay rises or any kind of employment security have never had any major effect or influence in any transitional society.

This can be potentially accounted for by saying that poverty and social deprivation do not in themselves necessarily lead to mass social protests and movements that can change existing social relations. In order to reach that level, there has to be ideological awareness concerning the social poverty situation, and potential social dissatisfaction has to be politically articulated. Besides, over the last decade marked by social transformations class-social conflicts have been only partly linked to exploitation as it, being the main feature of capitalist production, presumes the creation of surplus

value. Given drastic production-related drops in the majority of transitional countries, along with deep economic crises and unemployment, the surplus of value barely existed. As a result, the exploitation of hired labour occurred only marginally, and wherever it existed (for example, in private sector) it had an inhumane form similar to the one existing in the time of Manchester type of 19th century capitalism.

This is why the traditional class clash between working and emerging capitalist class is neither the dominant nor the sharpest form of class conflict in transitional countries, as working class members there still have some kind of job and at least minimal income. On the top of this, fear from getting sacked and an ever-growing “army” of stand-by industrial workers, officers, intellectual and agrarian proletariat, hushes and numbs class differences and antagonism. “Absorbers” of class conflicts which existed in the past either in the form of paid non-working (forced leaves, employment security, inflation money and similar) or as mechanical egalitarianism, have been replaced by some ideological absorbers, primarily by nationalism and chauvinism. Though amidst the conditions of turning of a social crisis into an extreme social decline and lack of perspective neither potential nor open class clashes could be neutralized through ideological factors, they can still be weakened by nationalism and chauvinism and (or) redirected to the external environment. In this case “initial and main causes for clashes, which are primarily of class nature, such as the conflict of interests between political bureaucracy and nouveaux riches on one side and the entirety of production-oriented classes, underprivileged, socially jeopardized and “Lumpen-ised” social strata on the other, are getting reduced or weakened”.<sup>1</sup> Therefore, it can be said that internal clashes in transitional countries largely blocked the driving energy of class clashes and work strikes as one of their forms. A very specific type of class clashes is rearing its head in transition countries; these conflicts now have some different entities involved, contrary to “classic” clashes between workers and capitalists. Main pillars of these post socialist, modern clashes are great heterogeneous masses of the poor (the unemployed and socially jeopardized) on the one hand, and the rich, privileged and mafia-oriented classes and strata on the other. The so called sub-proletariat, formed through a “rational and just” privatization of a society’s production wealth created by the work of several generations, represents number-wise not a marginal but rather a significant social category. It constitutes a new, “lowest” class and the main “negative side” of a society, contrary to all theoretical and ideological criteria so far. The basic characteristic of the sub-proletariat class is not its working status but rather its unemployment, lack of

---

<sup>1</sup> Vidojević, Z. “Društveni sukobi kao sudbinsko pitanje”, *Teme*, 1-2, 1992

constant income, indigence and poverty. This is its main structural and existential definition. This social group mainly consists of young, educated experts and it can be expected to get seriously organized on the political level in the foreseeable future. This is why this group is not considered to be classic “army of stand-by” labourers. Therefore what can be expected on the level of class conflict is “a clash between the sub-proletariat and the emergent capitalist class, political bureaucracy and the privileged middle class, but also with a part of the employed workers and officers. Further, class conflicts between “lower” classes can be expected in the majority of transitional countries as a result of fierce struggle to get any kind of job and no matter how low wages. This intra-class survival clash is intensified by social crisis, business uncertainty, economic crash and impoverishment of hired labourers. Amidst such social conditions clashes within the working class can be sharper and crueller in their intensity and consequences than clashes between the working class and the emerging capitalist class.

Capitalism building processes in ex real-socialist countries have produced not only a sharp polarization amongst classes by ownership and wealth criteria, but also working class degeneration. This class degeneration of labourers relates not only to the fact of its hardly any reproduction as a class but also to its tendency to develop into a class that works against itself; thus, a type of pre-class condition is created as poverty serves to destroy labourers, not to unify them. Struggle to keep one’s job and to earn a crust of bread cannot lead to a modern class and modern class clashes, but rather to a kind of slavery within rising of unions and similar. However, these are most often unrelated, inefficient and insufficiently thought-out endeavours that bear witness to the lack of labourers’ organized class activities. Hence come more than modest results of such class conflicts. So, whilst Marx’s theory of classes and class clashes is increasingly less capable of explaining the structure of the highly-developed IT capitalism, it is at the same time gaining new popularity in transitional countries that are trying to make up for their historical delay and establish liberal capitalism as soon as possible.

## References

1. Aron, R.: *L Opium des intellectuels*, Calmann-Levy, Paris, 1968
2. Castells, M. *End of Millennium*, Oxford, Blackwell, 2000
3. Čomski, N.: *Profit iznad ljudi, Neoliberalizam i globalni poredak*, “Svetovi”, Novi Sad, 1999
4. Dahrendorf, R.: *Homo sociologikus*, Gradina, Niš, 1989
5. Gidens, E.: “Globalizacija – shvaćena ozbiljno”, *Republika*, No. 246, 1-15. October 2000, Sociologija, CID, Podgorica, 1997
6. Goldtorp, J. H.: *Globalisation and Social Class*, Manuheimer Vortage 9, 2001

7. Pečujlić, M.: *Savremena sociologija*, NIU “Službeni list SFRJ”, Beograd, 1991
8. Šuković, D.: “Globalizacija i siromaštvo”, in: *Globalizacija i tranzicija*, IDN, Fridrich Ebert Stiftung, Beograd, 2001
9. Vidojević, Z.: “Društveni sukobi kao sudbinsko pitanje”, *Teme*, 1-2, Niš, 1992
10. Vidojević, Z.: *Društveni sukobi od klasnih do ratnih*, Institut za novinarstvo, Beograd, 1993
11. Vidojević, Z. *Tranzicija, restauracija i neototalitarizam*, IDN, Beograd, 1997.

## **ИНДУСТРИСКИТЕ КОНФЛИКТИ ВО ЗЕМЈИТЕ ВО ТРАНЗИЦИЈА**

Срђан Милашиновић, Желимир Кешетовић, Љубиша Деспотовић  
*Криминалистичко полицијска академија, Факултет безбедности,  
Факултет за културу и медије*

***Апстракт:** Прашањето за класите, класната структура и индустриските конфликти е вечен социо-политички и економски проблем. Комплексни по својата природа, овие процеси и категории во функција на различни дискусии и интерпретации со повеќе или помалку идеолошка содржина, се присутни во различни контексти и со различни цели. Овој труд настојува да даде целосен преглед на сите причини за класна поделба и индустриски конфликти во земји во транзиција.*

***Клучни зборови:** класи, класен конфликт, социјална нееднакавост, неолиберализам*

***Nebojša Teofilović, PhD***  
*Professor, Law Faculty, Novi Pazar,*  
*email: teofbob@yahoo.com*

***Nenad Radović, PhD***  
*Academy of Criminalistic and Police Studies,*  
*Belgrade, Serbia*  
*email: nenad.radovic@kpa.edu.rs*

***Tatjana Teofilović, MSc***  
*senior analyst, Ministry of Interior, Republic of Serbia, Belgrade*

## ***POLITICAL CORRUPTION AS A FACTOR OF INSTABILITY IN REPUBLIC OF SERBIA***

***Abstract:*** *Political corruption is present in all political systems, past and contemporary, regardless of their class character and political form, and it will certainly exist and endanger social development in the future, although its existence is practically often denied by individuals on the top of political power and state government. Further in the paper, the authors looked at the procedures that proved most successful in preventing corruption in practice so far, and underscored the importance of relevant institutions in Serbia, dealing with the combat against corruption.*

***Key words:*** *corruption, money, politics, control, institution.*

### **INTRODUCTION**

Enormously wide field lies before those dealing with the role of money in politics. Power that is in the money and lust for money has to be expressed also where the people and the nations organized themselves in the States and where they struggle to find ingenious ways to maintain old or to build a new form of government: in the politics. Because money is not just the driving force which sets in motion a state machine, but the state and the politics are also the means to obtain money, and keeping the most of the national income and national wealth. The old saying of the experienced Austrian politician says that the "politics is the skill to present the personal interests as common ones."



However, it confuses no one anymore, because we know that the politics for the most part, is a struggle for money. Money as the content and purpose of such politics<sup>1</sup> is something that just goes without saying. In fact, the more important question is what kind of money is involved in creating political will, what routes does it travel to be turned into a political force, what are the visible and invisible links between economic and political forces in society. Meanwhile, political scandals and affairs occur, that are transferred to the responsibility of the courts and parliamentary investigations, commissions and boards of inquiry, depending on the country, with the same or different socio-political situation (Levinson, 1934:5,6).

Corruption as a social evil follows mankind from its inception to the present time, and it will certainly exist and endanger social development in the future. Corruption has a direct impact on reducing political and economic power of any society, and even a nation, and also destroys the basic moral values that modern civilization has long before accepted (freedom, justice, equality). The consequences of this criminal activity are poverty and spiritual misery because the modern societies are being extremely reactionary and pulled back by its effect.

Inefficiency in fighting corruption contributes to the "toughness" of organized crime as one of its basic phenomenological features. This feature is reflected in "conjunction" with certain criminal structures and some exponents of state power. Effective combat against corruption involves knowledge of conditions and the detection of criminogenic factors that contribute to its emergence and development. Based on that, the preventive and repressive activities should be planned, which could enable a certain control of the origin and development of this form of organized crime, and preventing the emergence of new forms.

Bearing in mind the negative effects of corruption and other forms of organized crime at national and international level, there is no doubt that there should be explicit, clearly expressed will and determination of all relevant international organizations to prevent, detect and fight corruption to acceptable level, through bilateral, regional and universal cooperation, awareness and planning, long-term and medium-term activities on preventive and repressive plan. It should be done vigorously, and in accordance with the applicable laws of the country of origin, according to standardized measure of the world we are living in. This is a condition the state can not survive without, nor identify itself as a Rule of Law state.

---

<sup>1</sup> An old English proverb says: "There is no free lunch". In other words, if you got something – be sure you'll be giving it back somehow.

Nowdays, there are almost no words that are as often used as a "corruption" and "politics". On the other hand, in the scientific and technical literature, there are different conceptual meanings (linguistic, related to different languages, cultures and ideologies), and a large number of definitions ...

Throughout recorded history of state and society, corruption had always been present in political life. The common theme of corruptee (person who gives a bribe) and corrupcionist (one who receives a bribe, in this case a politician or other public figure) lies in their greed for material goods and / or authority, or influence on state government and public administration apparatus, and therefore on the general regulation and direction of social processes.

In ancient times the great philosophers as Aristotle, Machiavelli and Montesquieu, have said that corruption is a sign of deterioration of moral values and regard it as immoral and harmful phenomenon in society, stressing that the bearers of social function must advocate for common and not their personal interests. Thus, the great ancient philosopher Aristotle was often heard saying that "most crimes are committed in order to obtain not the necessary, but excessive".

Political corruption is present in all political systems, past and contemporary, regardless of their class character and political form, and it will certainly exist and endanger social development in the future, although it is often denied by individuals in top political power and state government.

Corruption in political life means the activity that is used by those in the political function and position, in immoral or illegal purposes, in an effort to obtain a benefit or profit for themselves, their family members, relatives, friends or party members and sympathizers. Examples of political corruption are bribery of political leaders and their close associates, MPs and civil servants, to provide information based on which the great material benefit is gained; in the purpose of counterfeiting public documents and reports; favoring individuals and groups in the issuance of various licenses, the most favorable execution of contracts for individuals in the government, to the detriment of the state that is also a partner in this business, putting public funds into certain banks, etc.

By the development of the modern state, corruption, in addition to being morally harmful, represent the cause of the state inefficiency. Actors of political corruption are state officials at all levels, private persons working in various corporations, and politicians at the state and local level. Usually the higher position in the hierarchy means the higher power, so the "offers" for corruption are proportionate to the social scale and the service committed. At the same time, the most important forms of corruption

occurring are giving and receiving bribes, nepotism, cronyism and abuse of official position or office for private purposes.

Corruption between private sector and the sphere of politics is quite widespread throughout the world. Thereby, businessmen are motivated by profitability of their profession, while the politicians want to preserve their power. A great danger is rising in that case, because if the society fails to suppress corruption in the exercise of political power, the consequences can grow to the level of a threat for the social order survival.

Bearing in mind that every man is prone to abuse the power vested in him, the principle saying that every political power tends to corruption had been accepted in political science. At the same time, financing of political parties is identified as the main source of corruption, particularly during the pre-election activities, when the parties need large funds and many business people, or "businessmen", are using this situation to bribe politicians under the shroud of legal donations, in which case the politicians bear the obligation to „pay the service back“.

Considering that large sums of money are gained through various criminal activities, perpetrators of criminal acts are trying to legalize the profits that were derived from criminal activities, or wish to present it as the result of some legitimate activities.

To be freely used, so earned money should be legalized, or "laundered" and so included in the legal financial flows. Participants in the money laundering use various financial transactions in order to conceal the true origin of money, to make it legal means of financial transactions in the money market, which provides them with normal use in business relationships where they place their capital.

In principle, democratic systems inhibit the conditions for the spread of political corruption by the fact there are numerous channels for public information and means to ensure political accountability of public officials.

The Pillars of political corruption are representatives of plutocracy, bureaucracy and technocracy. These social groups are characterized by certain psychological traits such as poltroonism, unscrupulous, recklessness, greed, petty-bourgeois morality and the like. Methods for their actions are political intrigue, making the treacherous, cunning and covert way for the conditions of smooth corruption, organized crime and the criminal underworld.

For more effective anti-corruption measures, a series of actions and measures must be taken, not only domestically but also internationally. Under these measures, among other things, certain legal documents, codes of ethics and standards in the field of criminal, commercial, financial and other areas of law and socio-political life had been passed. Those legal and ethical responsibilities should act on the consciousness and conscience of the

political, economic and legal, national and international entities to prevent, detect and combat corruption and punish the perpetrators of these crimes.

Many discovered and proven cases by causing severe and negative consequences for the society in total, show a high degree of social danger of this sort of crime.

Given that corruption threatens the vital values within a state, but also at the international level, all states are interested in combating these negative phenomena in society, and are described in numerous international scientific and professional meetings and forums devoted to this subject. Regardless of the interest, effective combat against corruption is a very difficult task.

There is no, nor has ever been, State which suppressed the corruption totally. Moreover, it is believed that this negative social phenomenon in most modern countries exist in a much greater extent than official records show. This in fact means this specific form of organized crime has very emphasised "dark figure".

## **PROCEDURES FOR THE PREVENTION OF CORRUPTION**

### **The system of social integrity**

With the disintegration of the former Soviet Union and Yugoslavia a large number of independent states was developed, which, together with the countries belonging to the so-called . "real socialism" political block, went on the path of parliamentary democracy and market economy. However, it appeared that the proper path in order to reach the goal was extremely hard and with lots of unexpected obstacles. The time at which all this takes place, as the Nobel Prize winner Ivo Andric said "when wise are silent, stupid speak, and the scum is getting rich" .In these times. honest and responsible man is in a dilemma that was differently resolved by Greek philosophers Epicurus and Zeno. Thus, Epicurus held that a wise man should not participate in state affairs, except when someone is forced, while the Zeno, however, said that a wiseman should participate in politics, unless someone is preventing him to do so.

At the time of transition and post-transition period, or in difficult troubled times<sup>1</sup> , we are faced with kakistocracy (rule of the worst of people), so the dilemma arises for a reason, how an honest man could willingly enter into such a group. On the other hand, it is precisely because of such government and its need for change, for these honest men with high

---

<sup>1</sup> The term "difficult troubled times" comes from the Russian language and is related to Russian history. Russia had three such periods: the early seventeenth century, year 1917 and the the last fifteen years. So is commonly called a period of political struggle between certain groups, which lack the unifying idea.

ethical qualities and a developed sense of common good to enter the government whenever it's possible.

There is always greater probability that kakistocracy will affect and change the honorable newcomers, then it will be affected by them. When kakistocracy turn away honorable and wise people from politics, then unlimited space remains for corruption. Because politics should be sicken enough so they could rule undisturbedly.

In this way the troubled time leads to the fact that honest and capable people are losing interest in politics, so all sorts of random figures, rascals, and ignorants climb to the high political positions (Sekulovic,2000:259-266).

Nowdays, It has been generally accepted view in the modern world that a system of government is a public responsibility. When there is none of that, no system can function in a manner that would promote the public interest rather than private interests of those in power.

In essence, the goal of developing countries and those in transition is to move away from a system that is based on a hierarchy, in which authoritarian elites in power give orders to those on the bottom of the hierarchy. This approach argues that we should move toward a system of „horizontal accountability", in which power is divided, where nobody has a monopoly, in which each person is personally liable. However, this process is not new. Developed countries already traveled.that way to the modern form of government.

In such a system there must be freedom of the press. But the free press must respect certain limits set by law, for example, should avoid offensive attacks on individuals. On the other hand, a free press should be responsible too, not only to media council (which may be established by law or otherwise), but to the courts. In doing so, the courts are no longer servants of the ruling elite, but act independently, implementing the rule of law in accordance with the law. However, nor their independence is absolute. Judges are responsible for their individual decisions through the appeals process, and each judge is responsible for its integrity and expertise to another body, be it parliament or the judicial council. This body is still responsible to some other, and at the end it is responsible to the citizens who reported their assessment of the elections. Therefore, the system of "horinzontal responsibility" is realized in the so-called "moral circle", where each actor is also an observer and observed, he who controls and who are monitored. In that way, the government does not represent anyone's monopoly.

When it comes to countries that are in the process of transition, in some of them the question of rehabilitation of the system that existed before is raised, while in others, primarily in Eastern Europe, a modern state was created virtually from the ground up.

Such mechanisms of public accountability that are designed as part of the whole society attempts to reduce corruption, make the „system of the social integrity“. This system of checks and balances was created with the intention to assign responsibility among various agencies and branches of government. It is used to regulate the conflicts of interest in the public sector and it is successful in the division of powers and limiting the situations in which there is a conflict of interest or those could with negative consequences for the common good. This includes accountability, transparency, prevention and punishment.

Social system embodies a comprehensive view of reform, dealing with corruption in the public sector and governance processes (codes of conduct for managers, organizational change, legal reform, reform of bureaucratic procedures etc.) and also brings in the reforms of the civil society. When the corruption is the systemic phenomenon, it is consequence of the system failure. Main attention should be focused on changing the system, rather than blaming individuals.

The whole building of integrity is maintained or undermined through the process from the bottom up. Corruption can spread down through the bad examples that give executives. However, the public awareness and, where necessary, public shaming, represent the ultimate defense of society.

The way for the public participation in these processes is also effective and desirable. Participation is achieved through the democratic process and involvement of the private sector, through the media, professional associations, religious organizations, as well as through NGOs. In this way, the reforms are initiated and maintained not only by politicians and policy makers, but also members of civil society.

What supports this approach to social integrity is the conviction that the answer to all contemporary issues of interest to the field of public administration (capacity development, results orientation, public participation and promotion of social integrity) should be given on the basis of a comprehensive approach.

The overall objectives should include: public administration which is both effective and capable of contributing to sustainable development, a government that is required by law, where citizens are protected from arbitrariness, including human rights, and development strategies that benefit society as a whole, including the poorest and most vulnerable members, not just the elite of well-placed. The ultimate goal of establishing a system of social integrity is to make corruption a high-risk endeavor that brings a small profit. As such, this system focuses on prevention measures and seeks to prevent corruption in general and does not rely on post delicta, repressive behavior, ie. on punishment after the corruption occurred.

Each country already has some kind of a "system of social integrity“, no matter how dysfunctional and ineffective it is. This concept helps reformers to focus on a comprehensive approach in a combat against corruption. It is not enough to focus attention on one element or a "pillar" of the system and work on it separately from the others.

Although there are differences depending on the country, among the “pillars of integrity' 'of some society are: the executive power, judiciary power, parliament, financial control bodies, review bodies (parliamentary committees for the control of public revenues and expenditures, the Auditor General, Ombudsman, Police, agency for combat against corruption, etc..) Public Service, civil society (including trade associations, trade unions and the private sector), mass media, and international organizations.

What completes each of the institutional „pillars“ of social integrity system are the essential rules and procedures. These rules and procedures are tools in the hands of various institutions. The absence of substantive rules and procedures is a clear indication of weakness.

Approach based on social integrity of the system opens new possibilities for detecting the disease and possible treatment of corruption. Instead of dealing with individual institutions (courts, for example), or certain rules and procedures (such as criminal law),and then to focus on individual reform programs, there is a need to look at the system in total. For example, what is good healthy and "clean" the judiciary system worth, the one that is ready to support the rule of law, if the police, investigators, prosecutors and lawyers are corrupted. The judges simply won't get the cases that should be tried, so the judiciary will stay in isolation, honest and capable, yet unable to do much (OSCE,2004:163-170).

### **„Whistle blowing“**

Employees in public services and private sector in some situations, in the context of their job, would come to the knowledge of some abuse or failure of superiors which may put the citizens or public interest at risk. On that occasion, the internal conflict is rising in those persons, should they protect the employer, according to the principle of professional loyalty, or protect the citizens, common interest, by disclosure of abuse externally, or internally, in the same company they work, by “whistle blowing”<sup>1</sup> , as it is commonly called.

---

<sup>1</sup> The term "whistleblowers"originates from the U.S. Dutch equivalent in the "alarmer" (the person ringing the alarm bell). Discussions about the “whistle blowing” are common in the countries of Eastern and Central Europe, because there is a confusion with publicly despised practice of denunciation of neighbours during the former totalitarian regimes.

In the UK, the eighties, after a series of catastrophic events that could have been avoided, it was finally realized that employees have an irreplaceable role in preventing scandals and disasters, and constant control of abuse. Almost all public investigations have established that employees are aware of the danger before damage has occurred and that they were afraid to warn anybody, or would turn to the wrong people, and the wrong way. These are some examples:

- The train crashed near London's busiest station, in December 1989, killing 35 people; the investigation showed that the controller noticed that the power lines were loosened, which probably led to the accident, but did not say anything because he feared to upset the boss;
- After the collapse of Bank of Credit and Commerce International (BCCI), in July 1991, the investigation showed the autocratic environment in the bank staff prevented the staff to indicate the problematic activities of the bank;
- An investigation into the sinking of the ferry Herald of Free Enterprise, in March 1987, at Zeebrugge in Belgium, revealed that employees warned five times that ferries sail with open gate, the warnings were ignored.
- The investigation of the weapon load to Iraq in 1996. showed that an officer informed the Ministry of Foreign Affairs in writing that the export of munition is being prepared for Iraq, but authorities did nothing.

Each of these scandals and accidents could be avoided, as it could be seen that the errors in the institution or the company were first noticed by those who work there. However, the prevailing culture of behavior in the workplace is the one that resulted in a discouragement of employees to speak freely about the errors,

because they were in a position from which they could timely warn about the dangers, acting as "whistleblowers". Employees are also afraid of losing their jobs and favor of colleagues, especially in the cases officials in the lower positions observe that their bosses are corrupt.

Employees who notice mistakes in the work of public service or in the company are faced with four options, namely: stay silent about the event, run an internal procedure within the institution or company, refer matters to the external body, for example the authorities responsible for control and monitoring, or disclose information in the media (Pouop, 2004:217).

Each of these options is unsatisfactory to some extent. If the workplace has no culture of behavior that allows employees to speak up without fear, all options will have negative consequences – for the employee,



the employer and the general public (shareholders, the citizens who pay taxes, passengers, customers, etc.).

When faced with an equally unpleasant choices, an option that most will choose will be closing the eyes and silence. This is the safest option and is practiced most often. Unfortunately, this choice leads to the persistence of danger in undiminished volume, so corruption could pass without being checked. The employer, who will be liable for any damage that could eventually happen, loses the chance to protect this own interests; and unscrupulous competitors or managers become convinced that "anything could go unpunished". (OSCE, 2004:79).

There are different "whistles" on different levels. Thus, in integrated systems, where only certain officers act corruptly or otherwise abuse their position, it is enough to blow to the faintest „whistle“. On the other hand, when a large part of the institution or company is corrupt, when the „whistleblower“ is in danger of being silenced and suffer repression. However, in some cases disclosure of scandals in public is the only possible to “blow the whistle”. At the same time, each blowing the whistle is very risky and involves moral dilemmas that stem from specific personal agony of whistleblowers and employees who report abuse.

Potential whistleblowers, in terms of motivation, are facing a series of moral conflicts that must be resolved before the whistle blows.

First, employees should decide whether the disclosure of information is in the public interest, and whether the disclosure of information lead to change for the better in the functioning of the institution or company. Furthermore, the moral dilemma stems from the need to ration the mutual professional ethics, which in the opinion of certain structures, requires loyalty to colleagues and employer, and the duty arising from public interest, which is generally considered superior compared to the narrower part of professional ethics.

The third conflict is more personal, and relates to the assessment of whether it should be spoken out in public from the perspective of public interest, and estimates that this could lead to retaliation of superiors, from which the employees could not protect. Finally, blowing the whistle puts into question the widespread argument of some influential social professions that they are the only ones able to control themselves, for example, doctors, who often feel that nobody other than doctors can exercise control over their work.

“Whistle blowing” is by nature similar to any social disagreement with the majority or the government, with the narrower domain, given that social disapproval may refer to any decision or official position, while “blowing the whistle” announce disagreement with some particular abuse. By “blowing the whistle”, blower is essentially trying to stop corrupt conduct, but is often

denied. In fact, he is generally announcing the corruption of his team members, 'so his action is usually treated as a violation of loyalty. In addition, he usually violates the hierarchical structure of the institution or company, going out of their circle to publicly point out the abuses or failures within them, which means that they will be exposed to public attention and, directly or indirectly, violated, and their management hierarchy will be exposed to external pressure. Both kinds of violations of institutional rules implies the possibility of retaliation by the public services and companies, and its hierarchy against "whistleblower" as an individual.

First, for the whistle blowing" to be successful, it must relate to clearly present threat to society. So if the threat is not direct or could only arise in the future, most likely the public would not respond to the warning and "whistleblowers" will be subject to reprisals by those accused. In this regard, it is very important to assess the right time for „whistle blowing“.

The following condition for "whistle blowing" to sufficiently motivate the public to respond, is a way of giving warnings, which must be sufficiently attractive, enough to excite the audience, or the warning could go unnoticed. those who from need to respond. In the end, "whistle blowing" makes sense onl yin well-ordered systems, or in a well-structured public agencies and private sector, which have high levels of integrity, at least in a society where other institutions are functioning, and there is a plausible response of these powerful institutions and companies on issues that are disclosed.

At the same time, if corruption is widespread in society, institutions destroyed, and control mechanisms under the control of the of informal centers of power, political parties and individuals, employees have no institutional protection from retaliation , and therefore a "whistle blowing" individual is demotivated to actually "blow a whistle", because he is faced with great personal risk, so the very purpose of "whistle blowing" is called into question. Because if everything is corrupted, why correcting the corrupted state in any segment of society, especially if it could have consequences for their own survival. On the other hand, in a regulated system makes sense to "blow the whistle", because noticed irregularity is different from the general social atmosphere, which is structured and marked by the integrity of officials and institutions (Group of authors, 2005:3111-327).

Given that the rights and reputation of individuals must be protected from claims that are irrelevant, aimed at disturbing or offensive, regulations relating to "whistleblowers" must include clear rules for damages caused by false accusations. It is important that the rules contain the basic measure of damages caused to the reputation of individuals, for example, public apology and correction of personal data. There are provisions in criminal law of

almost all countries, which prescribe punishment for those who knowingly raise false allegations. In addition, each potential “whistleblower” must be clear that these standards could be applied to him if you he does not disclose information “in good faith”.

## **INSTEAD OF CONCLUSION**

Corruption is a social, and personal problem of the holder of a particular state or other public office, abusing his position and the institution he/she works, harming the public interest to such level that public trust and public participation in society and state is undermined. It has a direct impact on reducing political and economic power of any society and nation, and also destroys the basic moral values that modern civilization has long been accepted (freedom, justice, equality etc.). The consequences of such criminal activities are poverty and spiritual misery, because they extremely reactionary drag down the contemporary societies.

The solution to the problem of corruption has been offered by Peter Eigen from the international- non-governmental organization "Transparency International", which states: "A good life for millions of people around the world in the future depends on the persistence and success of the combat against corruption." (Eigen, 1999:40).

Since corruption is primarily a result of inefficient functioning of state institutions, combat against these negative social phenomena represent the combat for reform of institutions, ie, only with better and more efficient institutions we could stand up to corruption and raise the standard of living. In contrast to stable democracies, many citizens in post-communist countries are eager for a political system that would be functioning well and that could support it. Building a legitimate political system, in which the values of civic virtue are distinctive, and the state where citizens collaborate to achieve common goals, is the essential thing for the strengthening of public spirit and the use of public power for public good.

Forestalling the corruption in the Republic of Serbia and reducing it to the lower level is necessary to build a new legal and institutional system based on private property, economic freedom, open markets and competition with respect to the principles of openness and transparency. Which means the public administration should be reformed in order to professionalise the civil servants, the public financial management should be reformed next, and then the control of customs and tax service should be strenghten Meanwhile, the institutions of the system should be strengthen, including creation of an independent and efficient judiciary, with control of the legislature, an independent prosecution of perpetrators and court decisions.

Construction of political accountability, transparency of political party financing, registration of property of high political and public servants at all levels, and adherence to rules on conflict of interest. The private sector should be reformed as well - measures should be enacted to prevent various monopolies, as the simplified procedure for the creation, operation and closure of shops and businesses: public enterprises management should be transparent as possible, and effective business associations should be created.

Bearing in mind the negative consequences stemming from corruption, both at national and international level, there is no doubt there should be explicit, clearly expressed political will and commitment of the governing political parties and their leaders, and relevant international organizations, through bilateral, regional and universal cooperation, awareness and planning, long-term and medium-term activities on preventive and repressive plan, vigorously in accordance with the applicable laws of their country, to prevent, detect and suppress all forms of corruption, or restrict the level of social.

#### LITERATURE

1. Eigen P. (1999), "New Rules of the Game", Newsweek".
2. Sekulović, M, (2000), *Sistem i korupcija, "Smutno vrijeme, kakistokratija i korupcija"*, Institut društvenih nauka – Centar za ekonomska istraživanja, Beograd.
3. Grupa autora. (2005), Zbornik radova – *Korupcija*, Centar za menadžment – Institut za kriminološka i sociološka istraživanja, Beograd.
4. Levinzon. R. M. (1934), *Novac u politici*, Kosmos, Beograd.
5. Nikolić, Z. (2006), *Korupcija u Srbiji – socijalno – psihološki aspekt*, Revija za kriminologiju i krivično pravo, Udruženje za krivično pravo i kriminalologiju Srbije i Crne Gore i Institut za kriminološka i sociološka istraživanja, Beograd, br.1/06
6. OEBS (2004), *Najuspešniji postupci za borbu protiv korupcije, prevod, Kancelarija koordinatora aktivnosti u oblasti ekonomije i zaštite životne sredine*, Beograd.
7. Peković. N.(2003), *Kaznena politika sudova i njen uticaj na prevenciju kriminaliteta*, Vrhovni sud Srbije, Bilten sudske prakse, br.3/03, Službeni glasnik RS, Beograd.
8. Perović, Z., *Krivično pravo pred izazovom korupcije*, Bilten sudske prakse, br. 3/03, Službeni glasnik RS, Beograd.
9. Poup, Dž.(2004), *Antikorupcijski priručnik-suprostavlanje korupciji kroz sistem društvenog integriteta*, Transparentnost - Srbija, Beograd.

10. Teofilović, N., Jelačić. M. (2006), *Sprečavanje, otkrivanje i dokazivanje krivičnih dela korupcije i pranja novca*, Policijska akademija, Beograd.
11. Teofilović N. (2007), *Korupcija i/ili politika*, Kriminalističko-policijska akademija, Beograd.

**Viorel Velişcu, PhD**

*Public Law Department,,Alexandru Ioan Cuza,,Police Academy,  
Bucharest, Romania,  
email: veliscuvio@yahoo.com*

## **MEMBER LIABILITY FOR BREACH OF INTERNATIONAL OBLIGATIONS - FACTOR OF STABILITY IN BALKANS**

**Abstract:**

*The legal nature of international liability is a legal relationship between two or more subjects of public international law, especially between states, i.e. between the guilty and the injured State, opinion endorsed by the Permanent Court of International Justice.*

*The foundation of international responsibility is the commission of an internationally unlawful act, action or inaction, of a certain severity, which violates the principles and norms of international law or an international crime, an act of extreme gravity that not only harms the interests of a state, but at the same time, the overall interests of the international community and, by its nature, considerably enhances the area of international responsibility.*

*State responsibility has, as the first key feature, a sanctioning character, being a retort to the infringement of the rules of international law. Secondly, international responsibility is not independent of international obligations, but complements them, even though sometimes, States are responsible for facts that are not illegal acts – objective liability (strict liability).*

**Keywords:**

*stability, Balkans, international obligations, liability*



Liability is a cornerstone of any rule of social conduct. Human action has for a consequence the result and the sense of responsibility to guide and determine the behavior in accordance to a rule of conduct. International responsibility is not defined in international legal documents, but the literature offers several views on this.

Dictionary of international public law defines the international responsibility "institution of public international law under which the State or other subject of international law, which commits illegal international acts is responsible to the State injured by these acts or to all other states of the world, for international crimes" (international responsibility of States). Also, liability in public international law is defined as "the obligation of those who

violated international public law rules to bear the consequences of their behavior, an obligation that is imposed as penalties set by the states"<sup>1</sup>.

State responsibility has, as the first key feature, a sanctioning character, being a retort to the infringement of the rules of international law. Secondly, international responsibility is not independent of international obligations, but complements them, even though sometimes, States are responsible for illegal acts – objective liability (strict liability).

The legal nature of the international liability is a legal relationship between two or more subjects of public international law, especially between states<sup>2</sup>, namely, between the guilty and the injured State, opinion endorsed by the Permanent Court of International Justice. Even when it causes damage to a particular person, liability rapport arises between the state which has violated the obligation and the state whose citizen is the victim. Note that when the severity of violations is large and concerns the entire international community, the legal liability arises between the guilty state and all other countries, such as an obligation *erga omnes* (e.g., for actions that threaten peace and international security).

In contemporary international law, state responsibility and (in relation to their specific) other subjects of international law responsibility (international organizations, nations fighting for their independence) occur in two distinct situations, giving rise to two types of liability.

a) liability for unlawful acts or acts in terms of international law (violation of conventional or customary international law);

b) liability for injurious consequences arising out of activities that are not prohibited by international law (lawful activities allowed).

Obviously the first priority lies in the responsibility of States; as the main subjects of international law, they have full capacity to enter into relationships of international law with other subjects act within certain limits. As such, it requires a detailed analysis of the responsibility of States for other subject matter being examined in the respective chapters.

Judicial practice believes that the international responsibility of a State may be committed if the act is attributable to it and if it is illegal in terms of public international law. In addition to these conditions, it is sometimes talked about existence of guilt, damage and causality. As for

---

<sup>1</sup> Ion M.Anghel, Viorel I.Anghel – *Liability in International Law*, Ed. Lumina Lex, 1998, p.11.

<sup>2</sup> Viorel Velişcu, "*Preventive diplomacy - controversial issue in public international law of the third millennium*", in volume Knowledge Organization, to the thirteenth edition international conference session 22 to 25 November 2007, the Land Forces Academy Publishing House, Sibiu 2007

guilt, it is a condition which belongs to the international law classic and currently has lost importance in favor of the strict liability<sup>1</sup>.

Regarding to liability for injurious consequences arising out of activities not prohibited by international law, it aims to establish rules to govern activities that are taking place in a State or to areas under its jurisdiction - recognized by international law - or areas under its control causing border damage that can reach very large and dangerous proportions.

The foundation is the risk (objective liability) and therefore the responsible state is not accused of an offense contrary to the public international law, responsibility here is of a conventional character.

Currently, three areas are covered by this type of international responsibility of States: the nuclear activities, maritime (oil pollution of the seas) and the space activities of States and international organizations<sup>2</sup>.

The foundation of international responsibility is the commission of an internationally unlawful act, action or inaction, of a certain severity, which violates the principles and norms of international law or an international crime, an act of extreme gravity that not only harm the interests of a state, but at the same time, the overall interests of the international community and, by its nature, considerably enhances the area of international responsibility<sup>3</sup>.

The fact or unlawful act of a State means his behavior, which consists of an act or omission which constitutes a violation of an international obligation. The act or fact illegal in international terms creates new international relations. These relations are bilateral if an obligation with bilateral nature was been violated and in principle, follow the rules of liability provided in a treaty. But if the breach concerns certain international obligations that seriously effect international society as those concerning peace and international security, prohibition of slavery, racial discrimination, reports created regards to all other countries, since those obligations are obligations erga omnes, to which each member has a legal interest and therefore it can invoke it.

State responsibility and consequently its foundation, is derived from the sovereign equality of states, from the mutual respect of the international personality, from the need, in their general conduct in world affairs, of states

---

<sup>1</sup> Theory of Fault is older and was founded by Hugo Grotius. Currently, the limiting fault is admitted as the foundation of international responsibility in specific areas of relations between states and establish rules related to the conduct and content of specific obligations. D. Smith, A Nastase, F. Coman, *Public International Law*, Ed. Chance, Bucharest, 1993, p.310.

<sup>2</sup> UN International Law Commission began in 1978 to handle the encoding rules on international responsibility of States based on risk

<sup>3</sup> Constantin Andronovici - *Public International Law*, Ed Graphix, Iasi, 1996, p.147



to respect each other's interests and at the same time, to show an attitude responsible to the overall interests of the international community which impose obligations in this sense, as it is outlined in doctrine<sup>1</sup>.

International Law Commission held two conditions on State Responsibility:

a) committing an unlawful international act, freely, intentionally or negligently. So, as components of international crime acts can be actions (*delicta commissiva*) and inactions (*delicta omissiva*), that means not taking measures to prevent the putting into execution of the crime or measures against encouraging it. Inaction (omission) was specifically highlighted as generating international responsibility<sup>2</sup>.

b) The second condition is objective and consist in breach of international obligations of the state by a behavior through which it is responsible. The nature of international obligation violated is determined in the characterization of the international crime scene or international crime, so to varying degrees of severity.

In addition to these two conditions which are widely recognized, a part of legal doctrine and judicial practice states the need of the presence of three conditions for the existence of illegal acts, namely: fault, damage and the causal link.

As for fault, it was recognized, but now it loses its importance in the contemporary international law, winning field theory of strict liability, reliability independent of fault. But guilt is not removed from international law; on the contrary, it acts especially in the context of specific rules which establish legal or illegal conduct, as well as the content of the obligations, in a specific area of relations between states (for ex. economic and scientific-technical cooperation). Also, guilt plays a role in all cases of responsibility for determining the forms of liability and compensation for damage.

The existence of one of the following cases removes the unlawful nature of the offense and, consequently, international responsibility: force majeure, state of necessity, self defense, a State's consent to commit against him by another state an act contrary to the obligations of the last by the first state, the attitude of response to an illegal act<sup>3</sup>.

Facts or illegal acts in terms of international law are committed by the authorities (state government) or persons. The question is whether the

---

<sup>1</sup> D.Anyilotti - *General Theory of State delle dello nel diritto internazionale responsibility* in, "Scritti di diritto internazionale" All right, Padova, 1956, p.25 and 62

<sup>2</sup> Case C.I.J. Corfu Strait in the case concerning, I.C.J. Rapports 1949, p. 22 et seq.: G Elian, ICJ, Scientific Publishing, 1970, p.88-89

<sup>3</sup> Grigore Geamanu, *Modern international law*, Ed. Didactic and Pedagogic, Bucharest, 1975, p.341-344.

illegal acts committed by state authorities or persons can be attributed to the states, engaging their responsibility.

The state acts in the sphere of international relations through its authorities and as such, the state is responsible primarily of its institutional acts performed by them in their official activity. State is responsible for acts of its organs without any distinction, whether its legislative bodies, the executive or judicial power, whether its state organs acting locally. In this way international responsibility of a state can be triggered, if the legislative bodies adopt a law which violates an international obligation and when it does not adopt such a law for enforcement of that obligation. In connection with the acts of the courts, it was considered to be contrary, not only the breach international obligations or misapplication of the rule of international law, but also violations of the law dealing with manifestly unfair judgments.

In practice, we come across cases in which state responsibility is triggered when a state body commits acts which did not fall within its jurisdiction (*ultra vires* acts), but which were exercised as an act of state or were committed by means provided by the state. Also, the acts of organs of a foreign state or of an international organization which had been placed at its disposal are attributable to the states - if those bodies have acted in the exercise of the public authority of the state to which he / she has been disposed. Both situations were incorporated in the draft articles of C.D.I.

It is considered that the conduct of persons acting in assignments received from a state (on behalf of the State) should be attributed to the State originating the commission, and this attracts State responsibility.

The actions of people or groups of people who are not committed on behalf of the State are not attributable to it and therefore the State is not responsible for such acts or deeds. Acts of some people give rise to liability if the state was committed as a result of actions or omissions emanating from organs of state, a situation that may arise if facts affect the representations of foreign states or their citizens.

In such cases, the State is liable for its omissions such as failure to take measures to prevent such acts, actions that were required under international law or repressive measures in accordance with the execution of international obligations.

A somewhat similar qualification is attributable to the facts and acts of insurgent violations of international law, facts and documents which in principle can not be attributed to the State but may be attributed to organs that are insurrectional movement.

### ***Particulars of infringement of certain categories of international obligations***

In classical international law, the distinction between crimes and offenses are not recognized like the national law does; facts and illegal acts of violation of international obligations of states were considered "international crimes". Prohibition of the war of aggression determined its consideration as an international crime<sup>1</sup>.

After the adoption of the UN Charter, the international law prohibits the contemporary war of aggression, use of force or threat of force, and other serious violations of peoples' right to life. Breach of such obligations erga omnes, which protects the fundamental values of society, produces consequences that are reflected negatively on the entire international society, so they are considered crimes against peace and crimes against humanity and all states are interested in penalizing them. Committing such crimes attracts criminal liability of individuals who have committed them.

Liability of people for crimes against peace, crimes against humanity and war crimes does not exclude state action or omission attributable to it. In this respect, the draft code of crimes against peace and humankind security prepared by the International Law Commission and the International Criminal Court Statute elaborated and adopted by the Commission, reflects this scientific forum concern for defining these categories of crimes, to establish rules to punish them and the formation and organization of a court designed to make the act of justice.

In the draft articles prepared by the CDI, international crime is defined as an unlawful act, in international terms, resulting from any violation by a State of an international obligation so essential for safeguarding the fundamental interests of international society that it is regarded as a crime by the entire society. Although the scope of obligations erga omnes is not precisely determined and their recognition may have positive and negative effects, in this category are the international obligations having a particular importance for:

a) the maintaining of international peace and security, from which results the obligation of prohibiting aggression;

---

<sup>1</sup> In substantiation of this thesis, a special contribution had V.V. Pella, Romanian lawyer who argued the need for instituting international criminal liability for war of aggression, described as the most important international crime and set up an international criminal court to prosecute and punish such crimes. After the Second World War, international crimes and their contents have been defined in a number of international documents which relate to international tribunals in Nuremberg and Tokyo (1945). Convention on infeasible war crimes and crimes against humanity (1968). Convention on the Elimination and Punishment of the Crime of Apartheid (1973), etc.

- b) ensuring the right of people to self-determination, which shows the requirement of prohibiting the establishment or maintenance by force of colonial domination;
- c) protection of human beings resulting obligations of prohibiting slavery, genocide, torture or other ill-treatment;
- d) ensuring and preserving the environment involving obligations of prohibiting massive pollution of the atmosphere or oceans, which must be added to the ozone layer and others.

All acts or illegal acts in international terms that do not fall in this category are considered international crimes, accounting for less violation in the international society. The distinction between crimes and offences reflects the forms of liability for sanctions.

### ***Violations of obligations of means and obligations of result***

The distinction between these categories of obligation is determined in relation to how the result is achieved. In this way, for the obligations of means, the purpose must be achieved by specific and determined behavior and actions, but for the obligations of the result, it is not important how result is achieved (this can be freely chosen), just the obtaining of the results envisaged by that requirement.

In international law, it can be mentioned the examples of obligations of means which requires from states to adopt certain laws and legislative measures, such as in the domain of human rights, in reducing and control of pollution, the obligation of the submarines to navigate on the surface of the territorial sea of another state (*faciendo* obligations), or police forces which can not enter in the building of diplomatic missions, can not arrest people who enjoy diplomatic immunity (in *non faciendo* obligations). In connection with such obligations, the Commission established in the Draft items that we are in the presence of a state's violation of international obligations<sup>1</sup>, when behavior is inconsistent with the conduct of state specifically determined by the requirement.

As to the obligations, we can mentioned the examples of the article 4, paragraph 2 of the Basel Convention (1989) on the control of trans-boundary movement of hazardous wastes, between the others, the obligation of each State to take over necessary measures to ensure that the procedure for hazardous waste and especially cross-border transport of such products are minimized as to prevent imports of hazardous waste, etc., article 22 paragraph 2, of the Vienna Convention (1961) on relations diplomatic, according to which the sending State shall take all appropriate measures to

---

<sup>1</sup> Constantin Vlad, *XX Century diplomacy*, ed. "N. Titulescu" Foundation, Bucharest, 2010

prevent any interference with the person, freedom and dignity of a diplomatic agent.

International Law Commission codifying such a rule, provided in its draft articles a breach by a Member of an international law obligation which is in relation to obtaining a determined result; if the behavior is adopted, the state does not provide the result required by that obligation.

Under the rules of international law<sup>1</sup> of state, responsibility for breach of an obligation - result of the treatment of aliens, occurs only if all avenues offered by the law for damage caused to foreign persons or establishments, were used until exhausted them, without resolving the case. To assert the rights of victims, the injured person should contact the state authorities and domestic courts and only after exhausting their means he / she might be used to trigger the international responsibility of the state in front of the international tribunals.

To this end, domestic remedies must be open to foreign people and enterprises, and also to be effective. Only under such circumstances, the state may use the rule of exhaustion of "domestic remedies" to avoid referral to an international tribunal, later correcting behavior through consequences of previous attitudes contrary to the obligation.

Exhaustion of domestic remedies rule does not apply if the breach of an obligation of result on the treatment of aliens was effective immediately, because the first behavior of the state authorities, was such natural that not only the provided treatment obligation can not be ensured by another state, but any other equivalent treatment can not be considered possible to be realized through internal remedial pathways.

---

<sup>1</sup> Francis Fukuyama, *Construction of the states. Twentieth century global order*, ed. Antet, Bucharest, 2009

**Lana Milivojević, LL.M**  
Ministry of the Interior of the Republic of Croatia,  
Police College in Zagreb  
e-mail: [lmilivojevic@fkz.hr](mailto:lmilivojevic@fkz.hr), [lane.milivojevic@yahoo.com](mailto:lane.milivojevic@yahoo.com)

## **CORRUPTION CRIMES AND ANTI-CORRUPTION STRATEGY IN THE REPUBLIC OF CROATIA**

### **ABSTRACT:**

*It is well known that corruption and its relation to organised crime is one of the oldest and the major problems in modern societies which is definitely depriving their structure in all sorts of ways. Besides the introduction annotations associated with the problem of corruption in general, and some marks about the legal international and national grounds which are used to combat corruption in the Republic of Croatia, this paper comprises the review of corruption crimes within Croatian Criminal Code with analysis of relevant official statistic data for assigned period of time. It is well known that the dark number of that kind of crime is rather high. In this paper we will try to explore two assumptions as a thesis. First is that the Republic of Croatia has a rather small number of reports, charges and convictions for corruption crimes according to crime in general, and the other is that the Republic of Croatia does not deviate from the average of other European countries on convictions for corruption crimes. Therefore we will analyse official statistic data about crime in general, a number of exposed corruption crimes in general, their type, number of reports, accusations and convictions, from which relevant conclusions will be adopted. Also, for comparative purposes and for proving second thesis, a short review of convictions for corruption will be given for foreign corruption crimes as well.*

*Besides that, this paper also comprises of major postulates deriving from Croatian Anti-Corruption Strategy and the Action Plan attached to that Strategy. Combating corruption at all levels of society is a key of a successful anti-corruption strategy. It is also an obligation for the Republic of Croatia deriving from accepted international obligations from UN Convention against Corruption and from the Council of Europe Criminal Law Convention on Corruption. According to the Croatian Anti-Corruption Strategy, priority fields fighting corruption in the Republic of Croatia are suppression conflict of interest among the public officials, enforcement of regulations related to the financing of political parties, achieving access to information, strengthening of public administration integrity, regulating a public procurement and the protection of person damaged by the corruption and those people who bona fide report about the corruption.*

*Fighting corruption is a question of public safety and preserving a rule of law. Republic of Croatia must strengthen fight against the corruption even more.*

*That is also one of the obligations deriving from European Union negotiation chapter 23 on Judiciary and Fundamental Rights in the process of EU accession.*

*KEY WORDS: rule of law, corruption, corruption crimes, statistic data, anti-corruption strategy, action plan*

## **ABOUT THE CORRUPTION**

Corruption is an extremely harmful social phenomenon that affects all structures of society and undermines the foundations of the legal state and the rule of law. The phenomenon is as old as the state itself and can be considered from various aspects: historical, legal, political, economic, psychological and sociological. The end result of corruption is a lack of confidence in the rule of law and thus the government bodies and their functioning, which results in a negative trend in the economic development of society. Despite the existence of numerous laws that tend to combat corruption, it should be noted that there is no single definition that would depict the totality of the phenomenon as a whole. However, the notion of corruption (Latin cum: with + rumpere: tearing) can be defined in a broad and narrow sense. In the broadest sense, corruption is any abuse of public authority for private interests of the person who performs a public service.<sup>1</sup> Where there is corruption there can not be confidence in the exercise of rights and freedoms guaranteed by the constitution and laws. The goal of corruption is to achieve some of the rights or interests for which a particular person or group has no legal options or exercise the rights and interests for which it has legal options, but in a way that a person creates a privileged position in relation to the rights and interests of others who have the same legal options for their achievement.<sup>2</sup> In the narrow sense, corruption can be defined as a procedure in which at least two persons who, with incompatible exchange in order to achieve their own interests, are acting on a harm of public interest, violating the moral and legal norm and damaging the foundations of democratic development, state legality and the rule of law.<sup>3</sup> It is also important to define corruption with the foreign element, as the manifestation of corruption in which the active briber is a citizen of one country, and the passive briber is a citizen of another country; the one who promises, offers or gives a bribe comes from the entity A, and the one who solicits or accepts a bribe (foreign public official, a representative of the

---

<sup>1</sup> <http://wmd.hr/rjecnik-pojmovi-k/web/korupcija> -15<sup>th</sup> March 2011

<sup>2</sup> Ibid.

<sup>3</sup> Horvatić, Ž. et al, Rječnik kaznenog prava (Dictionary of Criminal Law), Masmedia, Zagreb, 2002, p. 199.

representative bodies of foreign states, public official of an international organization, the International Court judge, etc.) comes from the entity B.1 Today, there are many types of corruption. We can mention: bribery, fraud, nepotism, embezzlement. It must be stressed that there is an important distinction between administrative corruption and political corruption. Also, we must mention another important distinction between grand and petty corruption. It is necessary to say that corruption levels can vary within a country for different types. In Croatia, as in other countries, there exist all mentioned types of corruption. The dark number is rather high but recently is going down. We will mention more about that in one of the next segments of this paper. Also, it must be stressed that the link between corruption and organised crime is large and obvious (organized crime in the area of the economy, organised crime in illegal drugs, cigarette trafficking, trafficking in human beings, smuggling people (famous Balkan route)). Crime activities are based on corruption. Structure of organised crime organisations reside on logistic that is partly based on corruptive civil servants and other servants of all kinds of professions. Very sophisticated white collar crime also exists but it is very hard to prove it and deal with it. Also, organised crime is financed through illegal activities and money laundering, donations which arise from illegal, corruptive activities etc. Their existence is a fact which influences Croatian development and prosperity as a transition state. Every state in transition passes through institutional changes defining feature of transition economies. During that process of transition it can happen that the grey economy is growing, state justice system to ignoring it and the state does not regulate the market. We can agree with the claim: “ At the same time crime and corruption are seen as a growing menace to new business establishments and as a major barrier discouraging foreign capital investments.”<sup>2</sup> The problem occurs when the institutions are inexistent or inefficient, and when they are in some extent undermined by organized crime. Also, the problem is when: “... the Post-communist state failed to separate the public from the private sphere or the “party” from the “state.” and when the state is the victim of organized crime, or it has *de facto* engaged in the competition for monopoly over violence as a private entity”.<sup>3</sup> Transition states as post-communist states can be correlated with the term systemic corruption, defined as: “uses of/and connections between wealth and power that

---

<sup>1</sup> Ibid., p. 201. and 202.

<sup>2</sup> Nelson, J., M., Tilly, C., [Transforming Post-Communist Political Economies](#) (by Task Force on Economies in Transition), National Research Council, National Academy Press, Washington, 1998, p 26

<sup>3</sup>[http://wescholar.wesleyan.edu/cgi/viewcontent.cgi?article=1535&context=etd\\_hon\\_theses&sei-redir=1#search="institutional+organised+crime,+transition"](http://wescholar.wesleyan.edu/cgi/viewcontent.cgi?article=1535&context=etd_hon_theses&sei-redir=1#search=), p 15, 08.05.2011.



significantly weakens open, competitive participation and/or economic and political institutions, or delays or prevents their development. “.1 The institution *organised crime* is extremely harmful. However, the above is not the issue of this paper and does not require more detailed consideration. States of the civilized world are trying in various ways to combat corruption. Description of the ways of combating it in the Republic of Croatia are going to be discusses in the further parts of this paper. Also, we will discuss the extent to which corruption is actually present in Croatian society and which are its punishable forms, supported by appropriate statistic data and their analysis. For comparative purposes, a short review of convictions for foreign corruption crimes will be given as well. This will enable adoption of relevant conclusions that will or will not prove the two theses that will be set up later in this paper.

## **LEGAL FOUNDATIONS OF ANTI-CORRUPTION ON THE INTERNATIONAL AND NATIONAL LEVEL**

When we talk about the international sources as instruments for combating corruption it is important to notice that the Republic of Croatia is a party to all major international instruments, such as The United Nations Convention against Corruption (Official Gazette - International Treaties No. 2/ 05), The United Nations Convention against Transnational Organized Crime (Official Gazette - International Treaties No. 14/02) with additional Protocols, Council of Europe Criminal Law Convention on Corruption (Official Gazette - International Treaties No. 11/00),<sup>2</sup> Council of Europe Civil Law Convention on Corruption (Official Gazette - International Treaties No. 6/03) and so one.

Also, the successful fight against corruption needs a necessary and adequate legislative framework. Among the most important laws as a backbone of the fight against corruption, are the following Croatian laws and regulations:

1. The Croatian Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07,152/08),
2. The Croatian Criminal Procedure Code (Official Gazette No. 152/08, 76/09),

---

<sup>1</sup> Ibid., p 18

<sup>2</sup> The permanent body of the Council of Europe- Group of Countries in the Fight Against Corruption (GRECO) monitors legislative and practical implementation of the Convention. The Republic of Croatia is a member of GRECO since 2<sup>nd</sup> December 2000.

3. Law on the Office for Combating Corruption and Organized Crime ("Official Gazette" No. 76/09, 116/10, 145/10),
4. The Law on the State Attorney's Office (Official Gazette No. 76/09,153/09, 116/10, 145/10),
5. The Anti-Money Laundering Act (Official Gazette No. 67/97, 106/97, 67/01, 114/01,117/03, 142/03),
6. The Act on the Prevention of Conflict of Interest (Official Gazette No. 26/11),
7. The Law on Financing Political Activities and Electoral Campaign (Official Gazette No. 24/11)
8. Law on Corporate Liability for Criminal Acts (Official Gazette No. 151/03,110/07),
9. The Witness Protection Act (Official Gazette No. 163/03),
10. The Act on the Right of Access to Information (Official Gazette No. 172/03, 144/10),
11. The Public Procurement Act (Official Gazette No. 110/07, 125/08),
12. The Law on System of Internal Financial Controls in the Public Sector (Official Gazette No. 141/06),
13. The Civil Servants Act (Official Gazette No. 92/05, 142/06, 77/07, 107/07, 27/08),
14. The Labor Act (Official Gazette No. 137/04),
15. The Budget Law (Official Gazette No. 87/08),
16. The Courts Act (Official Gazette No. 150/05, 16/07, 113/08, 153/09, 116/10, 122/10, 27/11),
17. Decision on the Establishment Committee for Monitoring the Implementation of Measures to Combat Corruption (Official Gazette No. 44/08, 121/08, 139/08, 124/09, 140/09, 141/09),
18. The Anti-Corruption Strategy (Official Gazette No. 75/08).

From the framework of domestic laws that serve the fight against corruption, in the further part of the paper we will focus our interest on corruption crimes within the Croatian Criminal Code, especially those that fall within the jurisdiction of the Croatian Office for Combating Corruption and Organized Crime, in accordance with Art 21 of the Law on the Office for Combating Corruption and Organized Crime (hereinafter LOCCOC) which will be specified later in the text. Along with the review of corruption crimes it will be given an appropriate reviewing statistic of data that will provide approximate insight into outspread of that kind of criminal manifestation in the Republic of Croatia and some neighbouring countries.

## **CORRUPTION CRIMES ACCORDING TO THE CROATIAN CRIMINAL CODE WITH STATISTIC DATA**

### **ABOUT THE CROATIAN CORRUPTION CRIMES IN GENERAL**

Corruption crimes acts, i.e. incriminations whose main characteristic is corruption, can be directly referred to as bribery, which may be active or passive, or abuse of position or use of social position or influence the corruptive meaning. Corruption crimes are mainly described in the Chapter XXV Croatian Criminal Code (hereinafter CC), which carries the title of Crimes Against Official Duties. From the framework that Chapter above these offenses are: Art. 338. Abuse of state power, Art. 343. Trading in influence, Art. 347. Bribery (active bribery) and Art. 348. Giving a bribe (passive bribery). Also, in Chapter XXI CC-Crimes Against the Security of Payment and Business Operations, crimes directly related to corruption are: Art 294a Passive bribery in business transactions and Art 294b Bribery in business transactions. All the above mentioned crimes of bribery can be said to be corruption crimes in the strict sense. In the broader sense corruption can occur within other crimes, as mentioned earlier, which were associated with the abuse of social position or influence, as follows: in Chapter XI CC-Criminal Acts Against Freedoms and Rights of Man and Citizen, Art. 116. Violation of the Freedom of Voters Deciding, then in Chapter XXI CC-Criminal Acts Against the Security of Payment and Business Operations, Art. 279. Money laundering<sup>1</sup>, Art. 280. Violation of equality in carrying out economic activities, Art. 283. paragraph 2. and 3. Bankruptcy abuse, Art. 289. paragraph 2. Unfair competition in international business activities, Art. 295. paragraph 2. An unauthorized acquisition of trade secrets and in earlier mentioned Chapter XXV CC Art. 337. Abuse of power and authority. Comprehensive consideration of the matter in detail each of these crimes would not be expedient, but in a further part of this paper we will focus will on statistical data on corruption crimes in the Republic of Croatia and their analysis with some comparison of the corruption crimes with foreign statistic, from which the relevant conclusion will be made.

---

<sup>1</sup> To an amendment of the Criminal Code in 2008 (Official Gazette No. 152/08), the crime alleged in Art. 297 called the Concealing illegally acquired money.

## STATISTIC DATA ABOUT CROATIAN CORRUPTION CRIMES ALONG WITH SHORT COMPARISON WITH SOME COMPARATIVE COUNTRIES

Consideration of any phenomenon requires statistical overview and analysis of data collected. It is well known that corruption is a widespread phenomenon, both within countries and in the world in general, and that is a big dark figure in the discovery, reporting and convictions for corruption offenses. What is really the number of reports accused and convicted offenders for the corruption crimes in the Republic of Croatia and some countries in Europe will be considered and compared in the next section of this paper. The first assumption as a thesis is that the Republic of Croatia has a rather small number of reports, charges and convictions for corruption crimes related to crime in general. The other assumption as a thesis is that the Republic of Croatia does not deviate from the average of other European countries on convictions for corruption crimes. These are two theses that we will try to elaborate in this paper. For further analysis we used statistic data for corruption crimes from CC, which fall under the jurisdiction of the Office for Combating Corruption and Organized Crime (hereinafter OCCOC) and these are as follows: Art. 279 Concealment of illegally acquired money<sup>1</sup>, Art. 283. paragraph 2. and 3. Bankruptcy abuse, Art. 289. paragraph 2 Unfair competition in international business activities, Art. 294a Passive bribery in business transactions and Art. 294b Bribery in business transactions, Art. 337. Abuse of power and authority, Art. 338. Abuse of state power, Art. 343. Trading in influence, Art. 347. Bribery and Art. 348. Giving bribes. Before considering the specific information related to corruption crimes in the Republic of Croatia in the period from year 2002 to 2007, with relevant statistical data available, it is necessary to consider the totality of crime for the same period of time in order to determine the presence and number of corruption-related criminal acts within the totality of the crime. Therefore, it should be noted that the official data of the Croatian Central Bureau of Statistics reported about accused and convicted adults in a period from year 2002 to 2007, and from that report follows that in this period was submitted 431 979 criminal reports for committing various crimes, of which 189 919 persons were charged and convicted were 136 219 persons.<sup>2</sup> So, from total number of criminal reports (100%), the proportion of the charges was

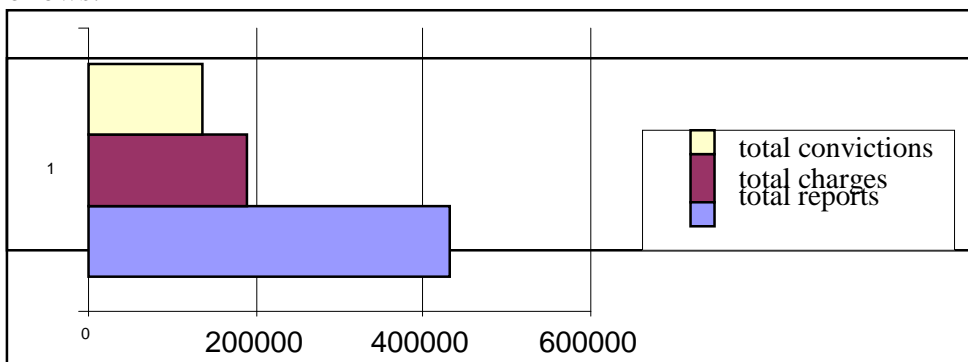
---

<sup>1</sup> See note 6 of this paper.

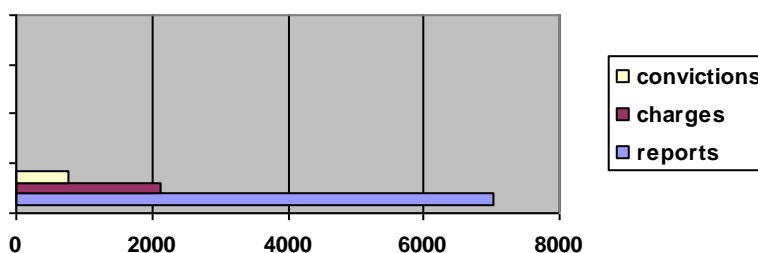
<sup>2</sup> <http://www.dzs.hr/> - 28<sup>th</sup> March 2011, Statistical Yearbook for 2006, p. 592. (data for the years 2002 and 2003)

<http://www.dzs.hr/> - 28<sup>th</sup> March 2011, Statistical Yearbook for 2009, p. 553. (data for the years 2004 and 2007)

43.96% and sentences were 31.53%. So, we can conclude that more than half of the applications do not raise the indictment and about third of reports come to conviction. The graph about this situation can be represented as follows:



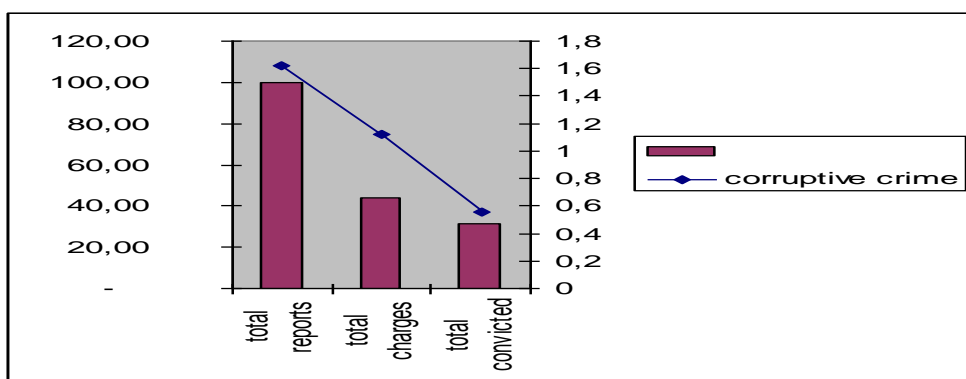
Furthermore, also from the official data of the Croatian Central Bureau of Statistics about accused and convicted adult persons for corruption crimes during the period 2002 to 2007<sup>1</sup>, it follows that during that period there were 7 018 criminal reports for corruption crimes, of which 2 135 were charged and there were 774 convicted persons. So, from the total number of criminal reports (100%), the proportion of the charges was 30.42% and the sentences were 11.02%. Now, we can conclude that less than a third of the total number of reports come to state of charge while those coming to conviction are slightly more than one tenth of these reports. Observed in the graph this data looks as follows:



In relation to the information previously presented a total number of criminal reports, charges and convictions for a period of 2002 to 2007 while considering the totality of reports, charges and convictions for corruption crimes, it can be concluded that corruption crimes in reports participate with

<sup>1</sup> <http://www.dzs.hr/> Corruption crimes from 2002 to 2007, data taken from 2.1. Changes in the number of reports, charged and convicted persons, p. 27, of 18<sup>th</sup> March 2011.

1.62% of the total number of reports for various crimes committed in the Republic of Croatia in the mentioned period. The charges participate with 1.12% of the total of all charges for all committed various crimes, and convictions participate with 0.56% of all convictions for various crimes committed. The above represents a small number, when we have in mind that there is corruption in all structures of society<sup>1</sup> and it points out on a large dark number. The above supports the first thesis set in this research, that the Republic of Croatia has a rather small number of reports, charges and convictions for corruption crimes according to crime in general. The graph about previous data looks as follows:

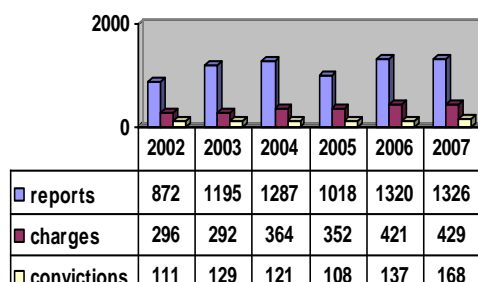


Furthermore, from the statistic data related only to corruptions crimes<sup>2</sup>, it is clear that the number of reports, charges and convictions is in a constant increase from 2002 to 2004 with some slight fall in 2005 and then again with significant increase in 2006 and 2007, which certainly represents a positive trend. For any statistic, especially when it comes to corrupt criminal acts, we should specially stress the existence of a large dark number, and an increase in reporting, charges and convictions points out on reducing that dark number. The graph about previous mentioned data looks as follows:

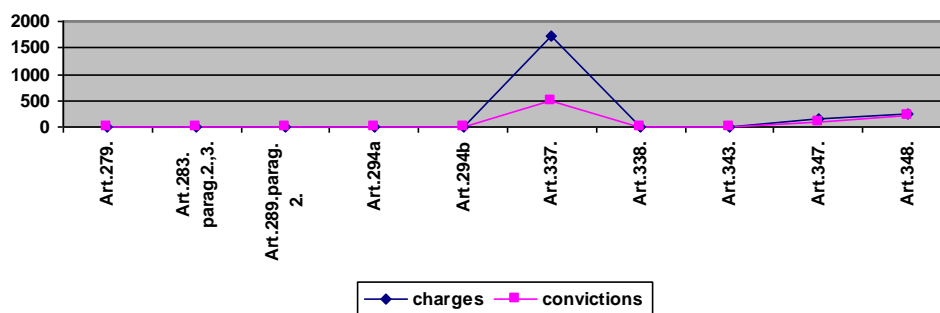
---

<sup>1</sup> In the Republic of Croatia, for corruption and its reach it is often used picturesque expression "corruption octopus".

<sup>2</sup> <http://www.dzs.hr/> Corruption crimes from 2002 to 2007, the data from Graph 2.1. Reported, accused and convicted persons for corruption crime, 2002-2007, p. 27, from 18<sup>th</sup> March 2011.



As we previously mentioned, in this text we used statistic data for crimes from CC, which fall under the jurisdiction of the Office for Combating Corruption and Organized Crime (hereinafter OCCOC)<sup>1</sup> for our analysis. According the above information related to crime, it should be noted that it is in the specified time period were a total of 2 135, from which most of the charges and convictions for any criminal offense fall under Art. 337- Abuse of power and authority (1 708 charges, the condemnation of 480), then for a crime within the Art. 348. Bribes (240 charges, convictions 207), Art. 347. Bribery (161 charges, sentence 82), Art. 343. Illegal mediation (14 charges, sentence 2), Art. 279 Money laundering (7 charges, convictions 3) and Art. 338. Abuse of state power (3 charges, convictions 0).<sup>2</sup> The graph above looks as follows:



For comparison, it is necessary to look briefly back on a conviction for corruption in some neighbouring countries. Data available in the European Sourcebook of Crime and Criminal Justice Statistic<sup>3</sup>, shows that countries with the highest percentage of convicted persons for corruption

<sup>1</sup> See p. 6 in the beginning of this Chapter.

<sup>2</sup> [http://www.dzs.hr/Corruption crimes from 2002 to 2007](http://www.dzs.hr/Corruption%20crimes%20from%202002%20to%202007), the data from Table 16, p. 88. from 18<sup>th</sup> March 2011.

<sup>3</sup> [http://www.europeansourcebook.org/ob285\\_full.pdf](http://www.europeansourcebook.org/ob285_full.pdf) of 18<sup>th</sup> March 2011, Table 3.2.1.18 Person convicted per 100 000 population-Corruption, p. 190.

crimes in a population of 100 000 in a year 2007 are as follows: Georgia with 21.1%, Lithuania with 8.1%, Poland with 6.5%, Estonia 4.1%, Russia and Slovakia with 3.6%, Latvia 2.6%, Hungary with 2.5 %, Ukraine with 1.5%, Romania with 1.3%, the Republic of Croatia with 1.2% (10th of 40 statistical shown countries), the Czech Republic with 1.1%, Slovenia with 0.7%, Cyprus Albania and 0.5%, Germany with 0.4% and Armenia with 0.1%. For the remaining countries (as well as Macedonia) there are not relevant data in presented statistics. Also, it is not indicated on which exact crimes statistic is based on. Thus, it follows that from a total of 40 states, i.e. 19 of them for which data are known, that the Republic of Croatia is on the 10th place as a percentage of corruption crimes to the number of population of 100 000, meaning one place below the middle of the overall ranking of the considered countries. The above clearly supports the second thesis stated in the beginning of this section, that the Republic of Croatia does not deviate from the average of other European countries on convictions for corruption crimes and that corruption is a problem in all countries, in some less and in some more. So it can be reasonably concluded that the Republic of Croatia in terms of corruption crimes and their convictions is not inconsistent with the European average. We can resume that the two thesis set in this paper were successfully proven.

#### BRIEF ON CROATIAN ANTI-CORRUPTION STRATEGY AND ACTION PLAN

Based on experiences from implementing the National Program for Combating Corruption of 2006 - 2008, the Croatian Parliament passed the Anti-Corruption Strategy<sup>1</sup> with the accompanying Action Plan in June 2008. Strategies taken into consideration consist of recommendations from the Report on Screening for 23. Chapter "Judiciary and Fundamental Rights", the recommendations from the Annual Report of the European Commission on progress in the process of Croatian accession to the European Union in 2007, the recommendations of the Accession Partnership and the recommendations of the Second Round of Judging GRECO of the Council of Europe. Strategy itself will be implemented through an Action Plan for Combating Corruption, which will be, due to the objective of monitoring the implementation of the Strategy, revised every year. In short, as priority objectives in the implementation of the Strategy we can mention the following:

---

<sup>1</sup> Anti-Corruption Strategy, Official Gazette No. 75/08



- improving the legal and institutional framework for efficient and systematic anti-corruption fight
- promoting access to “zero tolerance” on corruption
- strengthening the integrity, accountability and transparency in the work of government strengthening public confidence in state institutions
- creating the preconditions for preventing corruption at all levels
- raising the efficiency of detection and prosecution of crimes of corruption
- raising public awareness about the damaging effects of corruption and the need to combat corruption
- promoting international cooperation in the fight against corruption
- improving cooperation between national authorities responsible for implementing the Strategy
- Improving cooperation with civil society organizations.<sup>1</sup>

The Strategy, in order to fight effectively against corruption, recognizes the necessity of creating an appropriate and efficient institutional framework that includes appropriate coordination and cooperation of relevant institutions that implement anti-corruption policies and their effective monitoring. It is necessary to direct special attention to the transparency of data and access to information, transparency in the financing of political parties, strengthen the integrity of civil servants, reducing the risks of corruption in the economy, public finance, procurement, judiciary, health, education, science and sport and to an adequate way to protect people who are damaged by corruption, as well as those who bona fide reports the corruption. Also, given the global dimension of the phenomenon of corruption it is necessary to stress the importance of cooperation at international level and the constant need to work on its improvement. Raising public awareness about the damaging effects of corruption is also another manifestation of the fight against it.

## CLOSING REMARKS

An effective fight against corruption is possible only if it is carried out simultaneously on several levels in society: legal, political, economic, psychological and sociological. Although it is impossible to suppress

---

<sup>1</sup> Part 2 of the Strategy under the title Principles and Objectives of the Strategy-subtitle General objectives

corruption completely, it is really possible to reduce it and in that direction we should focus our efforts. Republic of Croatia has decided to carry out the policy approach to recognition of "zero tolerance" on corruption, which is clearly expressed in adopted Strategy which was shortly presented in this paper in the main parts. Frightening corruption is a question of public safety and preserving a rule of law. Republic of Croatia must even more strengthen the combat against the corruption. That is also one of the obligations deriving from European Union negotiation chapter 23 on Judiciary and Fundamental Rights in the process of EU accession. Despite the fact that the Republic of Croatia has a rather small number of reports, charges and convictions for corruption crimes according to the crime in general (the first thesis in this paper which is proved), analysed Croatian statistics data show an increase in charges, indictments and convictions for corruption crimes of which the highest number of charges and convictions in general were for criminal act of abuse of power and authority, and then for the criminal act of bribery, passive bribery, trading in influence, money laundering and misuse of state power, which certainly represents a positive trend in combating corruption. Moreover, within the framework of the Strategy, according to an analysis and assessment (Chapter 6 Criminal prosecution and application of criminal law), there has been a significant change in the prosecution of corruption as opposed to previous years in which most crimes are driven by the less significant works, while in 2007 most procedures with respect to corruption crimes medium and high level. They also pointed out the necessity of completion of these procedures within a reasonable time, as well as the necessity to be carried out through the criminal process to identify and seize property gained through crime. Only in this way we can achieve positive results and efficiently make clear that the crime ultimately does not pay.

Further, insight into foreign statistics showed that the Republic of Croatia is anything but not deviating from the average incidence of the phenomenon of corruption in other countries, which confirmed the second thesis set out in this paper. Corruption is a problem on a global level, in particular also due to the fact that corruption crimes are in most cases sophisticated and they are much more difficult to detect. The importance of international cooperation in the detection of complex corruption forms with the foreign element, today in the modern era, is of an extreme importance. Fight against corruption is a fight for better tomorrow in the state of prosperity and development.

## REFERENCES

Anti- Corruption Strategy, Official Gazette No. 75/08.

Criminal Code of the Republic of Croatia, Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 105/04, 84/05, 71/06, 110/07, 152/08.

Corruption crimes from 2002nd-2007th, Statistical data from the Croatian Central Bureau of Statistics, <http://www.dzs.hr/> -18th March 2011.

Derenčinović, D., Mit(o) korupciji (Myth (of) corruption), NOCCI, Zagreb, 2001.

Horvatić, Ž. et al, Rječnik kaznenog prava (Dictionary of Criminal Law), Masmedia, Zagreb, 2002.

Law on the Office for Combating Corruption and Organized Crime, Official Gazette No. 76/09, 116/10, 145/10.

Milivojević, L., Organised Crime-Trafficking, Croatian Legal Review, 5 (2005) 5, p 88 - 95

Nelson, J., M., Tilly, C., [Transforming Post-Communist Political Economies](#) (by Task Force on Economies in Transition), National Research Council, National Academy Press, Washington, 1998

Shleifer, A., Vishny, W., R., Corruption, NBER Working Paper Series, Working paper No. 4372, National Bureau of Economic Research, Cambridge.

[http://www.nber.org/papers/w4372.pdf?new\\_window=1](http://www.nber.org/papers/w4372.pdf?new_window=1) -18th March 2011.

<http://plato.stanford.edu/entries/corruption/>

<http://wmd.hr/rjecnik-pojmovi-k/web/korupcija> since 15th March 2011.

<http://www.dzs.hr/> -15th March 2011.

[http://www.europeansourcebook.org/ob285\\_full.pdf](http://www.europeansourcebook.org/ob285_full.pdf) -16th March 2011.

[http://www.europeansourcebook.org/ob285\\_full.pdf](http://www.europeansourcebook.org/ob285_full.pdf) -18th March 2011.

[http://www.transparency.org/publications/gcr/gcr\\_2009#dnld](http://www.transparency.org/publications/gcr/gcr_2009#dnld) -16th March 2011.

[http://wescholar.wesleyan.edu/cgi/viewcontent.cgi?article=1535&context=etd\\_hon\\_theses&sei-redir=1#search="institutional+organised+crime,+transition"](http://wescholar.wesleyan.edu/cgi/viewcontent.cgi?article=1535&context=etd_hon_theses&sei-redir=1#search=), -8th May 2011

<http://info.worldbank.org/etools/docs/library/35970/mod03.pdf>, 08.05.2011.

**Lazar Gjurov, MA,**  
Military Academy "General Mihailo Apostolski" Skopje  
[lazar.gurov@ugd.edu.mk](mailto:lazar.gurov@ugd.edu.mk)

**Angelina Taneva-Veshovska, PhD,**  
FON University - Skopje  
[angelina.tanevaveshovska@fon.edu.mk](mailto:angelina.tanevaveshovska@fon.edu.mk)

**Drage Petrevski, PhD**  
Military Academy "General Mihailo Apostolski" Skopje  
[drage.petrevski@ugd.edu.mk](mailto:drage.petrevski@ugd.edu.mk)

## **TRANSFORMATIONAL LEADERSHIP AS A KEY FACTOR IN DEALING WITH THE TRANSITIONAL CHALLENGES IN THE WESTERN BALKAN'S REGION**

### ***Abstract***

*The transition in the Western Balkans has started in the 90s and it's still ongoing. It has recorded in its history, major security violations. These disorders were firstly manifested as challenges in the field of the political security, but the failure to deal with them, led to serious distortions in the overall security of the states of the region. Many of challenges and threats in the area of political security, in this region, led to occurrences of several armed conflicts with many civilian and military victims, presence of constant tension, high rate of crime and many other security dysfunctions.*

*But, despite the lengthy transition process for the entire region, it is evident that some countries are moving with rapid pace, getting closer to achieving their set objectives, while, at the same time, other countries remain with loop at same point or even going backwards. Key factor of successful coping with the challenges of the transition is the type of leadership that is practiced by the formal leaders that are positioned at different levels in the system.*

*In this research paper, we will do analysis and study of the impact of the transformational leadership and its coping with transitional challenges and its influence towards the maintenance of the political security. Focus will be put on acknowledgement of the key role that is brought by the practice of this leadership style when dealing with specific challenges in the Western Balkans. We will consider the specific challenges arising from the transition, the difficulties faced by leaders who do not apply appropriate leadership style and the opportunities that the transformational leaders have.*

*The paper will specifically consider the genesis of the serious security breaches through the challenges that are initially manifested in the sphere of*

*political security. It will be explored how the unsuccessful management of the leadership establishment in the various stages of the recent history of Western Balkans actually led to more serious threats to the security of the state.*

**Key words:** *political security, transition, western Balkans, transformational leadership.*

## **Political security as the basis for general safety**

Political security refers to the organizational stability of the order of the system. It comprehends the relations in the government, the legitimacy of the authorities and recognition of the hierarchy of authority. This sector has its own specifics. In fact, it is the broadest sector, and actually, it represents residual category, because in a certain sense, each and every security threat is constituted and defined in a political way. Accordingly, in a certain sense, both the social, the economic and the environmental, as well as military security involve the prefix "political"<sup>1</sup>.

This is especially pronounced in many poor countries where great deal of the common policy is plunged into the area safety. In fact, the failure of the state to cope with issues and problems through regular political rules and procedures converts these problems into certain threats that result in further tensions, reduced confidence in the bodies of the system, emergence of various forms of intolerance, occurrences of different forms of disrespect for the institutions of the system and resorting to the use of various forms of violence to achieve their goals. One specific period in which a particular dynamics in the political security system occurs, is the period of transition.

## **Fundamentals of transition and challenges to political security**

Transition by definition represents a process of change. Process of transformation from one condition to another. These processes of transformation and transition are studied by the sociologist Kurt Lenjin<sup>2</sup>, vividly depicted in the picture no. 1. Usually, all systems tend to remain in a particular state of functioning on the long run. It represents the first phase, which in this theory is called freezing. In the specific case of the region of Western Balkans, this stage of "freezing" represents the period before the 1990's, when most of the countries were living in a period of socialist system. After the period of "freezing", naturally comes the second stage of thawing and change. The reasons for entering the second phase may be

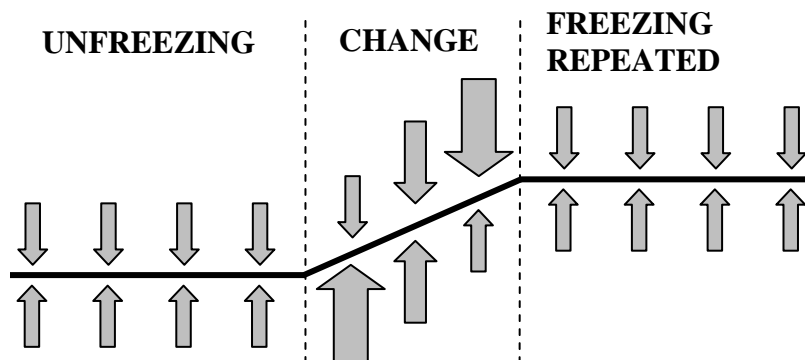
---

<sup>1</sup> Пендаровски С. (2009) *Меѓународна безбедност*, Скопје.

<sup>2</sup> Kurt L. (1951) *Field theory in social science*, Harper & Row, New York.

different; usually, these are issues that have been ignored for a long period of time, which caused enough resentment to provoke taking up concrete actions that require changes in the system functioning. This phase usually is the most risky one and it carries the most barriers and challenges to the security.

**Picture No.1 Model for system change**



### **The essence of the transition in the Western Balkans**

The unfreezing stage in the region of Western Balkans occurred in the second half of the 1980s. The countries of the former Yugoslavia began to clearly demonstrate a determination to leave the original country. The entire process of transformation of the region actually began in the 1990s when the disintegration of Yugoslavia brought the entire the region into a process of fundamental and complex transformations and change. The region changed its orientation from mainly eastern to western. NATO and the EU were set as end goals by the government authorities of the countries of the region. The region which was mainly functioning in socialist establishment, entered the process of complex economic and political reforms aimed at creating democratic states and civil system. This transformation implied the creation of new institutions that were supposed to ensure separation of the state from party control and introduction of the market economy, abandoning the approach of state planning of the economy. The change involved the introduction of new, legal and administrative practices in order to make a suspension of the institutional legacy of communism.

If main features in the previous system were: equal distribution of capital and promotion of overall equality in the social system, job position security until obtaining eligibility for retirement, the expectations of the employee to perform its obligations without its share in the special processes of decision making and work promotion, promotion of equality that directly

reflects towards negative perception of the expression of different opinions and possible conflicts etc.

The values set as goals of the transition, produce new principles and concepts: allocation of capital according to the realization, the society promotes competitive access, equal rights for all, particularly respecting the rights of other ethnic communities, opportunities for citizen participation in decision making and allocation of finances and the like.

### **Security challenges of the transition**

Political threats to security by definition are the following: denial of borders, language, recognition of a statute, etc., (by bringing into question the ideology that legitimizes), parts of the country's territory (with reference to the denial of those parts) or existence of the state, bringing into question its right to exist at all in some form.<sup>1</sup>

These challenges were part of the phase of "unfreezing" at the beginning of the transition in the region. The countries of the region disputed the legitimacy of the existence of Yugoslavia and expressed desire for independence. In this phase, different challenges stemmed:

- Pronounced nationalism in certain countries and animosity toward neighboring states,
- Resentment of the ethnic groups from the state treatment ,
- Low level of trust between ethnic groups,
- Weak economic power, - Weak capacities of state administration,
- Open questions about the non- recognition of state borders, language, name etc
- Open questions about the non-recognition of the independence of religious institutions that, at a particular period of the history, functioned under certain hierarchical subordination.

At different stages of the transition period formal leaders simply failed to recognize the challenges they faced, and the consequences that may arise from the unsuccessful coping with them. Since the beginning of the process, huge security breaches of highest form occurred. A war occurred between Serbia and Bosnia and Herzegovina, and than between Croatia and Serbia, a NATO military intervention occurred in Serbia and armed conflict occurred in Macedonia.

The several conflicts that happened represent proof enough that the political leaders failed to maintain political security. That led to disruption of the overall security, emergence of tensions, and clear division of the

---

<sup>1</sup> Пендаровски С. (2009) *Меѓународна безбедност*, Скопје.

population, which directly affected the economic security. High level of criminality emerged, high-level of corruption, presence of the phenomena of human trafficking, emergence of spread of extreme nationalism and fundamentalism, etc. This left room for the emergence of information that there are various cells of terrorist organizations that operate in the region. Generally speaking, the failure of leaders to solve problems in the sphere of political security led to the overall security situation in the region to be, generally, at very low level.

### **The role of leaders in dealing with challenges**

Society at all levels of its functioning has set its formal leaders. They are individuals that citizens gave to reputation and credibility to decide on their behalf and guide the system to maintain its functionality and to achieve set goals. These leadership positions are at the highest strategic level (President, Prime Minister, Speaker of the Parliament, President of the Supreme Court), the average operational level (ministers, heads of various government departments, mayors, leaders of political parties, etc.) and positions at the lowest level (leaders of teams, working groups and other small structures that function as part of a larger variety of organizational structures.

Leaders are people who share responsibility for the functioning of the organization with which they operate. They are persons who have the power to make decisions, to manage the behavior of other individuals. This responsibility is shared in accordance with the level that the leader is put. Leaders, who are at highest level, bring decisions and actions that have an impact on many people and their decisions determine the strategic direction of running of the entire system. But at the same time, it must not be neglected the role and influence of leaders from lower levels of placement. They are directly responsible for implementation of the strategic decisions to practice and field work.

Although the leadership is important in the normal functioning of the systems, when it comes to the transition period, the leadership holds key role. In a period when in the society exist ongoing change and transformation, leaders from different positions must possess style that will overcome the challenges arising in the system and will not allow the challenges to political security to be effected in more serious threat to the general security.

If they fail to adequately adapt to the changes and fail to lead others towards the adoption of goals set, then the entire process will last very long and will not be moving forward. According to this statement and the current situation in most of the Western Balkan countries, it can be concluded that



the majority of leaders at all levels generally do not possess the appropriate competencies, knowledge, skills and capacities to respond to the actual challenges. In particular, for the leadership in the previous system of communism i.e. socialism, it was characteristic that autocratic i.e. Transactional leadership style<sup>1</sup> was applied.

Characteristic for this style is that it holds very small ability in managing changes. This style is in charge of maintenance of the situation to a constant level present at that time, and it allows the maintenance of the functional level. Transactional leaders fail to understand fully the situation, to recognize the need for change and create a vision that they will be dedicated to work on. They fail to recognize the challenges timely, and find mechanisms to overcome them. They generally accept the vision (full membership in EU and NATO) but fail to behave reformal. They do not fully understand and accept the vision as their own personal vision and goal, and fail to convey the vision to the citizens and cause joint effort for transformation of all segments of the complex state system. Transactional leaders fail in the motivation for people to change. The key to any change is the change of the individuals. It starts by changing legislation, legal acts and norms, but the entire process goes through the most critical process of implementation and actual implementation of the change in the actual daily operation of the system.

Leaders who practice this leadership style generally hold low levels of tolerance to different opinions. The whole structure of leadership behavior with certainty produces:

- Conflicts and creation of tense situations,
- Prolonging of the transitional period,
- Creating a false picture of reforms for presenting the image to the international community,
- Encouragement of nationalism in order to cover its reform failure,
- Creation of "enemies" who will be responsible for the failure.

If we observe the transition period in the Western Balkans it can be seen that it was filled with unsuccessful handling of the challenges of transition and it holds many examples of direct transition from minor political challenges for political security to bigger serious security violations.

---

<sup>1</sup> Bass B. (1985) *Leadership and Performance Beyond Expectations*, Free press, New York.

## Transformational leadership as a key approach in the transition

In contrast to the transactional leaders, transformational leaders in their essence are destined to lead through a process of change. They are individuals who recognize the need for change and act according to it in the reality. In the study of transformational leadership style, large stake hold Tichy and DeVanna, who did extensive research on successful leaders from various levels of public and private sector. The aim of the research was to recognize, how actually, the changing and the transformation of this complex system occur. The survey locates that the leaders carried out the changes in process that was consisted of three steps.

The first step of the transformational process includes the *recognition of the need for making change*. In general, people tend to maintain the status quo position and to show resistance to changes. Usually, people want to retain themselves in the existing system. As a result, the need for change can stay unrecognized. If the leader who is key figure in the system does not recognize the elements that bring change, that will bring frustration with certainty and in time it will grow into serious threat to the functioning of the system and its security. Transformational leaders are the moving force of the change. They have the responsibility to understand how the change will influence the functioning of the whole social system.

**Picture No.2 The process of transformational leadership<sup>1</sup>**



The second step of the process of making change is *creating a vision*. The vision is a concept of how the society is viewed in the future. It is necessary to share the vision with the rest of the members of the social system. In addition, the vision has to be also incorporated in the personal values of the leader.

These leaders have great ability to articulate the vision in a manner that can touch and inspire the followers. The transformation leaders inspire and motivate the followers while communicating the future goals with great

---

<sup>1</sup> Tichy N. M. и DeVanna M. A. (1990) *The transformational leader* (2<sup>nd</sup> ed.) New York: John Wiley.

optimism and by giving meaning to the tasks that need to be fulfilled. They initiate flow of emotions, interests and dynamics. The followers have strong emotions towards the meaning of what they are doing and they get more motivated to act upon. As a result the energy that is being created can move the community towards dealing with the reforms. The communication skills give support to the leadership and make the vision more understandable, precise, powerful and attractive. The followers are ready to show efforts in their tasks, they are optimists for the future and believe in their possibilities.

The leader's vision helps the followers to realize their connection with the leader, society, with the others and with the goal. Once they will see the big picture they will start finding creative solutions to the obstacles that will be found on the way to the achievement of their mission. In the concrete example, the western Balkan region has clear vision to get full membership in EU and NATO, economical prosperity and high level of safety and security in the region.

The third step of the transformational process includes the *implementation and the institutionalization of the changes*. In this phase, the leaders have to change the old structures and to establish new ones. This is the most critical phase of the process for the leader because it is a phase full of strong resistance and challenges. Usually in this phase, the leaders who do not practice the transformational process of leadership fail at overcoming the obstacles and facing the challenges. If the leader do not possess the needed skills and abilities, does not believe in the vision set and it is not determined to fulfill it disregard the difficulties, the change will never happen.

Elise Walton has defined the same process in five stages: diagnosis, clarification, coalition building, action, consolidation, and maintaining the change.<sup>1</sup> In the analysis of 39 studies of transformational leadership it is found that<sup>2</sup> the individuals that practice the transformational leadership are perceived as more effective leaders that give better working results than the leaders that practice transactional leadership. These conclusions are taking in consideration all the leaders no matter they are low, middle or high level leaders, or leaders in the public or private sector.

---

<sup>1</sup> Walton, A.E. (1995) *Staging discontinuous change*, in: Nadler D.A., Shaw R.B., Walton A.E., *Discontinuous change: Leading organizational transformation*, CA.

<sup>2</sup> Lowe K. B., Kroeck K. G. and Sivasubramaniam N. (1996) *Effectiveness correlates of transformational and transactional leadership*, A meta-analytic review of the MLQ literature, *Leadership Quarterly*.

<b>Table 1. Traditional and modern view of the conflict</b>		
<b>Aspect</b>	<b>Traditional view</b>	<b>Modern view</b>
Relation	The conflict can be avoided	The conflict is inevitable, and natural and expected condition
The cause of conflicts	<ul style="list-style-type: none"> <li>- the mistakes in managing, in designing and leading the system</li> <li>- the problematical involved sides in the conflicts</li> </ul>	<ul style="list-style-type: none"> <li>- organizational structure</li> <li>- inevitable differences in the goals</li> <li>- differences in the perceptions</li> <li>- differences in the values etc.</li> </ul>
Effect	It destroys the system, produce frustration and it barricade the functioning	It can bring progress in the functioning of the system
Approach	To eliminate the conflict	To manage the level of conflict and to work on its resolution
Source: James A. F. Stoner, <i>Management</i> , Prentice – Hall, Inc., Englewood Cliffs, New Jersey, 1978, p 344		

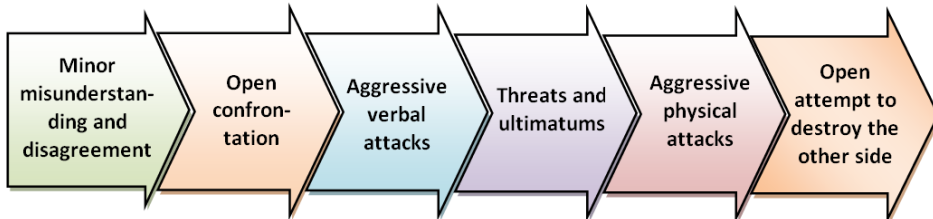
The constructive approach to the conflicts can be seen as one of the most significant features that these leaders have. If we take the definition of the conflict where conflict can be seen as the relation between two or more sides (individuals or groups) who have or think that they have different goals, attitudes and perspectives,<sup>1</sup> it can be clearly seen that there is huge possibility the transition in its essence to possess conflict between two or more sides. In order change and transition to happen, someone have to demonstrate the different goal, attitude or perspective. In the following table there are presented the differences between the traditional and the modern view of the conflict.

The transformational leaders have modern approach to the conflicts. In accordance to it, they accept the transition as inevitable phase of the functioning of the system. Opposite to that, the transactional and other leadership types have traditional view of the conflicts which lead to avoiding and suppressing the real problems.

---

<sup>1</sup> Mitchell C. (1981) *The structure of International Conflict*, Macmillan, London.

**Picture 3. The dynamics of the intensity of the conflict<sup>1</sup>**



The approach to the conflicts has specific influence on the maintenance of the general security. If we look at the dynamics of the conflict's intensity, we can notice that at first, all the conflicts are showing themselves with low intensity that can be transformed into challenge in the area of political security. If there cannot be found constructive way of overcoming them, they will transform into various forms of violence and in the end into armed attacks and victims.

### **The transformation is the essence of the transformational leadership**

Unlike the transactional leadership, the transformational leaders have strong influence on the followers. That leads to creation of strong role models of leadership. These leaders, usually, have very high moral and ethical standards and therefore the followers are feeling proud they are connected with them. They have complete confidence in them they believe that they are able to make the right things in order to overcome the obstacles.

These leaders stimulate the followers to think independently. They initiate and encourage the creativity and the innovation among their followers. The leaders undertake risks to openly ask the followers for their ideas. The intellectual encouragement produces awareness rising for the problems, taking personal responsibility for the way how things can be solved. It initiates imagination and it generates thinking and self-analysis.

This aspect refers to the level of which the leader understands the individual needs of each of the followers. The leader provides supportive climate, gives empathy and support, maintain open communication and face the challenges along with the followers. It includes the needs for respect and

---

<sup>1</sup> Robbins S. (2003) *Organizational Behavior*, Englewood Cliffs, NJ: Prentice Hall Inc.

recognition of the individual efforts given to the team. As a result, the followers have will for self-development and have inner motivation to finish their tasks.

The leader put a value on their principals and tends to develop their abilities. He/she is a role model to them and he/she delegates individual tasks that carry with them challenge and responsibility. In addition, he/she acts as a mentor in order to accomplish significant change in their abilities by giving them concrete opportunities for personal development and transformation in their communities.

The goal of the transformational leadership is to transform people and systems. To change them in their mind and hearts, to enlarge their vision, perceptions and understanding, to clear the reasons, to make the behavior compatible with the values, principals and beliefs and to make permanent, self-initiated changes that represent the driving force of everything.<sup>1</sup>

## **Conclusion**

The transitional period is a real challenge to the maintenance of the general security. It can be seen in the National concept of security and defense of Republic of Macedonia where besides the defined goals and directions for leading the national security politics, there are also defined transitional problems under the numbered risks and threats to the national security. This, with certainty, emphasizes the significance of practicing the appropriate risk management and the leaders' capacities from the region to deal with the risks. The transformational leadership has to be accepted as common practiced leadership style, by the different public structures from the countries in the region. Only by this way the different opinions and conflicts derived from the transition can be used for strengthening the systems and providing general security.

Transformational leadership can guarantee that the declarations will transform into real changes on the field; and can also guarantee for the laws to be respected and implemented. This approach gives the opportunity all the possible manifestation of extreme nationalism, racial and religious impatience, the various forms of organized crime, the international criminal, illegal migration, human trafficking and etc., to be taken as challenges that can be dealt with, by the joint cooperation between all the subjects in the security sector.

---

<sup>1</sup> Bass B.M. и Avolio B.J. (1994) *Improving Organizational Effectiveness Through Transformational Leadership*, Thousand Oaks CA: Sage Publications.

Finally, the real transformational approach is the only guarantee for the region to be transformed into safer place and to become compatible system that can, without serious difficulties, become equal member of the collective security systems.

### **Bibliography:**

1. Bass B. (1985) *Leadership and Performance Beyond Expectations*, Free press, New York.
2. Bass B.M. и Avolio B.J. (1994) *Improving Organizational Effectiveness Through Transformational Leadership*, Thousand Oaks CA: Sage Publications,
3. Booth, K. (1991). *New Thinking About Strategy and International Security*. London, HarperCollins.
4. Kurt L. (1951) *Field theory in social science*, Harper & Row, New York.
5. Kopač E. (2006) *Ekonomska dimenzija ogrožanja nacionalne varnosti in relevantni indikatorji*, Univerza v Mariboru, Fakulteta za policijsko-varnostne vede.
6. Kopač E. (2006) *Modeli ekonomskih učinkov obrambnih izdatkov*, Slov.vojs.
7. Lowe K. B., Kroeck K. G. and Sivasubramaniam N. (1996) *Effectiveness correlates of transformational and transactional leadership*, A meta-analytic review of the MLQ literature, *Leadership Quarterly*.
8. Mitchell C. (1981) *The structure of International Conflict*, Macmillan, London.
9. Пендаровски С. (2009) *Меѓународна безбедност*, Скопје.
10. Robbins S. (2003) *Organizational Behavior*, Englewood Cliffs, NJ: Prentice Hall Inc.
11. Tichy N. M. и DeVanna M. A. (1990) *The transformational leader* (2<sup>nd</sup> ed.) New York: John Wiley.
12. Ullman, R. H. (1983). Redefining security. *International Security*, 8(1), 139 – 150.
13. Walton, A.E. (1995) *Staging discontinuous change*, in: Nadler D.A., Shaw R.B., Walton A.E., *Discontinuous change: Leading organizational transformation*, CA.

## ТРАНСФОРМАЦИСКОТО ЛИДЕРСТВО КАКО КЛУЧЕН ФАКТОР ВО СПРАВУВАЊЕТО СО ПРЕДИЗВИЦИТЕ НА ТРАНЗИЦИЈАТА ВО РЕГИОНОТ НА ЗАПАДЕН БАЛКАН

### Резиме

*Транзицијата во регионот на Западен Балкан е започната во 90-те години и сеуште трае. Таа во својата историја има запишано големи нарушувања на безбедноста. Овие нарушувања прво се манифестираше како предизвици во сферата на политичката безбедност, но неуспешното справување со нив довело до посериозни нарушувања и во целокупната безбедност на државите и регионот. Голем дел од предизвиците и заканите во областа на политичката безбедност доведоа до тоа во овој регион да се случат неколку вооружени конфликти со многу цивилни и воени жртви, да има постојани тензии, да има висока стапка на криминалитет и многу други безбедносни дисфункционалности.*

*Но и покрај долгиот транзициски процес за целиот регион, евидентно е дека некои земји се движат со забрзано темпо и се доближуваат кон остварување на своите поставени цели, додека истовремено останатите или чекорат во место или се враќаат кон назад. Како клучен фактор за успешното справување со предизвиците од транзицијата е типот на лидерство кое го практикуваат формалните лидери кои се поставени на различни нивоа во системот.*

*Во овој научен труд ќе направиме анализа и проучување на влијанието на трансформациското лидерство во справување во транзисиките предизвици и неговото влијаение на одржување на политичката безбедност. Ќе се предочи клучната улога што ја има практикувањето на овој лидерски стил во справувањето со конкретните предизвици во регионот на Западен Балкан. Ќе се согледаат конкретни предизвици кои произлегуваат од транзицијата, потешкотиите со кои се соочуваат лидерите кои не применуваат соодветен лидерски стил и можностите кои ги имаат трансформациските лидери.*

*Конкретно ќе се согледаат генезата на посериозните нарушувања на безбедноста преку предизвиците кои првично се манифестирани во сферата на политичката безбедност. Ќе се проучи како неуспешното справување на лидерскиот естаблишмент во различни етапи на поновата историја на Западен Балкан всушност довела до посериозно загрозување на безбедноста на државата.*

**Клучни зборови:** политичка безбедност, транзиција, западен балкан, трансформациско лидерство.



***Snezana Mojsoska, PhD***  
Faculty of Security-Skopje, Macedonia,  
*email:smojsoska@gmail.com*

***Gordana Vitanova, PhD***  
Faculty of economics-Prilep  
*email:vitanova04@yahoo.com*

***Bozidar Milenkovski, MSc***

## ***SECURITY IN ELECTRONIC BANKING SYSTEM***

### ***ABSTRACT***

*As a result of technology development and modernization in the 21st century, the Internet takes a key role in communication between individuals, business community and society. A new kind of channel of communication that resulted from the development of the Internet is electronic commerce, while the major industry that uses it, is the banking industry. Electronic banking is a new system of interaction between users and banking industry that allows users, through the virtual method, to manage their funds from bank accounts. Electronic banking has many positive sides (payments at any time, checking account at any time, money transfer, lower commissions, etc.), but also has disadvantages such as privacy and information security. According to data from the Institute for Statistics, the use of Internet in Macedonia is in growth by individuals about 1.9% in 2010 compared to 2009. However the use of electronic banking has a very low level and only 9.3 % of Internet users use the Internet for electronic banking.*

*Keywords: electronic banking, security*

### **Introduction**

Traditional way of banking is based on using paper documents pursuant defined and channeled communication between players in the banking business. Development of internet has opened possibility to leave old traditional way of communication and development of new electronic way of information exchange known as electronic banking. Banks are quite conservative institutions which started to use Internet in one way with providing information only to the clients, rather than two way communications. However, the banks positive effects and benefits of using Internet are low cost to get new clients i.e. there is no need to open new offices and new employments, especially for the regions where they don't

have affiliates or branch offices. Banks are providing a lot of information using Internet in respect of distribution, credits, external payments, consultancy, ForEx etc.

Using Internet, banks presents competitiveness competition and development as stable and trustful urban bank. In one word banks throughout Internet provides variety financial services.

### **History of e-banking**

E-banking can be defined on different ways and from different aspects. The most used definition is that e-banking present's automatic delivery of new and traditionally banks services directly to the costumer's via electronic, interactive channels for communication.<sup>1</sup> E-banking or electronic banking is all kinds of transactions that occur between companies, organizations and individuals and their banking institutions throughout the Internet channel. For the first time as a concept was introduced in 1970 in the US and some banks began to offer such service in 1985. Already by 2000 80% of US banks offer electronic banking. The biggest U.S. bank, The Bank of America needed more than 10 years to get customers to adopt electronic banking in the figure of 2 million bank customers. In 2001 became the first bank with over 3 million users of electronic banking. In 2009, 47% of Internet users in the U.S. use electronic banking, and in Britain 30% of Internet users use e-banking<sup>2</sup>.

#### **Advantages of e-banking**

The advantages that banks have by using the e-banking are: to access and review the status of the accounts of users, records of all transactions, payments, transfer funds from account to account and so on. Other pros are:

1. Costs of each separate transaction are 10-15 times lower than the cost of processing the transaction over the counter.
2. Import of the data and control of the transactions are left to the customer.
3. More quality service that is offered to customers compared to traditional payment methods.
4. Quick spread of clients who include the geographical areas where there are no bank branches.
5. Reduce all costs related to payments, saving in printing orders.

---

<sup>1</sup> <http://e-biznisi.net/index>

<sup>2</sup> [http://e-biznisi.net/index.php?option=com\\_content&view=article&id=465:2009-12-08-22-38-58&catid=74:-biznis-diskusii&Itemid=100](http://e-biznisi.net/index.php?option=com_content&view=article&id=465:2009-12-08-22-38-58&catid=74:-biznis-diskusii&Itemid=100)

6. Enlargement the number of customers on way of taking them from banks that do not offer e-banking

7. Opening a new market channel.

Benefits by users using e-banking are:

-Clients can 24 hours a day perform various types of transactions and access their accounts at any time, as opposed to time limited operation of banks,

- The time is very important to the customer

-Another advantage is the easy access, or client can use the services of e-banking if simply connected to the Internet, can execute transactions, and be informed from anywhere in the world.

-Also as advantage may be the speed of execution of transactions - thereby reducing the time spent waiting at the bank counter in order to be able to execute any transaction,

E-banking has its cons and can be distinguishing the following disadvantages:

-First you need to start a process of registration in order to allow access to account.

-Registration can be a complex procedure, so that the client should apply for the use of electronic banking, in which is need a certain period of approval

-As another disadvantage, and perhaps most important, that each customer has a different understanding of the operation of computers, which means that the customer may encounter difficulties in carrying out electronic transactions unless they have experience,

-Each client needs to spend some of their time in order to learn the function of electronic banking.

### **Security in using e-banking**

Since E-Banking is a new technology that has many capabilities and also many potential problems, users are hesitant to use the system. The security of information may be one of the biggest concerns to the Internet. The use of Electronic Banking has brought to attention many concerns from different perspectives: government, businesses, banks, individuals, and technology.

From a government point of view, the Electronic Banking system poses a threat to the antitrust laws. Electronic Banking also arouse concerns about the reserve requirements of banks, deposit insurance and the consumer protection laws associated with electronic transfer of money. The US government is concerned with the use of high quality of encryption

algorithms because encryption algorithms are a controlled military technology.

Businesses also raise concerns about this new media of interaction. Since most large transfer of money is done by the businesses, these businesses are concern about the security of their money. At the same time, these businesses also consider the potential savings in time and financial charges (making cash deposits and withdrawals which some banks charge money for these processes) associated with this system. Another businesses concern is connected to the customer. Businesses ponder the thought that there are enough potential customers who would not make a purchase because the business did not offer particular payment system (e.g. electronic cash and electronic check). This would result in a loss of sales. On the other side of the coin, if this system becomes wide spread, this would allow more buying power to the consumer which puts pressure on businesses to allow consumers to use electronic transfer of money and make e-transactions.

Banks are pressured from other financial institutions to provide a wide range of financial services to their customers. Also the profit from handling financial transactions, both by charging fees to one or more participants in a transaction and by investing the funds they hold between the time of deposit and the time of withdrawal, also known as the "spread". With more financial transactions being processed by their central computer systems, banks are also concern about the security of their system.

Individuals are mainly concern with the security of the system, in particular with the unwarranted access to their accounts. In addition, individuals are also concern with the secrecy of their personal information. 82% of American poled expressed concern over privacy of computerized data. As more and more people are exposed to the information superhighway, privacy of information and the security that goes hand and hand with this information is crucial to the growth of electronic transactions. Some privacy technologies related to the electronic banking industry are electronic cash and electronic checks which will be discussed in the software solution section.

Dr. David Chaum, CEO of DigiCash said that "Security is simply the protection of interests. People want to protect their own money and bank their own exposure. On the other hand the role of government is to maintain the integrity and confidence in the whole system. With electronic cash, just as with cash today, it will be the responsibility of government to protect

against systemic risk. This is a serious role that cannot be left to the micro-economic interests of commercial organizations.”<sup>1</sup>

People who are less familiar with the Internet and today's technology normally avoid internet banking because they feel they are subject to fraud. It is true that the security measures used by most banks are not safe 100%, in practice the number of victims of fraud in Internet banking is very small. Indeed the classical banking is more susceptible to fraud than online banking. Counterfeiting of credit cards and signatures, and identity theft are much greater than hacking. Internet banking, can be dangerous only if the user is careless, gullible or computer illiterate. Protection with password authentication is not considered secure enough for personal online banking applications. To protect customers normally use https protocol, and the turnover of all information, including passwords, encrypted, which almost completely prevents access to and exchange of information to unauthorized persons, since the data is sent.

There is a risk of guessing the password, and the physical theft of passwords written on paper, the code interception by hackers and so on. That is why many online banking put another layer of protection. There are several different methods but most commonly used is the use of transaction numbers, which are actually one-time password. In Europe the method is used to create one time password unique to each user. Safety in the use of electronic banking is a major problem and is commonly defined as a combination of technology, measures and procedures in order to protect information from unauthorized exploitation and access.

There are four basic security services:

Confidentiality of data is accomplished through encryption or use of so-called cryptographic algorithm.

Authentication or identity checks the user through a variety of ways: via a PIN (Personal Identification Number, password, biometric methods (finger or footprint of smart cards, etc.).

Integrity of data-sharing provision of financial and other data between banks and customers so that no one unauthorized can use nor modify using protection technologies known as protocols.

Service to prevent denial of message sent or received and the contents of the same. Also a very important is protection of the bank's network and access control.

---

<sup>1</sup> Yi-Jen Yang, The security of electronic banking, 2403 Metzert Rd. Adelphi, MD. 20783, crp.4

## **Electronic banking in Macedonia**

Development of internet trade in Macedonia is at very low level. In Macedonia there are already models of electronic commerce that are applicable in small scale with no defined requirements for safety and security for the users. Online shopping by credit card is used since 2007, but there are also some companies that do not use either e-commerce or e-payments. The number of the companies that sell via Internet or by electronic means is about 35 and these are companies for computer equipment, pharmaceutical products, and books. According to business claims, banks are the biggest problem for the underdevelopment of electronic commerce, with a reason that they want a portion of their earnings, and want to charge large commissions. In Macedonia it is estimated that e-commerce through e-banking is around EUR 10.000. In other hand, the E-trade is not a challenge for banks in our country. Although anywhere in the world they are still drivers of economy, in our country that is not the case. However considered that the problem is not in government but in the banking industry where there is no better offer available for institutions. Banks want bigger profits and higher commissions that are taking bigger part of the company's profit. Experts explain that development of electronic commerce should induce banks that will enable companies that have their own online stores, a way of online verification of credit cards issued by them, thereby enabling confirmation of the validity of the transaction. However banks are those that mostly hinder implementation. In the Republic of Macedonia from the end of 2009 users of electronic banking have increased citizens are more informed about new products, they can verify the status of accounts in banks, they can perform various types of transactions, etc.

In the first quarter of 2010, 46.1% of households had internet access from home. According to the State Statistical Office, in the first quarter of 2010, the share of households with Internet access has been increase by 4.3 percentage points compared to the same period in 2009. The share of households with broadband in the total number of households increased from 33.8% in 2009 to 37.2% in 2010 while their share in the number of households with Internet access is on the same level in both comparative periods (about 81%).

However, 9.3%<sup>1</sup>, of all internet users in Macedonia in the first quarter of 2010, are using Internet connection for electronic banking.

---

<sup>1</sup> [www.stat.gov.mk](http://www.stat.gov.mk)

## Conclusion

The new information technology alters the use of banking products and services by users. Continued development and progress in the processing, analysis and transmission of vast amounts of data electronically, leads to rapid growth of electronic banking. The Internet provides to the banks and users new business, developing new online products and services, providing fiscal efficiency by reducing costs, time saving. Basically, the Internet significantly reduces the cost of information and thus affects the manner of functioning of the banking industry.

The electronic banking disables security transactions, security of personal information and accounts. Electronic banking increases the risk of the bank's system to be attacked from outside attacks, and the bank should be active in control systems for e-banking.

Acknowledge of computer technology and uninformed people about the advantages of e-banking, weak security systems of banks that are still developing in this sphere, distrust of the system in the state are among the reasons for insufficient use of electronic banking in the Republic Macedonia. In order to build trust banks should secure enforcing contracts which will be legal framework and that electronic documents would have the same meaning as written documents. From here arises the need for adoption of appropriate regulations for electronic commerce that defines the conditions for security and reliability performance of electronic services in the areas of e-commerce.

## Literature:

1. Jasmina Grgić, Tihana Gajdošik, E-banking Sveučilište Josipa Jurja Strossmayera u Osijeku, Preddiplomski studij matematike ,Uredsko poslovanje,Осијек,2007,стр.4
2. [http://e-iznisi.net/index.php?option=com\\_content&view=article&id=465:2009-12-08-22-38-58&catid=74:-biznisdiskusii&Itemid=100](http://e-iznisi.net/index.php?option=com_content&view=article&id=465:2009-12-08-22-38-58&catid=74:-biznisdiskusii&Itemid=100) (accessed 06.04.2011)
3. [www.stat.gov.mk](http://www.stat.gov.mk)
4. Yi-Jen Yang, The security of electronic banking, 2403 Metzertott Rd.Adelphi, MD. 20783

***Rina Kirkova, PhD***

*Institute for security, defense and peace studies- Faculty of Philosophy  
Skopje, Macedonia  
email: rina@fzf.ukim.edu.mk*

***Nenad Taneski, MA,***

*Department-Military security and intelligence service, Ministry of defence of  
the Republic Macedonia  
e-mail: [nenoreal@yahoo.com](mailto:nenoreal@yahoo.com)*

***Marjan Gjurovski, MA,***

*Faculty of Security-Skopje, Macedonia  
e-mail: mgjurovski@fb.uklo.edu.mk*

## ***DEMOCRACY AS A MECHANISM IN PREVENTION OF ASYMMETRICAL SECURITY THREATS***

### *Abstract*

*At the time of the Cold War, democracy had communist ideology as its rival and the largest threat to the security of democratic states was seen in the countries of the Eastern block led by the Soviet Union. In the new international relations a rival of the democratic ideology is the ideology of radical Islamists, and the greatest threat to national security of democratic states are threats that often stand behind the followers of this ideology. Western democracies try to implement democratic values in the "apostate" Arab states in order to ensure their own national security. The question that inevitably arises is whether democracy has a mechanism strong enough to suppress asymmetric threats (global terrorism, transnational crime and proliferation of weapons of mass destruction)?*

***Key words:*** *democracy, autocracy, asymmetric threats, terrorism, security*

### **A new system of international relations - new threats**

Bipolar system of international relations, typical for the Cold War, was a system in which the biggest threat to the states' national security was posed by other states or alliances of states. During this period there exist two conflicting ideologies, capitalist versus socialist. Democracy, civil and political freedoms and rights, freedom of the market and entrepreneurship, political pluralism, rule of law were the basic characteristics of the Western world. Eastern states were led by communist ideology, centralized management market, one-party system, control the media and restrictive



interpretation of freedoms and rights. But with the fall of the Berlin Wall, which converted to symbolic mark the end of the Cold War, and with it the end of the bipolar system of international relations, the world enters a new multi-polar system in which it seemed that liberal ideology prevailed. Initiated by the events that will follow in the early nineties of the last century Francis Fukojama published the book "The End of History and the Last Man", according to which wars are over, because the values of liberal democracy will be accepted by all societies. Unlike Fukojama, Huntington over the same period published the book "Clash of Civilizations" in which he launched the thesis of religious wars. Neither Fukojama nor Huntington predicted primary threats to national security of states seen in terrorism, transnational crime and proliferation of weapons for mass destruction.

### **The network of asymmetric threats**

The involvement of extremist groups in criminal activities is a topic that emerged several decades ago. In recent years, various sources claim that the relationship between international terrorists and transnational crime is stronger. According to some reports it is a symbiosis between crime and terrorism. This connection represents the old-new serious security threat to democratic societies.

Overall, it seems that there are three basic ways in which crime and terrorism are overlapping: common tactics and methods, through a process of transformation from one type of group to another and through short-term or long-term exchanges of services between groups.<sup>1</sup>

Globalization facilitates the transnational connections. Criminal organizations easily accomplish their cooperation, but the same is true for terrorist organizations. Because both have a common enemy (the authorities of countries where they operate) their enemy, brings them together in sharing information about its sustainability. Second, but perhaps more important reason that the criminal-terrorist link becomes stronger is a result of joint opportunities to achieve financial gain. The third reason, in our opinion, is associated with the changed nature of the activities of criminals and terrorist organizations. First, the development of technology, trade and financial industry enable criminals to exploit weaknesses in the new criminal sectors, such as computer crime, credit cards, money laundering etc. While terrorist groups, especially those who are the greatest threat to democratic states, are motivated more by religious rather than ethnic or nationalist-separatist

---

<sup>1</sup> Sam Mullins, "Parallels Between Crime and Terrorism: a Social Psychological Perspective," *Studies in Conflict and Terrorism*, Vol. 32, No. 9, 2009

motivations. This would mean that terrorists and criminals constantly increase areas of cooperation on the one hand, and on the other they becoming more connected (for example global network of Islamic terrorism).

According to the DEA, overlap of terrorist and criminal groups in recent years is mostly seen in drug trafficking.<sup>1</sup> It is important to mention that crime in certain terrorist organization becomes a part of ideology. One of the earliest examples of such justifications is Hezbollah's fatwa stated in the 1980s: "If we can not kill them with guns, will kill them with drugs".<sup>2</sup> A newer example is with Mohammed Khan, who justifies his willingness to sell the heroin, because he sees it as a form of jihad: „Whether it is by the opium or shooting, it is our common goal“.<sup>3</sup> Similar is the justification of Fatah al-Islam leader who said: „stealing money from the heretics, who belong to the atheist regimes and states, is something that Allah allows us to do. This money is taken away from them and used in jihad “.<sup>4</sup>

Because of this relation between transnational crime and terrorists, counterterrorist activities and activities against criminals intertwine, and national strategies for elimination and suppression of one threat, simultaneously, use the combat methods of the other threat. This is especially evident in the case of Afghanistan. (For example, the arrested drug dealers are often used as informants for the locations and capabilities of terrorist gangs.)

However, the most dangerous and worrisome area in which there is great cooperation between transnational crime and international terrorism is the proliferation of materials for making weapons of mass destruction. The cooperation between terrorists and criminals has increased considerably in zones where there are efforts to democratize society by force (Afghanistan, Iraq), societies that disagree with U.S. foreign policy (Iran, North Korea, Syria), corrupt autocratic societies of the Middle East, and societies in transition. The current strategy for eliminating these asymmetric threats refers to the democratization of societies. But the real question is whether through the democratization of authoritarian and poor societies terrorism, transnational crime and proliferation of materials for weapons of mass destruction can be prevented as global asymmetric threats.

---

<sup>1</sup> For further information on U.S. drug control policy see CRS Report RL34543, *International Drug Control Policy*, by Liana Sun Wyler.

<sup>2</sup> Cited in Rex A. Hudson et al., "A Global Overview of Narcotics-Funded Terrorist and Other Extremist Groups," Federal Research Division, Library of Congress, May 2002, p. 10.

<sup>3</sup> Ibid.

<sup>4</sup> Matthew Levitt and Michael Jacobson, "Drug Wars," *The New Republic*, January 27, 2009

## **Democracy as a mechanism in prevention of asymmetric threats**

Democracy represents the “majority rule” or the “will of majority”. Put simply it is a game of desires. In these societies the most often used phrase is „Very well, then, let’s test your will and see how strong it is” Actually, this is a continuation of the war but by peaceful means. The minority which lost is not satisfied. Although minority groups can exercise further their interests through rights and freedoms provided by democracy when they have interests outside the system, they try to achieve it with violent methods.

Democracy is not just matter of elections. In the Western world, the democratic values are the peak of human civilization, according to which a society should be governed. Democracies are by definition open societies that guarantee respect for civil liberties and rights. In these societies there are prohibitions on oversight and investigations with the use of force by police. Weak intelligence capabilities mean limited capacity for prevention and protection of minority criminal-terrorist groups. Checkpoints by police in these systems are rare. Also, these societies have easily transient border crossings and allow easier opportunities for infiltration and operation of the members of these groups.

Presumption of innocence, one of the constitutionally guaranteed rights in democracies, detention as a temporary measure, the opportunities for fair trials are extenuating circumstances when violators of legal norms have been arrested. Because of these opportunities, available to criminal and terrorist groups, democratic states have opened for their actions. For terrorists, however, democracies are additionally interesting because of media publicity and popularity offered by the media. Disturbing fact to the authorities, and useful for terrorists, is the fact that the media are very important in conveying messages of terrorist activities in public. With that, terrorists are encouraged to perform a new political violence.

Unlike democratic systems, autocracies, generally, were considered as guarantors of stability. History shows that totalitarian systems are less vulnerable to asymmetric threats than autocracies. Totalitarian governments have advantages in dealing with potential criminal-terrorist groups. They do not need to worry about gathering evidence for trial, presenting credible or relevant evidence. They can also use more extreme interrogation methods and research, and even threaten the family members as a means of acquiring evidence.

However, the most vulnerable to asymmetric threats are societies in transition. In the political systems in transition, control mechanisms are weak

and corruption is an integral part of society. For these reasons, societies in transition provide attractive locations for criminal-terrorist groups.

But despite this situation, the promotion of democracy around the world has always been one of the basic values of U.S. After the attacks of Sept. 11, this value gets and security dimension<sup>1</sup>, especially in the fight against terrorism, which is already recognized as a central threat and coupling of the three asymmetric threats. The wars in Afghanistan and Iraq have shown that this value as a mechanism for the suppression of asymmetric threats has become affordable for most European countries. After wave of protests that swept the Arab states, former Prime Minister of Great Britain, Tony Blair, stated „This is a moment when the whole region will face the changes of modernization and democratization.“<sup>2</sup> The question that arises here is "how much democratization of totalitarian societies is a successful mechanism for dealing with asymmetric threats"?

In scientific publications often there are tendencies to make the connection between democracy and the absence of terrorism, and thus the other asymmetric threats. The basic claims are based on the thesis that democracy is the white side of terrorism. There are three supplement theses regarding this claim.

**1. Democracy brings more political participation, civil liberties and the rule of law in compare to autocracy, and with this reduces the need for the creation of terrorist organizations.**

In the period after the Second World War until 1989 to more terrorist groups were established in democracies compared to non-democratic societies. After the Cold War, it is interesting to note that Western democracies are not only faced with the politically motivated terrorism. They

---

<sup>1</sup> The relationship between national security and the promotion of democracy in the world, became part of the National Security Strategy of the United States. The National Security Strategy of the United States in 2006 states: "Because democracies are most responsible members of the international community, promotion of democracy is most effective long-term measure to ensure international stability, reducing regional conflicts, counter terrorism and ensure peace and prosperity." And this goes even further back in the 1998 A NATIONAL SECURITY STRATEGY FOR A NEW CENTURY: "We seek to create a stable, peaceful international security environment in which our nation, citizens and interests are not threatened. The United States will not allow a hostile power to dominate any region of critical importance to our interests... (The US) vital interests—those of broad, overriding importance to the survival, safety and vitality of our nation. Among these are the physical security of our territory and that of our allies, the safety of our citizens, our economic well-being and the protection of our critical infrastructures. We will do what we must to defend these interests, including—when necessary—using our military might unilaterally and decisively"

<sup>2</sup> Robert Spenser, "Democracy is a Relative Term", February 15, 2011, <http://www.radicalislam.org/content/democracy-relative-term> date of access 26.03.2011

have become more vulnerable to radical Islamic terrorism. The biggest threats are not coming from the leaders of these terrorist organizations, but from the second and third generation immigrants, which despised the fact that they had their lifetime in the Westerns democracies, inspired by the ideology of al Qaeda, have become a serious threat to these societies.

In terms of young democracies and societies in transition, the cases of Iraq and Afghanistan indicate that these societies are particularly vulnerable to terrorist attacks. Experience shows that an even bigger problem is to democratize the societies in which main religion is Islamic fundamentalism. Replacing the authoritarian regime even with perfectly functioning democracy will not satisfy Islamic fundamentalists because for them this elected government will not have legitimacy to manage the state. However, in the minds of the radical Islamists, even autocratic regimes governed by shari'at law are not good enough. According to them, the only legitimate way is to govern with society by rules that god created, i.e. to regulate the states known as the Caliphate from the time of Muhammad.

Besides the statistics, regarding the terrorist attacks performed, one fact is in favor of democracy. Authoritarian states generate suicide terrorists, while democracies that are not immune to terrorist groups do not generate this kind of terrorists.

**2. Democracy reduces terrorist attack.** If we claim that democracy is a mechanism for long-term solution to terrorism, then it is justified to expect a reduction in the number of terrorist attacks throughout its existence. In one research of Piazza in 2008 on 153 countries in the period from 1986 to 2003, he concludes that democratic countries from year to year does not reduce the terrorist activities, on the contrary the data speak for their increase. In the same research, data indicate that democracies in transitions are dealing with most terrorist activities (e.g. Iraq, Afghanistan, Yemen and the Horn of Africa). If we compare the two largest countries of the world, the situation is as follows. According to the report "Patterns of global terrorism" for the period 2000-2003 in India, the largest democratic country in the world, there were 203 terrorist attacks, while in China, the biggest totalitarian state in the world, none.<sup>1</sup>

**3. Efforts to transition from autocracy to democracy are successful and the results are permanent**

To break the nation is far easier than to compile broken pieces. According to the data of one Norwegian study, in which military

---

<sup>1</sup> James A. Piazza, "Do Democracy and Free Markets Protect Us from Terrorism?" *International Politics* 45, (2008): 76

interventions were studied in the period 1961-1996, the establishment of democracy in the societies where those interventions were performed is very slow.<sup>1</sup> Unlike the military efforts, economic efforts for democratization of societies are even contra effective. Economic sanctions always reflect the masses, and almost not at all the authoritarian regimes. Authoritarian regimes impoverishment of its people prescribe to those who introduce the sanctions, which only further strengthens its position on account of the desire of its citizens to establish societies as they exist where sanctions come from, or the enemy. Typical examples of this statement are the situations in Iraq and Cuba. Perhaps the best results are achieved through support and foreign assistance in promoting democratic values, but even if this claim is entirely true, the results can be visible after long and laborious work. In short, military and non-military efforts would give any results if in a given state there has already been initiative of the process of democratization and the serious critical mass that would lead those changes would exist.

But if you look the Middle East societies, dominated by Islam and its values, this claim is even less accurate. The examples of Iraq and Afghanistan showed that the transition to democracy takes big material losses as well as human lives, while the promotion of democracy in the Middle East helps extremists in recruitment of new members. The greatest criticism to the Western countries regarding the promotion of democracy is explained by the thesis that democracy is actually a euphemism for neo-colonialism, i.e. democracy represents a good excuse for the 'elimination' of rogue regimes and their replacement with 'friendly' ones or with political elite that would play by the rules of the largest oil importers and through which the explanation of this natural resource will 'go easier'.<sup>2</sup>

Regarding the democratization of the wealthy Arab states, theory of 'state renters' has explanation about the challenges that this issue is facing with. When an underdeveloped country will reveal that possess natural resources and rapidly get enriched, the chances to become democratic significantly are reduced. The reason is the connection between taxes and participation in government. When the state does not tax its citizens (like most Middle Eastern countries), the most basic reason to participate in government is lost. This means that when citizens do not pay taxes they do not develop a sense of ownership of their political system. So, demands for respect of political freedoms and rights are illegitimate when there is no accountability. The next problem is the structure of the economic system.

---

<sup>1</sup> Ibid

<sup>2</sup> F. Gregory Gausev, Can Democracy stop terrorism, *Foreign affairs*, September/October 2005, p.68

Regarding this issue we can say that Arab countries build their economies on exports of its natural resources. The private sector practically does not exist. The state is corrupted, and because there is no honorable management with money, the money literally runs out. Civil society is weak, and most people are employed in state administration. None of the 23 states whose economy is based on exports of oil and gas are democratic.<sup>1</sup>

## **Conclusion**

Experiences from the past actually do not convinced us that terrorism is reduced with the increase of democracy, hence, it can be concluded that the democratization of the world neither will solve the problem with terrorism nor will it solve the problem with other asymmetric threats. In fact, on the contrary it can be said that democratization has led to increased terrorist activities. What is even more disturbing is the transitional period of democracies where this value was imposed by violent means. These states are often too sensitive to asymmetric threats. Weak governments and confused security forces leave wide room for extremists operations.

Regarding the positive effects of democracy as a mechanism to reduce asymmetric threats it might be said that democracy has a limited impact on eliminating terrorism, i.e. democracy decrease the rate of suicide terrorism.

But what most serious concern is the paradox that democratic societies in which the force is not a mechanism for achieving the goal, are trying by force to impose democracy. If democracy can be imposed for a reason, by influence, by example, then for sure it can not be impose by force.

## **Bibliography**

F. Gregory Gausev, Can Democracy stop terrorism, Foreign affairs, September/October 2005

Fukujama, Frensis, Krajoť na istorijata i posledniot čovek, Kultura, Skopje, 1994

Hantington, Samuel, Sukob civilizacija i preoblikovawe svetskog poredka, CID, Podgorica, 2000

---

<sup>1</sup> Larry Diamond, "Why are there no Arab Democracies", *Journal of Democracy*, Volume 21, Number 1, January 2010, <http://www.journalofdemocracy.org/articles/gratis/Diamond-21-1.pdf>, date of access 26.03.2011

James A. Piazza, "Do Democracy and Free Markets Protect Us from Terrorism?" *International Politics* 45, 2008

Larry Diamond, "Why are there no Arab Democracies", *Journal of Democracy*, Volume 21, Number 1, January 2010, <http://www.journalofdemocracy.org/articles/gratis/Diamond-21-1.pdf>, date of access 26.03.2011

Matthew Levitt and Michael Jacobson, "Drug Wars," *The New Republic*, January 27, 2009

Rex A. Hudson et al., "A Global Overview of Narcotics-Funded Terrorist and Other Extremist Groups," Federal Research Division, Library of Congress, May 2002

Robert Spenser, "Democracy is a Relative Term", February 15, 2011, <http://www.radicalislam.org/content/democracy-relative-term> date of access 26.03.2011

Sam Mullins, "Parallels between Crime and Terrorism: a Social Psychological Perspective," *Studies in Conflict and Terrorism*, Vol. 32, No. 9, 2009

## **ДЕМОКРАТИЈАТА КАКО МЕХАНИЗАМ ВО СУЗБИВАЊЕТО НА АСИМЕТРИЧНИТЕ ЗАКАНИ**

*Резиме: Во времето на студената војна демократијата за ривал ја имаше комунистичката идеологија, а демократските држави најголемата закана по својата безбедност ја гледаа во источниот блок држави предводени од Советскиот сојуз. Во новите меѓународни односи ривал на демократската идеологија е идеологијата на радикалните исламисти, а најголемата закана за националната безбедност на демократските држави се асиметричните закани зад кои најчесто стојат токму приврзаниците на оваа идеологија. И додека западните демократии се обидуваат насилно да ги спроведат демократските вредности во „одметнатите“ арпски држави, со цел да ја обезбедат сопствената национална безбедност, прашањето кое што неминовно се наметнува е дали и колку демократијата е доволно силен механизам во сузбивањето на асиметричните закани (глобалниот тероризам, транснационалниот криминал и пролиферацијата на оружјето за масовно уништување)?*

*Клучни зборови: демократија, автократија, асиметрични закани, тероризам, безбедност.*



**Goran Ilic, PhD**  
Faculty of Law, Kičevo  
[goran.eu@gmail.com](mailto:goran.eu@gmail.com)

## **THE POLICY OF DOMESTICATION: INVESTMENT IN THE REGIONAL AND SECURITY COOPERATION IN THE WESTERN BALKANS**

### *Abstract*

*This paper represents the tendency for affirmation of the policy of domestication, as a policy of cooperation between the states, which presuppose mutual solving of actual problems. Namely, this policy is characteristic for the European Union civilian power. In this paper, we also discuss the role and the significance of the Regional Cooperation Council (RCC), as a successor of the Stability pact, in which besides R. Macedonia, it includes other Balkan states, especially the states of former Yugoslavia. As a paradigm for explanation of this issue, we use the RCC's "**Strategy and Work Program 2011-2013**", in order to analyze the main parameters, stipulated for stimulating and expanding the regional cooperation capacity within the Western Balkans, in the way of reintegration, mutual reconciliation and consolidation of this region, based on the key points contained in it, such as: economic and social development, infrastructure and energy, justice and home affairs, security cooperation, building human capital and parliamentary cooperation. In that context, this paper especially examines the issue of security and security integration, through the prism of the policy of domestication, as a qualitative investment in regional and security cooperation and strengthening the Euro-integration processes of the Western Balkan states.*

*Also, in this paper we discuss the significance of the regional cooperation in general and the need for its raising on a higher, institutional level.*

**Key points:** *policy of domestication, Regional Cooperation Council, security, regional cooperation, European Union.*

### **THE EUROPEAN ASPECT OF DOMESTICATION POLICY**

Before I start to elaborate the title of this paper, it is very important to stress that, the functioning of European Union into the International Relations is based on the concepts of regionalism and effective multilateralism, as its essential premises for action, while the domestication policy, represents their direct sublimite. Thus, in the interest of this paper, the policy of domestication could be defined as *regionalist oriented and multilaterally based policy, directed towards the creation of the sense of regional ownership as a precondition for joint, effective and efficient*

*handling with the concrete security challenges and for preventing or solving the eventual security problems, crises or conflicts.*

Within that, the theoretician *François Duchêne* saw the European Community's *raison d'être*: "as far as possible to domesticate relations between states including those of its own members and those with states outside its frontiers. This means trying to bring to international problems the sense of common responsibility and structures of contractual politics which have in the past been associated almost exclusively with 'home' and not foreign, that is alien, affairs".<sup>1</sup>

Accordingly, the essential parts of this policy in relation with the European behavior as a civilian power on international scene, are précised in the typology of Hanns Maull: 1. *the acceptance of the necessity of cooperation with others* in the pursuit of international objectives, 2. the concentration on non-military, primarily economic means to secure national goals, and 3. a willingness to develop *supranational structures* to address critical issues of international management.<sup>2</sup> This typology, manifest the European creativity in institution-building (regional or supranational) process, as an instrument for realization of domestication policy. Further in the text, I will analyze this policy through the Regional Cooperation Council (RCC) and its Strategy, as an attempt for replication of the European experience into the regional cooperation within the Western Balkans. Although RCC function on the Southeast European scale, in this paper the accent will be put on its Balkan dimension, precisely on the political and security perspectives of the Western Balkans.

## **THE SECURITY DIMENSION OF REGIONAL COOPERATION COUNCIL STRATEGY**

As a paradigm by which I am to describe the Western Balkans regional security cooperation in relation with the policy of domestication, is a Regional Cooperation Council as a regional association derived from the Stability Pact, which includes 46 countries, organizations and international financial institutions.<sup>3</sup> Namely, through the strategic documents adopted by this association, definitely can be deduced the effort of its member states (especially EU, NATO and USA), for implementation of the policy of

---

<sup>1</sup>Kalypso Nicolaidis, *The power of the superpowerless*, <http://users.ox.ac.uk/~ssfc0041/powersuperpowerless.pdf> [2011] p. 94 – 100.

<sup>2</sup> Karen E Smith, Still 'civilian power EU?', European Foreign Policy Unit Working Paper 2005/1, London School of Economics, p. 2.

<sup>3</sup> *Regional Cooperation Council (Structure)*, [http://www.rcc.int/index.php?action=page&id=14&link\\_id=21](http://www.rcc.int/index.php?action=page&id=14&link_id=21) [2011]

domestication and strengthening of the regionalist matrix in the sphere of security, especially within the Western Balkans.

Thus in the Annual Report of the General Secretary of RCC for the regional cooperation in Southeast Europe for 2009-2010, was emphasized that the region of Southeast Europe “has considerably improved the overall security and political stability in the past decade”.<sup>1</sup> Furthermore this Report especially stressed that: “the challenges and the status of regional cooperation in the security sector indicate that it is segmented in several layers – such as politically driven, European and Euro-Atlantic integration motivated, thematically based etc. The countries regional priorities differ from focus on bilateral cooperation *to active participation in multilateral cooperation*”.<sup>2</sup> In that context, it must be taken in seriously that, the regional dialogue and cooperation mechanisms can and should be enhanced. Accordingly, the policy of domestication mean implementation of key standards in the realization of the development perspectives of the regional cooperation process, which in its essence mean investing in the *mutual confidence between the states* as an essential investment in the regional cooperation and the acquisition of *the sense for regional ownership*, as a fundamental premise of the policy of domestication. Otherwise, the following are the main regional security cooperation perspectives, which are stipulated in the aforementioned Report:

1. Establishing a sustainable, integrated and transparent regionally owned cooperation mechanism among governmental security sectors,
2. Preserving and streamlining the effective and value added regional taskforces and initiatives that prove their capabilities to deliver tangible results,
3. Initiating new low-cost initiatives, with high impact of confidence building and transparency, and
4. Further streamlining with international financial institutions and donor community the scarce out-of-the-region resources in activities with obvious added value to security building measures and effective influence on defense conversion and security sector reform.<sup>3</sup>

On the basis of this perspectives and recommendations for the regional security cooperation development, the RCC’s creativity must be emphasized, which means initiation, stimulation and development of the regional mechanism for cooperation within the field of security. In that

---

<sup>1</sup> *Annual Report of the Secretary General of the Regional Cooperation Council on regional co-operation in South East Europe*, <http://www.rcc.int/admin/files/docs/reports/RCC-Annual-Report-2009-2010-text.pdf> [2011], p.20.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid; p.21.

context, I can list the following initiatives: the *South East European Defense Policy Directors Forum*, the *South East European Defense Intelligence Forum* and the *Regional Registry of NGO's*.<sup>1</sup> All these initiatives function in the field of security with the aim of its domestication.

After this Report, the RCC adopted the “Strategy and work program 2011-2013”. In this Strategy the following issues with regional implications are stipulated: Economic and Social development, Infrastructure and Energy, Justice and Home affairs, *Security cooperation*, Building human capital and Parliamentary cooperation. Namely, this document is consisted of two essential parts. The general part is named “Strategy” and the applicative / work part is named “Work program 2011-2013”.

Namely, the Strategy affirms several aspects based on the principles of all-inclusiveness and *regional ownership*: 1.Representing the region, 2.Assisting the SEECP, 3.Monitoring regional activities, 4. Exerting strategic leadership in regional cooperation, 5.Providing a regional perspective in donor assistance, notably in EU assistance under the Instrument for Pre-Accession Assistance (IPA), and 6.Supporting increased involvement of civil society in regional activities.<sup>2</sup>

In accordance with these strategic aspects, the effort of the RCC in the affirmation of the policy of domestication is clearly manifested. Thus with the first strategic orientation, the RCC obliged itself for representing the region of Southeast Europe in accordance with the political directives of the *South-East European Cooperation Process* into the process of promotion and stimulation of regional cooperation. All of this directly applies to the Western Balkans, which definitely needs international support in the development of regional institutions and its full association in the existing regional and global integrations as the EU and NATO (especially for Macedonia, Serbia, Montenegro, Kosovo and Bosnia and Herzegovina). Also, RCC undertakes to monitor and to stimulate the regional activities of its member states, in order to gain *operational sustainability and sufficiency*. In this regard, it is important to emphasize the importance of RCC and its leadership role in regional cooperation, starting from its value in terms of logistical capacity and its incentives for opening the European perspective of the Western Balkans. Analogously, the RCC as a strategic leader in the processes of regional cooperation should seek to ensure conditions for establishing *regional synergy and coherency* based on the principles of all-

---

<sup>1</sup> Ibid.

<sup>2</sup> *Strategy and Work Program 2011-2013*, <http://www.rcc.int/admin/files/docs/reports/RCC-Strategy-and-Work-Programme-2011-13-text.pdf> [2011], p.4.

inclusiveness, regional ownership and the need for expansion of regional engagements.

Besides the strategic objectives, this document includes also the "Work Program 2011-2013", which aims at identifying the key activities of the RCC in each of the priority areas in the period between 2011 and 2013. In the context of this paper, I will make only a brief analysis and presentation of the security aspect as part of the six priority areas of RCC. In the work part of the document, the security and security cooperation is given in chapter IV, which specifically highlights the need for intensifying regional cooperation through the *construction of administrative capacities*, taking into account the limited resources of the states in this area. Construction of administrative capacities is a necessary strategy "in order to deal with multilateral cooperation in this area, continue Security Sector Reform, defense conversion and disaster risk reduction, as well as to continue reforms in order to meet the criteria, where applicable, for European and Euro – Atlantic integration [especially of the Western Balkan RCC member states]".<sup>1</sup> Hence it may be concluded the commitment of the RCC to the implementation of the policy of domestication and the commitment to its legitimization through the building of administrative capacities, which should become a logistical and operational center of regional security cooperation, and thus confirm the involvement of RCC in establishing the sense of regional ownership. Or as Jean Monnet emphasized: "Nothing is possible without men, nothing is lasting without institutions". Namely, the urge to build institutions, emphasizes in the aforementioned typology of H. Maul, which reflects the will of the *EU to develop supranational structures* as a way to resolve critical issues and security and defense problems.

Thus, unlike the U.S. doctrine of pre-emptive war and "nation-building", the EU in parallel to its pre-emptive engagement, affirms the concept of "state-building" as an institutional and structural instrument for harmonization and integration of divided societies. Or as the theorist Mark Leonard says:

"The European Union doctrine of pre-emption in contrast is predicated on a long-term involvement, with the military just one strand of activity, along with pre-emptive economic and legal intervention, and is aimed at building the political and institutional bases of stability, rather than simply removing the immediate source of threat".<sup>2</sup>

---

<sup>1</sup> Ibid; p.13.

<sup>2</sup> Mark Leonard, *Why Europe will run the 21<sup>st</sup> Century*, Public Affairs - New York, 2005. p. 63.

In that context, the EU doctrine of pre-emptive engagement is *European Security Strategy*<sup>1</sup> determination. Accordingly, as an example can be taken and the Balkans, where more than necessary was the creation of political structures, which possessed the strength to resist the ethnic nationalism, rather than to enhance it. Namely, “the core functions of state-building in Bosnia have been consciously designed to feed into the process of EU accession: building institutions, establishing the rule of law and economic reform, as well as encouraging refugees to return”.<sup>2</sup>

In addition, within the Strategy, as separate regional priorities of the RCC for the period 2011-2013, are determined as follows: 1. Enhance regional dialogue and cooperation mechanisms on security and defense issues, and 2. Develop a regional approach to disaster risk reduction.<sup>3</sup> Therefore, as a challenge for the Western Balkans and Southeast Europe in general, is the initiation of new or expansion of existing mechanisms for regional cooperation, and their shift on a higher level, with aim to getting the sense of regional ownership and responsibility.

For this purpose, it is provided “development of common strategies, planning and coordination processes”, under the mentorship of RCC as a major facilitator and supporter of regional cooperation and mechanisms for achieving and sustaining, motivated by the need for *confidence building*, as well as qualitative input in the acquisition of awareness of the importance of regional ownership and responsibility in the field of security and defense. In this regard, the working part of the Strategy stresses the need for:

“Facilitating and supporting the development of regional mechanisms with high impact on confidence building, such as the South East European Defense Policy Directors Forum, the Forum of South East European National Authorities on Information Security, the South East European Defense Intelligence Forum and the South East European Counter – Intelligence Chiefs Forum”.<sup>4</sup>

Furthermore, the Strategy incorporates and priorities in the field of crisis management in order to: 1. Building developing networks to fight forest fires, 2. Reducing fiscal liability to natural disasters and 3. Enhancing regional

---

<sup>1</sup> *A secure Europe in a better world - European security strategy*. Brussels, 12 December 2003, [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_terrorism/r00004\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_terrorism/r00004_en.htm) [2011]

<sup>2</sup> Mark Leonard, *Why Europe will run the 21<sup>st</sup> Century*, Public Affairs - New York, 2005. p. 65.

<sup>3</sup> *Strategy and Work Program 2011-2013*, <http://www.rcc.int/admin/files/docs/reports/RCC-Strategy-and-Work-Programme-2011-13-text.pdf> [2011].

<sup>4</sup> Ibid.

cooperation in dealing with hazardous material.<sup>1</sup> Otherwise, it is important to mention the importance of *Disaster Preparedness and Prevention Initiative for South Eastern Europe*, as a regional organization for crisis and disaster management and their prevention on Southeast Europe scale.<sup>2</sup>

## **THE SIGNIFICANCE OF RCC AND THE WESTERN BALKANS PERSPECTIVES**

Besides the importance of RCC as a regional platform for direct support of bilateral and multilateral initiatives for cooperation in Southeast Europe, particularly in the Balkans, the RCC appears as the main instigator and facilitator of the regionalist processes and chief supporter of the Western Balkans Euro-Atlantic Integration. Otherwise, despite U.S. and NATO as the main supporter of RCC appears and the EU starting from its “visible interest to reinforce the region's integrations within European and Euro-Atlantic structures as part of building of a new united and undivided Europe”.<sup>3</sup> In addition, the EU even more legitimate its determination towards the region, emphasizing: “[T]hat it is of common interest that all South East European countries proceed with political, economic and security reforms, and also with the resolution of open and status issues, reconciliation and protection of minority communities, and thus secure their individual progress toward the EU”.<sup>4</sup>

Within the paper, it is equally important to emphasize the role of each Western Balkan state, in terms of initiation of autonomous (outside RCC) regional activities, which undoubtedly should contribute to its consolidation and its security and Euro-Atlantic integration. It is the initiation of *autonomous forms of intra-regional cooperation*, motivated by the political activities of Slovenia as a channel for the diffusion of European ideas. Namely, as particularly important initiative for promotion of regional cooperation is the “Brdo Process” initiated by the Slovenian Prime Minister Borut Pahor and Prime Minister of Croatia Jadranka Kosor. The emphasis of this Balkan Conference, was on its openness for participation of every interested Balkan state, as a precondition for the “creation of a new group of Balkan states”,<sup>5</sup> founded on mutual interests and common goal - the

---

<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

<sup>3</sup> *Regional Cooperation Council: Regional ownership and beyond (Concept paper)*, Pomorie, 20 May 2008, p.3. <http://rcc.int> [2011]

<sup>4</sup> Ibid.

<sup>5</sup> “Serbia didn’t catch the new Balkan train”, daily newspaper “Dnevnik” (Year XV, No. 4221), 22 March 2010, p. 2.

European Union. From this conference emerged the following Declaration: “*Together for the European Union: the Contribution of the Western Balkans to European Future*”,<sup>1</sup> as a document, which should demarcates the framework for initiating and establishing the Balkans regional cooperation. Besides the “Brdo Process”, Slovenian activity in fostering regional cooperation continued with the adoption of the *Declaration on the Western Balkans*, through which Slovenia has committed itself formally to establish qualitative and effective links “between all the countries in the Western Balkans in the fields of politics, security, transport (...) in order to facilitate the free movement of people, goods, services, capital and knowledge in the entire region”,<sup>2</sup> in the interest of creating “ [an] area of permanent security and overall collaboration for all Western Balkan nations, providing them with realistic opportunities for accession to Euro-Atlantic structures within a tangible timeframe, based on assessments of their progress”.<sup>3</sup> From all this, can certainly confirm the proactive policy of Slovenia in encouraging intra-regional cooperation and its willingness to facilitate the autonomous regional initiatives, especially in the field of: Euro-Atlantic integration, cross-border cooperation, economy, justice and home affairs, crisis management, security, defense, etc. Or as it says in the Declaration: “[Slovenia will strive] to plan and implement its activities relating to the Western Balkans in a coordinated and comprehensive manner, enhancing ties with the region on all levels”.<sup>4</sup>

But what can be drawn as a conclusion and has already been said, is precisely *the need for maximum utilization of the potential of RCC*, and its logistic leadership position and resource base in the framework of regional security cooperation. As regards to the Western Balkans, it is necessary to emphasize that, the perspectives of this region largely depend on its direct involvement in the replication of European model of functioning, which implies the implementation of the policy of domestication in every sphere and at all levels. Furthermore, *building of the administrative capacities and gaining a sense of regional ownership and responsibility are essential premises of the policy of domestication, whose realization would mean qualitative investment in the regional cooperation and security in the Western Balkans.*

---

<sup>1</sup> “Together for the European Union: the Contribution of the Western Balkans to Europe’s Future”, [http://www.vlada.si/fileadmin/dokumenti/si/Dogodki/200320\\_Brdo\\_declaration\\_EN.pdf](http://www.vlada.si/fileadmin/dokumenti/si/Dogodki/200320_Brdo_declaration_EN.pdf)

<sup>2</sup> *Declaration on the Western Balkans* (DeZB), 15 July 2010, [http://www.mzz.gov.si/fileadmin/pageuploads/Zunanja\\_politika/Zahodni\\_Balkan/A\\_deklaracija\\_na WB.pdf](http://www.mzz.gov.si/fileadmin/pageuploads/Zunanja_politika/Zahodni_Balkan/A_deklaracija_na WB.pdf) [2011]

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



## REFERENCES

1. *A secure Europe in a better world - European security strategy*. Brussels, December, 2003, [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_terrorism/r00004\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_terrorism/r00004_en.htm) [2011].
2. *Annual Report of the Secretary General of the Regional Cooperation Council on regional co-operation in South East Europe*, <http://www.rcc.int/admin/files/docs/reports/RCC-Annual-Report-2009-2010-text.pdf> [2011].
3. *Declaration on the Western Balkans* (DeZB), 15 July 2010, [http://www.mzz.gov.si/fileadmin/pageuploads/Zunanja\\_politika/Zahodni\\_Balkan/A\\_declaration\\_on\\_the\\_WB.pdf](http://www.mzz.gov.si/fileadmin/pageuploads/Zunanja_politika/Zahodni_Balkan/A_declaration_on_the_WB.pdf) [2011]
4. *Regional Cooperation Council (Structure)*, [http://www.rcc.int/index.php?action=page&id=14&link\\_id=21](http://www.rcc.int/index.php?action=page&id=14&link_id=21) [2011].
5. Regional Cooperation Council: *Regional ownership and beyond (Concept paper)*, Pomorie, 20 May 2008, <http://rcc.int> [2011]
6. Regional Cooperation Council: *Strategy and Work Program 2011-2013*, <http://www.rcc.int/admin/files/docs/reports/RCC-Strategy-and-Work-Programme-2011-13-text.pdf> [2011].
7. Smith, Karen E., *Still "civilian power EU?"*, European Foreign Policy Unit Working Paper 2005/1, London School of Economics.
8. Leonard Mark, *Why Europe will run the 21<sup>st</sup> Century*, Public Affairs - New York, 2005.
9. Nicolaidis Kalypso, *The power of the superpowerless*, <http://users.ox.ac.uk/~ssfc0041/powersuperpowerless.pdf> [2011].
10. "Serbia didn't enters into the new Balkan train", daily newspaper "Dnevnik" (Year XV, No. 4221), 22 March 2010.
11. "Together for the European Union: the Contribution of the Western Balkans to Europe's Future", [http://www.vlada.si/fileadmin/dokumenti/si/Dogodki/200320\\_Brdo\\_declaration\\_EN.pdf](http://www.vlada.si/fileadmin/dokumenti/si/Dogodki/200320_Brdo_declaration_EN.pdf) [2011].

## **ПОЛИТИКА НА ДОМЕСТИКАЦИЈА: ВЛОГ ВО РЕГИОНАЛНАТА И БЕЗБЕДНОСНА СОРАБОТКА НА ЗАПАДЕН БАЛКАН**

### *Апстракт*

*Конкретниот труд, претставува настојување да се афирмира политиката на доместикација, како политика на соработка меѓу државите и заедничкото решавање на проблемите. Инаку политика, препознатлива за Европската унија и нејзината цивилна моќ. Во трудот, се зборува за улогата и значењето на Советот за регионална соработка (СРС) како наследник на Пактот за стабилност, во кој покрај Р. Македонија, членуваат и другите балкански држави, посебно државите од поранешна СФРЈ. Како парадигма за експликација на проблематиката, се употребува “Стратегијата и работната програма 2011-2013” на СРС, со цел анализа на параметрите, наменети за поттикнување и експандирање на регионалната соработка на Западен Балкан, во насока на реинтегрирање, взаемно помирување и консолидација на регионот, а врз основа на клучните точки содржани во истата: економски и социјален развој, инфраструктура и енергетика, правда и внатрешни работи, соработка во областа на безбедноста и инвестирање во човековите ресурси и парламентарната соработка. Во трудот, посебно внимание се посветува на прашањето за безбедноста и безбедносната интеграција, низ призма на политиката на доместикација, како квалитативен влог во регионалната и безбедносна соработка и засилувањето на евроинтегративните процеси на државите од Западен Балкан. Исто така, се зборува и за значењето на регионалната соработка воопшто и потребата од нејзино подигнување на едно повисоко, институционално рамниште.*

*Клучни точки: Политика на доместикација, Совет за регионална соработка, безбедност, регионална соработка, Европска унија.*

**Drage Petreski, PhD**

Military academy "General Mihailo Apostolski"  
[drage\\_petreski@yahoo.com](mailto:drage_petreski@yahoo.com)

**Andrej Iliev, PhD,**

Military academy "General Mihailo Apostolski"

**Aleksandar Glavinov, PhD;**

Military academy "General Mihailo Apostolski"  
[aleksandar.glavinov@morm.gov.mk](mailto:aleksandar.glavinov@morm.gov.mk)

**Lazar Gjurov, MA**

Military academy "General Mihailo Apostolski"  
[lazar.gurov@ugd.edu.mk](mailto:lazar.gurov@ugd.edu.mk)

## **GLOBALIZATION PROCESSES, SECURITY AND SECURITY PERSPECTIVES IN THE REGION**

**Abstract:** *Usually, the main issues being discussed today refer to different political, economic, security, cultural, confessional and other situations in the world, which are making the world civilization more global on a daily basis, tightly related, transparent and accessible for the most of the citizens. Globalization is more present into the political, economic, social and security segment and it is only a matter of dynamics and volume according to which it will be carried out. Reforms and globalizations have enormously influenced the security processes in the world, Europe, Balkans and the Republic of Macedonia. This kind of processes in some parts of the world have contributed to assure peace. The issues of economic integration of Europe and enlargement of European Union, present one of the most successful peace projects in the world history, which help the human kind to construct a foundation for resources and intellectual potential for providing higher level of regional and international security. State interdependence helps in generating the political approaches aimed towards a creation of democratic multilateral mechanism for governing the international system and an alternative for the security problems. Collective influence of the world community is needed to expand the old security problems which will provoke new risks and threats.*

**Key words:** *globalization, security, conflict, threats, prevention, international relations.*

### **Introduction**

Globalization processes and their impact on scientific and technological development and advancement of the modern world, took its

toll on the field of planetary peace, stability and polarization of the world. More international bodies, associations, experts and other relevant factors remind us of the frequent natural disasters in the world due to global disturbances caused by human activity and point out the desire for economic prosperity, rapid enrichment, economic crime, shifting the ideological matrix, the fragmentation of nations, confrontation, crime etc.

More than two decades have passed since the liberation of humanity from the pressure of ideological, political and military confrontation of the Cold War, but hopes for a safer world and a new system that began in the early nineties, is still not justified. There have appeared new threats and challenges to replace the threat of complete nuclear destruction of civilization. Conflicts, terrorism, separatism, extremism, organized crime and drug trafficking, weapons of mass destruction, social crises and environmental problems existed before, but in an era of globalization when the world is more inter-related, they began receiving threats of universal character, posing a threat to international security.

Under such conditions are created global changes that led to the transformation of regions around the world, especially the area of eastern and southeastern Europe, where they feel the consequences of the transition from one system to another, that is establishing a democratic market- economy systems. The changes are conducted with difficulties and internal unrest in the area affected by the transition.<sup>1</sup> Many of the countries still feel the transition problems such as corruption, crime, human rights violation which also affect security and safety of the Republic of Macedonia.



Fig. 1 Western Balkans

---

<sup>1</sup> NATO, Office of information and press, Brussels,2001.

Early in this century, a period characterized by conflicts to create one-nations states, led to the existence of strong ideologies of national orientation and especially traditional religious behavior and culture.

Democratic processes stimulate large number of newly created states to join the collective security systems or regional alliances. Balkan countries have shown that the cost of security depends on the importance of political and geostrategic position, and the way it is understood in the countries of this region.<sup>1</sup>

### **Global security challenges and perspectives**

The period of the end of eighties of the 20th century, imposed the view of more relaxed period of world order, but after the communist period many political, social and economic transformations occurred.

Terrorism, organized crime, lack of necessary items of interest, drug trafficking, economic and other kinds of migration impose a danger and threat to security. Imposed new problems can be solved only by international support and policy because they inevitably spread beyond national borders, and their scale and size are larger than the power of nations to solve them partially or integrally.

Great range of topical and political crises on a global level pose a threat or risk starting a war of larger-scale conflicts. This points out the long-term local or regional crises undefined and unpredictable consequences. Threats to peace and security and danger of the world come from many sources, from countries and organizations that sponsor terrorism, countries and organizations involved in smuggling many types of weapons and countries and organizations to use civilian nuclear fuel that can endanger lives of the people or the environment from historic scale.

When we consider *globalization* we come to a conclusion that it actually means a process of great movement of people, material goods, information and ideas through real and imagined boundaries, relative global processes taking place simultaneously and spread to different world destinations. Now it is believed that the world is a unique place where you overcome spatial boundaries.<sup>2</sup>

When it comes to the defense functioning of the state, it can easily be seen that the military conflicts of the early 20th century could not be locally or regionally limited, but may arise and spill all over the world. The potential for conflicts is increased and more globalized. Great range of missile systems

---

<sup>1</sup> Митко Котовчевски, Тајните служби на Балканот, Бомат графикс, Скопје, 2007.

<sup>2</sup> Peter Hough, *Understanding Global Security*, 2006

makes the military system vulnerable to even developed countries with the best defense. The sophistication of modern weapons makes the risk of greater conflict, symbolized by gaining nuclear weapons. Until a few decades ago, only five states had this type of weapon, while today, officially it is a minimum of eight states. Concerns of member states of NATO to national and global security is justified, when some states like Iran with questionable democratic capacity, refer to the right of every state to have technology for depletion of uranium for civilian needs.

Violence in some regions is associated with trade of weapons and geopolitical interests of major powers, while sales of weapons is a significant contributor to the problems. Some modes to discipline the citizens of their countries are ready to purchase weapons on the pretext that they have legal right to defense and combat terrorism.

There is a list of fifteen countries with the largest defense budget for 2006 as informed by Stockholm International Peace Research Institute. The total world consumption was 1.158 billion US \$ in 2006, with approximately half share in consumption by the United States.<sup>1</sup>

**Table 1: Military defense budget of some countries in the world, 2006.**

Rank	Country	Consumption in the U.S. \$ billion	% GDP
	<b>Total worldwide</b>	1,158	2.41
1.	USA	985.7	12.99
2.	UK	59.2	2.49
3.	France	53.1	2.38
4.	China	49.5	1.88
5.	Japan	43.7	1.00
6.	Germany	37.0	1.28
7.	Russia	34.7	3.54
8.	Italy	33.9	1.61
9.	Saudi Arabia	29.0	8.32
10.	India	23.9	2.69
11.	South Korea	21.9	2.47
12.	Canada	14.6	1.10
13.	Australia	13.8	1.83
14.	Brazil	13.4	1.26
15.	Spain	12.3	1.00

---

<sup>1</sup> Stockholm International Peace Research Institute, 2006.

The speed of globalization and weapons production and sale, seriously ignore humanitarian motives and consequences of the global spread of weapons. Profit is the real motive which directly affects policy decisions for weapons sale and export, increasing the risk and stability in certain areas and regions in the world. Economic integration in Europe realized by expansion of the European Union is a successful peace project and interstate conflicts on European soil are less likely. With the integration of Southeast Europe and the Balkans into Euro-Atlantic structures, states are expected to feel safer and be away from threatening. Gradually the Western Balkan countries are moving towards safer and more stable future. The assistance of the European Union remains an important factor in supporting the changes, in providing expertise in setting up the structures needed to ensure peace and prosperity that are part of a common agenda.

The assistance is a good illustration of the role of EU in the world on global level as an important donor. The issues of Western Balkans are among the priorities for this assistance. The Union has developed a clear and comprehensive strategy, combined with a pragmatic and well-targeted assistance in order to meet priority needs. Results can be seen in the already achieved progress in maintaining greater security, political stability, democracy and economic recovery of the region.

Poverty, instability and conflicts affecting EU and NATO, reveal a great importance of the reform and consolidation of trends towards the creation of a Europe that is at peace with itself and secure in its own future. The unification of Europe will fully be completed after the Western Balkan countries' membership. Over the past few decades, across the continent, the European Union built an area of peace, stability and freedom. The Western Balkans remains part of the future in accordance with their expressed desire to join the Union. EU and Member States have already helped these countries to enter the time of stability, security and prosperity. For years this meant providing humanitarian and emergency assistance to distressed, or financing the restoration of the areas that suffered. The vast range of crisis management tools, which include security operations and police missions, were engaged in the crisis regions. Attention is directed toward implementing reforms that will guarantee long term stability in the region.

The Stabilization and Association Agreement is a longstanding policy that applies new ways of assistance to Western Balkan countries in dealing with the challenges of democratic institutions reforming, promoting trade and economic development and fight against corruption, ethnic violence, poverty and social exclusion. During Zagreb Summit in 2000, the European Union and the five Western Balkan countries (Macedonia, Albania, Bosnia and Herzegovina, Croatia and Serbia and Montenegro) have expressed their

commitment to the Stabilisation and Association Process for more rapid integration and membership the Union.

During Thessaloniki Summit in June 2003, members of the European Council solemnly declared that the future of the Balkans in the European Union, and stresses strong support for EU integration of Western Balkan states. However, the EU alone can not create this peaceful reunification since it requires commitment on both sides. The speed of integration will be set by the countries of the region, expressed by determination the countries showed in meeting their part of the agreement.

Communities for Assistance to Reconstruction, Development and Stabilisation (CARDS), and its main objectives is to support the participation of the Western Balkans in the Stabilisation and Association Agreement.

**Table 2: Distribution of the CARDS program for the period 2002-2004 (million euros).**

	2002	2003	2004	Total
R. Macedonia	41,5	43,5	51,0	136,0
Albania	44,9	46,5	58,5	149,9
Bosnia and Herzegovina	71,9	63,0	65,0	199,9
Croatia	59,0	62,0	76,0	197,0
Serbia and Montenegro	359,6	331,28	297,0	987,88
Region	43,5	31,5	-	75,00
Total	620,4	577,78	547,5	1 745,68

CARDS assistance during the 2000-2006 period contained a budget of 4.65 billion euros and is targeting the following sectors:

- Justice and Home Affairs: Reforming the judiciary and police, migration and asylum, integrated border management, fight against organized crime.

- Building administrative capacity: reforms in public administration, taxation and customs.

- Economic and social development: economic reform, social cohesion, development of local infrastructure, education.

- Democratic Stabilisation: development of civil society, the return of refugees, reform of the media.

- Environment and natural resources: institutional strengthening, monitoring and planning. Any country that achieved satisfactory progress in political and economic reform and administrative capacity may start negotiations on a Stabilisation and Association Agreement (SAA). Candidate countries for signing a Stabilisation and Association Agreement, must meet basic prerequisites. Each SAA covers the implementation of key commitment of the same package, with some specifics for each country



committed to gradual implementation of a free trade area and reforms associated with European standards. The officials of R. Macedonia signed SAA in April 2001, and it entered into force in April 2004.



Fig. 2. Macedonia

Complete financial framework for 2007-2013, on the enlargement strategy, which includes new Instrument for Pre-Accession Assistance (IPA) is established by the Council of EU decision Regulation (EU) No. 1085/2006 of 17 July 2006. Its main goal is providing assistance to candidate countries and potential candidates for EU membership.<sup>1</sup> This tool replaces and unites in itself the previous pre-accession instruments: Phare, SAPARD, CARDS and the Instrument for Pre-accession assistance to Turkey.

Table 3: **Financial assistance from the IPA funds for candidate countries, in million EUR.**

<b>Year Country</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>Total</b>
Macedonia	58,5	70,2	81,8	92,3	98,7	401,5
Croatia	141,2	146	151,2	154,2	157,2	749,8
Turkey	497,2	538,7	566,4	653,7	781,9	3037,9
<b>Total</b>	<b>696,9</b>	<b>754,9</b>	<b>799,4</b>	<b>900,2</b>	<b>1037,8</b>	<b>4189,2</b>

Through the IPA, the European Union provides assistance to candidate countries and potential candidates in their progressive alignment with the standards and policies of the European Union and the *acquis communautaire*, the road to EU membership. IPA is comprised of 5 components running as follows:

- Assistance in transition and institution building;
- Cross-border cooperation;
- Regional development;

---

<sup>1</sup> Министерство за финансии, Р. Македонија, 2011 г

- Development of human resources;
- Rural development.

Republic of Macedonia as a candidate country for EU membership has access to all IPA components.

The EU accepted the concept of structural stability to its territory and the region, which is a primary goal of conflicts prevention. Adopting the concept of structural stability indicates that prevention of conflicts within the EU are not interpreted only as operational prevention, which is essentially a management crisis, but also as structural prevention, which includes sustainable economic development, democracy and respect for human rights, stable political structures and healthy environmental and social conditions.<sup>1</sup>

The countries of the region have embraced the concept of participation in collective security systems and began implementation of the policy guidance for the full Euro-Atlantic security system. Impact of NATO and its presence in the region contributed for the fact that Balkan countries to reach the required standard border security processes. All these contribute to overall stability in Europe and the conditions for greater cooperation towards building a common policy<sup>2</sup>. The entry into NATO and the EU is considered a milestone in the economic and political development of a country. Analyses show that NATO membership positively affected the economies of many countries along with large investments from companies that come from the EU and NATO, for much shorter term.

Republic of Macedonia has no alternative and must adapt to global integration processes. Analyses show that the economies of countries after joining NATO and the EU have experienced visible progress.

## **Conclusion**

Globalization processes in recent decades pose great influence on political, economic and security level. Geostrategic and geopolitical interests of major powers in certain areas and regions, has changed security situation after the Cold War and made it more complex, vulnerable and unstable than previous years. The new situation provided different responses to new security challenges, dilemmas and problems faced by states and international community.

The content of the future strategy towards the Balkans, and intensity preparations about Euro-Atlantic Integration of the Balkan countries, in

---

<sup>1</sup> Ester Barbe and Elizabets Johansson: EU and Conflict Prevention; OBS; Working Paper No.8, October 2001.

<sup>2</sup> Стојан Кузев, Стратегија за одбрана, Југореклам, Скопје, 2001.

particular, will depend on the willingness of the EU and NATO to stand seriously behind the radically declared intention to assist in realizing the European perspective and proposals arising from regional debates about the future agenda of enlargement of the region.

Today, after the experience Macedonia had with the 2001 crisis, the country's integration into EU and NATO, is regarded as a single strategy for structural conflict prevention in the country and the region. In line with this, there should be developed method of crisis identification and prevention and a conflict prevention and long-term comprehensive approach.

Security and stability in the Western Balkans clearly and undeniably lie in NATO and the EU. Western Balkans region emerging from post-conflict phase is interested in the process of Euro-Atlantic integration. Clear Euro-Atlantic perspective of the region, NATO and EU, are the driving force for stabilization and sustainable democratic development of countries in the region.

Republic of Macedonia faced with a bilateral problem regarding the name dispute, having at the same time other internal problems, should apply democratic and effective approach in order to find its place in security and integration processes while strengthening its public position, parallel to successfully develop its own economic situation.

### *Literature*

- Малеvски Д., *Меѓународна политика*, Правен факултет, Скопје, 2000.
- Solana Javier, *A Secure Europe in a better world, European Security strategy, European Council*, Brussels, 2003.
- Марин В. Кревелд, *Трансформација на војната*, Табернакул, Скопје, 2009.
- Питер Хју, *Поим за глобална безбедност*, Табернакул, Скопје, 2009.
- U.S. drives world military spending to record high. 12/06/2006. ABC News Online.
- U.S. leads arms sales to developing countries.
- The Military balance 2005-2006, London, 2005.
- The Military balance 2006, London, 2006.
- Peter Hough, *Understanding Global Security*, 2006
- Даскаловски С., *Создавање на нови воени сили како одговор на новите закани*, Годишен зборник на Филозовски факултет, Скопје, 2007.
- Slavevski S., *The Societal security dilemma: The Case of the Republic of Macedonia, Macedonian Affairs*, Vol. IV, No 9, 2003, pp.5-28.
- Renato R., *Moving towards global stability*, New York, 1999.
- Richard F. Grimmett, CRS Report for Congress; *Conventional Arms Transfers to Developing Nations, 2000-2007*. October 23, 2008.
- Travis Sharp, *U.S. Defense Spending, 2001-2009*, *Center for Arms Control and Non-Proliferation*, February 20, 2008.

Gordon H. Philip, *Allies at War: America, Europe and Crisis over Iraq*, New York, 2004.

Hantigton P. Semjuel, *Sukob civilizacija i preoblikovanje svetskog poretka*, Banja Luka, 2000.

В. Василевски, *Меѓународно хуманитарно право*, Скопје, 2002.

М. Котовчевски, *Современ тероризам*, Скопје, 2003.

Paul T.V., *States, Security Function and the New Global Forces*, Montreal, 2000.

McDonald M., *Human Security and the Construction of Security*, Global Society, 2002.

Кузев С., Арсовски М., Дамјановски Р., *Војната во Македонија во 2001 година*, Скопје, 2006.

Стојан Кузев, *Стратегија за одбраната*, Југореклам, Скопје, 2001

Трипуноски М., *Глобализација*, Куманово, 2007.

Д. Петрески, *Динамичка анализа и компјутерска симулација на осцилаторните движења на механизмите кај автоматските оружја*, докторска работа, Скопје, 2005.

Митко Котовчевски, *Тајните служби на Балканот*, Бомат графикс, Скопје, 2007.

М. Дојчиновски, *Современо воено разузнавање*, Соларис принт, Скопје, 2009.

<http://www.europarl.eu.int/enlargement/briefings/>

## **ГЛОБАЛИЗАЦИСКИТЕ ПРОЦЕСИ, БЕЗБЕДНОСТА И БЕЗБЕДНОСНИТЕ ПЕРСПЕКТИВИ НА РЕГИОНОТ**

**Резиме:** *Најчесто зборуваме за изменети политички, економски, безбедносни, културни, конфесионални и други состојби во светот, кои од ден на ден светската цивилизација ја прават поглобална, повеќе врзана, транспарентна и поблиска за се поголем дел од човештвото. Глобализацијата е повеќе присутна во политичките, економските, социјалните и безбедносните сегменти, но само е прашање со која динамика и со која големина се одвива. Реформите и глобализацијата значајно влијаат на безбедносните процеси во светот, Европа, Балканот и Република Македонија. Ваквите процеси во некои делови од светот придонесоа за зголемување и обезбедување на мирот. Економската интеграција на Европа преку проширувањето на Европската унија, претставува најуспешен мировен проект во светската историја, кој помага човештвото да изгради основа за ресурси и интелектуален потенцијал за обезбедување на регионалната и меѓународна безбедност на повисоко ниво. Меѓузависноста на државите помага во генерирањето на политичките пристапи насочени кон создавање на демократски мултилатерален механизам за управување со меѓународниот систем и алтернативи за безбедносните проблеми. Колективното влијание од меѓународната заедница е неопходно за да не се зголемат старите безбедносни проблеми кои ќе предизвикаат нови ризици и закани.*

**Клучни зборови:** *глобализација, безбедност, конфликти, закани, превенција, меѓународни односи.*

***Toni Mileski, PhD,***

*Institute for security, defense and peace studies- Faculty of Philosophy  
Skopje, Macedonia*

*email: [toni@fzf.ukim.edu.mk](mailto:toni@fzf.ukim.edu.mk)*

***Nikolco Spasov, MSc***

*Institute for security, defense and peace studies- Faculty of Philosophy  
Skopje, Macedonia*

*e-mail: [spasov.nikolco@yahoo.com](mailto:spasov.nikolco@yahoo.com)*

## ***GLOBAL, REGIONAL AND LOCAL IMPLICATIONS OF CLIMATE CHANGE ON SECURITY***

### **Abstract**

Frequently used debates and analyzes about the impact of climate change on security represent the initiator of profound scientific observation by the academic community. Climate change is a phenomenon that affects practically all vital areas of the planet and humanity. Here, primarily we refer to: economy, finance, technology, energy, health, environment and security of countries and people. This context, to a large extent, requires re-evaluation of the security dimension and creates strategies for resolving climate change. When it comes to climate change as a security problem, it is necessary to ask the question: “Which is the reference object for climate protection?” and “What degree of climate changes could face up ecosystems and social activities before the situation became threat to security?” This paper provides answers to several questions and focuses on global, regional and local implications of climate change on security. The paper will include forecasts and scenarios of climate change that would have an impact on the Western Balkans and Macedonia.

**Key words:** climate change, global warming, environmental security, global issues, strategy, region.

### **Introduction**

The climate changes are reality whose relation to the anthropogenic influence in the system of the atmosphere throughout the years has intensive debates in the scientific community. The climate changes have been present throughout whole history of Earth, but in any other time they haven't occurred as fast as the do today. The climate changes are very complex

problem which has potential to affect all spheres of life in a negative way. This conclusion must be taken seriously to initiate in future undertaking serious measures for mitigating and preventing the impact of climate changes.

Larger part of the increase of global average temperatures since the mid-twentieth century onwards, is a result of rising concentrations of gasses that cause greenhouse effect in the atmosphere, which have anthropogenic origin. While part of the scientific community needed certain period for accepting the reality of the climate changes in the world, their consequences are evident long time, and over the years they are becoming more pronounced. Resolving problems associated with the climate changes is transformed into confrontation with far more deep scientific, political, and economic concepts and views.

But, the urgent need for understanding and dealing with them is getting us closer through their manifestation in extreme weather manifestations such as floods and droughts. Therefore the climate changes and their destructible effects require continuous attention, appropriately supported by wide understanding of what mechanisms necessitate for their treatment, with political will and scientifically based decisions.

Therefore, resolving the problem of climate changes, at a political level, began on summit in Rio in 1992 when the United Nation's framework convention of global changes was taken, by enacting the protocol from Kyoto adopted in 1997 which entered into force in 2005. The obligations of the protocol from Kyoto expire after 2012 and currently there is a wide international debate – What after that?

Intergovernmental panel on climate changes (IPCC) in its third assessment report, confirms that there is new and stronger evidence that the most of the warming observed within the last years is due to human activities. People in some areas may have benefits from climate changes. But, in most countries people struggle to overcome them. The developing countries will suffer more than others, because, the lack of resources will make them especially vulnerable to disasters or emergencies of major proportions. On the other hand, people in the developing countries have a small share of emissions of the greenhouse gasses. These kinds of conditions are real challenge for scientific absolving of whole issues around climate change and the consequences manifested from such changes. In the dissertation are elaborated problems which certain countries and regions face, as a result of climate change, particularly on the security.

### **Climate change globally**

The end of the twentieth century brought to surface two global disturbances on the earth's atmosphere. On other side, the depletion of the ozone layer

caused most by excessive use and activity of the CFC fluids (Freon), within the Montreal Protocol are already in process on elimination of use. Other global disorder is Climate change, or Global Warming. The world doesn't remain indifferent on these global disorders, and within their abilities they take certain actions to deal with them. The first international binding document which notes the question of responsibility for climate changes, is the 'Framework Convention of the United Nations for Climate change' (UNFCCC) adopted in Rio (1992). The convention's ultimate goal is to achieve stabilization of greenhouse gas concentration in the atmosphere at a level that will prevent dangerous anthropogenic (human) disorders of the climate system.

Nowadays, the climate changes are more absolved as one of the greatest threats that planet Earth is facing. Despite the existence of highly sophisticated equipment and technology for measuring and improved methods for assessing climate changes, there is a need of complex analysis for making predictions for future development of global warming because it depends on several natural and anthropogenic factors. The average temperature on the Earth was, largely, stable over the past 10.000 years, in other words, until the start of the industrial revolution.

According to United nation's Framework Convention on Climate change, the term "climate change" means changing the climate, which directly or indirectly attributes to activity by the man, that modifies the composition of the earth's global atmosphere, and which together with the natural climate variation, is observed over comparable time periods.<sup>1</sup>

The question is: Why does climate change? Shortly the climate change can be explained as following. The atmosphere contains water vapor, carbon dioxide and other gases that are naturally present, which allows the sunlight to penetrate, but to absorb heat that Earth radiates back. This natural process called "greenhouse effect" keeps the Earth at a temperature that supports life. Without it, the global average temperature would be unbearable -18 C degrees. However, the human activities like burning fossil fuels and deforestation for creating arable land, increases the level of carbon dioxide and other substances that retain heat in the atmosphere. The addition of these greenhouse gasses is strengthening the natural effect, and the earth is becoming hotter and climate is changing. Also, the climate change can arise out of natural phenomenon. For example, large volcanic eruptions are discharging small particles that block solar radiation, which comes to cooling the Earth's surface for a period of several years. Variations in the ocean

---

<sup>1</sup>United Nation's Framework Convention for Climate change, page 3  
[www.unfccc.org.mk/.../Konvencija%20za%20klimatski%20promeni.pdf](http://www.unfccc.org.mk/.../Konvencija%20za%20klimatski%20promeni.pdf)

currents are changing the distribution of heat and precipitation. The occurrence named El Niño (a periodic warming up stream on the tropical part of central and eastern side of Pacific ocean) changes weather globally causing intensive rains on some Earth's parts and droughts on other.<sup>1</sup>

The climate changes are now scientifically established fact and a key challenge for human development in the 21<sup>st</sup> century. Today, they practically represent a phenomenon, which affects all vital areas of the planet and mankind. The Changes affect most on the economy, finance, technology, energy sector, health care, ecology as well as the security of the countries and the people.

The risks of climate change are real and the influence on the environmental change is already happening. According to UN, most of their warnings and appeals for humanitarian assistance from the influence of climate change have occurred in 2007. That same year the Security Council held its first debate for climate changes and its implications on global security.<sup>2</sup>

Intergovernmental panel for climate change points to the fact that even if they reduce the emission of greenhouse gasses to year 2050, on the value of the half that have been released in year 1990, would hardly avoid the temperature raisings by 2°C, mainly caused by the industrial development globally. Such an increase in temperature, in the future would be a serious security risk for the planet, and humans which represent an integral segment of it. Today, climate changes are seen as multiple threats to life trends creating insecurity, tensions and instability. Most vulnerable would be the states and regions that are afflicted by the global poverty, especially the post conflict regions and countries. In accordance with the concept of human security, it is very clear that many questions are directly related with the influence of climate changes over the global security that requires comprehensive political responses. The effects of climate changes today are felt directly over: temperature rising, ice melting and glacier melting as well as the extreme weather events that are happening. (floods, volcanic eruptions, droughts, etc.). All this occurrences are becoming more frequent and with greater intensity.

As a result of the influence of climate changes over the global security, in future, large number of confrontational situations as wars over resources, and especially wars over drinkable water may occur. In that addition, most of water resources on Earth are resources of salt water, while only 2.5 % is

---

<sup>1</sup> Ciconkov.R (2003) Global warming of the earth - causes, consequences and measures, pg. 57-58, Mechanical Engineering faculty Skopje.

<sup>2</sup> Paper from the High Representative and the European Commission to the European Council (March 2008), *Climate Change and International Security* p.2.

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/reports/99387.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/reports/99387.pdf)



drinkable water. Generally, there is no equally deployed distribution of water in the world. Only in nine countries as: Brazil, Canada, China, Colombia, Congo, India, Indonesia, Russia and the United States of America have 60% of fresh drinkable water. In the world 70% of fresh water is used for agriculture (the percentage reaches up to 90% in the developing countries), 22% is used in the Industry, and only 8% for man's consumption. Only 11 % of the world's population controls 84% accessible drinking water and consumes 88% drinkable water. The citizens of North America are using about 1700 cubic meters of water annually, while the average use in Africa is amounted to 250 cubic meters of water per year. World's Water Commission of the United Nations points out that each person requires 40 liters of water daily to fulfill the basic minimum needs. The World Bank, as a result of irrational use/exploitation of water has promoted project for privatization of the water to fully cover the costs of used water by each individual on the planet, an idea that has no positive resound in the moment, but it does not mean that in near future shouldn't be thought about privatization of water.

The low access to water resources and the disputes about water borders among the states (nearly 40% of the world population is dependent on river flows that extend in two and more countries) re-causes more than 50 conflicts in the world, such as the dispute between India and Pakistan on the course flow of the river Ganges, the tensions that exist between Turkey and Kurdish people or the Israel-Palestinian dispute over the river Jordan. <sup>1</sup>

Also, as a result of climate changes the world economy may suffer consequences. It is estimated that the effects on the global economy from climate changes can reach up to 20% of the global GDP, while timely; the cost of effective joint action may take 1% from the GDP. As a result of the changes on the environment of climate changes, most directly affected would be the poor regions and countries, the lack of vital resources for living, which are already limited from the influence of climate changes, large number of people are forced to migrate inside in the same country or to leave the state seeking better living conditions. According to UN, it is estimated that the most of the millions of dimensions of ecological migrants (refugees) will appear around year 2020 as a result of climate changes and the raising of the sea level. Largest impact from the sea level raising will have East coast of China and India, and the Caribbean, and part of Central America would be directly affected. Some of the countries, which are extremely vulnerable to climate changes are already calling for international recognition of such ecological induced migrations/refugees. This kind of migratory movements

---

<sup>1</sup> V. Shiva, *Water wars are not a thing of the future: They already surround us*, *Water Wars*, 2003.  
[http://www.tropicalcongress.org/scheda%20etiopia%206\\_Layout%201.pdf](http://www.tropicalcongress.org/scheda%20etiopia%206_Layout%201.pdf)

may cause different implications on security, creating pressure in the areas where they migrate, especially they would have large influence on the low economic and social development or in some conflicts or post-conflict regions.<sup>1</sup>

### **Regional security implications**

It is documented in many regions in the world more intense melting of the ice glacier masses, shrinkage of the glaciers, late frosting and early ice melting in the rivers and lakes, extinction of some flora and fauna populations, early blooming of flowers, unforeseen emergence of insects, etc. The more frequently increased droughts and floods have serious socioeconomic implications epitomized throughout the demographic shifts. The climate changes act aversive on the systems related to the human life, and that's the water resources, agriculture, forestation, coastal zones, industry, energy resources, health, etc.

Analyzing the situations in certain regions, we can emphasize that the consequences of the climate changes have different character. For example, in *Southern Europe* we expect reductions of water resources, poor soil moisture and longer summers. One half of the alpine glaciers and large areas of snow will disappear at the end of the 21<sup>st</sup> century, and it is expected to have larger and more frequent floods of the rivers, which will increase the risks of flooding and eroding the coastal areas suffering population, industry, agriculture and tourism consequences.

The active role of EU in the international negotiations on climate changes is vital and in future must continue. Till now EU demonstrated leadership in the international negotiations on issues related to climate change.

The *African continent* is one of the most vulnerable from climate change. North Africa and the region of Sahel are facing increased droughts, lack of drinkable water, and they are faced also with the threat of losing 75% arable land, as a result of excessive cultivating of the land. It is assumed that 12 to 15% from arable land may be lost till year 2050 from sea level rising creating new millions of ecological migrants. In the south part of Africa, droughts had brought poor harvests, which leads to insecurity in food supplying in more areas. That way millions of people are facing with lack of food. People who migrate from this region, especially in north part of Africa, region in which many revolutions occur, are expected to step up to the European continent in near future.

---

<sup>1</sup> Paper from the High Representative and the European Commission to the European Council (March 2008), *Climate Change and International Security* p.4.  
[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/reports/99387.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/reports/99387.pdf)

*Middle East Region* stands in front of the challenge of lack of industrial water and drinkable water. Around two thirds from the Arabian countries are dependent on water sources outside their borders. In future, water flows will be reduced from the river Jordan and Yarmouk. This kind of reduction, of water flows directly will affect Israel, Jordan and the Palestinian territories. The persistent tensions over the use of river flows in the future would certainly lead to intensification of the conflict, backed up by political instability that could lead to clashes of larger scales; Israel may face a problem or loss of available water up to 60%. This would happen as a result of climate change causing droughts and loss of arable land. The water shortage is expected to be present in Turkey, Iraq, Syria, and Saudi Arabia.

The region of *Southeast Asia* has consequences from climate changes caused from sea level rising. By the end of this century it is predicted that the sea level will reach unbelievable 88 cm, coastal lands would be affected because 40% of the population in Southeast Asia lives on distance no longer than 60 km from the seashore. 60% of the world's population lives on the Asian continent. These facts, supported by assumptions about increasing the number of residents in the region may lead to serious implications over the regional and global security. This is why people would be forced to migrate in other regions seeking better life conditions.

*Central Asia* is still one region severely affected by climate change. This area is facing a growing shortage of fresh water, which is a key resource of agriculture and strategic resource in this region that produces electric energy. One third from the glaciers found in Tajikistan were lost in the second half of 20<sup>th</sup> century, while Kyrgyzstan lost around 1000 glaciers in the last four decades.

In the area of *South America*, climate changes will lead to ravaging and reducing productive agricultural areas, through which local population will be directly by the lack of food. As a result of the sea level rising, it is predicted that floods will occur in the lowlands. The increasing temperature of sea surface will cause negative effects on the coral reefs, making some fish funds to displace. The part of South America and the Caribbean region are already a subject of adverse consequences of climate changes pointing to numerous extreme weather events related to El Niño cycles. In the Andean there is some changes in the distribution of rains and disappearance of glaciers .All that is expected to significantly affect on the availability of water for human needs, agriculture, and energy production. The area of the Gulf of Mexico nowadays is often hit by hurricanes. <sup>1</sup>

---

<sup>1</sup> *Climate Change and International Security*, Paper from the High Representative and the European Commission to the European Council (March 2008), p.p. 6-8.

The fast melting of the polar ice rocks, especially the *Arctic*, is opening new international trade routes. Besides the increased availability of gas resources in the arctic region, it is leading to change of geopolitical constellations and interest. As a result of the new strategic interests, we are witnessing recent emphasis on the Russian flag in the North Pole as an area under their control.

### **Local security implications**

As a result of the climate changes instability might increase in the poor and developing countries, led by the weak and incompetent governments in dealing with this types of threats with the inability to provide assistance to people directly affected by this problem.

Difficult situation may lead to tension among the citizens of different ethnic populations and religious groups within the state. This problem could destabilize the country and even the entire region. In context of local security implications of climate changes we will analyze certain states which gravitate in South Europe, mainly on the Balkan Peninsula who are affected by the consequences of the climate changes.

The vulnerability of the coastal zones of *Greece* from the climate changes is greatest of all Mediterranean countries. Although, the risks of flooding in the coastal areas are fairly limited, but larger threats in Greece presents the erosion of the land and the droughts of certain water surfaces as a result of high temperatures. An example of drought is the lake of Corona, which is 15 km northeast of Thessaloniki .The surface of the lake in 1985 ranged from 45 to 49 км<sup>2</sup>, with an average depth of 5 meters. Today the surface of the lake is 30 км<sup>2</sup>, with depth of no more than 1 meter.<sup>1</sup>

Scientist predicts that in *Bulgaria* the average annual temperatures by the end of 2020 will increase by 0.7 °C to 1.8 °C degrees. The warmer climate is expected in the period between 2020-2050 where till 2080<sup>th</sup> year it is estimated that the annual temperature to increase by 3.1 to 4.1 °C. In Bulgaria the consequences of climate changes will address to the most of the arable land. Today 30% of the cultivated land is exposed to erosion and strong winds. In future, crops are expected to shift to North as a result of climate changes. *Slovenia* is facing with the problems of droughts. In the last 30 years in Slovenia is evident more high average temperatures and parallel lowering of the amount of rains annually. The reduction of the rains in the summer period will result with larger droughts and negative effects on the

---

<sup>1</sup> Kolokytha., E. (2010), European policies for confronting the challenges of climate change in water resources, p.1074 in: Climate Change and Water Resources  
<http://www.ias.ac.in/currsci/25apr2010/1069.pdf>

availability of water resources. As a result of sea level rising most affected would be the coastal parts like: Koper, Izola, Portoroz, and the Piran bay.<sup>1</sup>

The average temperatures in *Serbia* under the basis of climate modeling are estimated by the moderate scenarios, which shows on the fact that the annual temperature in Serbia to the end of this century will increase for 2,6°C. The warming will not be equal till throughout the whole year, the summer will be warmer for 3,5°C, the Autumn will be warmer for 2,2°C, the Winter for 2,3°C, and the Spring for 2,5°C. In Serbia main larger problems from climate changes will occur with the appearance of droughts and the lack of enough amount of water for irrigation. This problem will be manifested more in Southeast and the east parts of Serbia.

The consequences of climate changes who are expected are about to hit our country among the most of all in global scales. According to Bergant the climate in Macedonia after regions would change as following: "Local projections for climate changes indicate that different climate regions in Macedonia will react a little more different to climate changes in larger scale. The region with continental climate, in the southeastern part of Macedonia near Ohrid and Prespa lake, seems to have the weakest reaction of climate changes in large scale in context of changes of absolute temperatures, thus on rains, and the northeastern parts of the dominant influence of alpine-mountain climate has strongest reaction. In these regions, the difference between the strong rise of the temperature in summer and the lower in winter is not evident as in the region with sub-Mediterranean climate".<sup>2</sup>

The expected change in the air temperatures in XXI century is larger than the expected change in global temperatures of the air. It's expected a small changes in rains in the winter periods, generally at the surface of Macedonia, but also expected with strong declination of rains in the summer period. The range of the day temperature is expected to decline in winter, and to rise in summer.

Republic of Macedonia is a small state, without any special significance and space when it comes to international climate negotiations. From the other hand the consequences of climate changes which are expected to hit our country are among the more serious in global terms. In

---

<sup>1</sup> Lučka Kajfež-Bogataj Univerza v Ljubljani in IPCC Ženeva, Vplivi podnebnih sprememb na vodne vire in vodooskrbo v Sloveniji  
[http://www.svors.si/web/portal.nsf/ae76a4ee10890d4bc1256fb9005f74fe/c9831c2ffc08d831c12572a500446876/\\$FILE/Kajfez%20Bogataj%20Vplivi%20podnebnih%20sprememb%20na%20vodne%20vire%20in%20vodooskrbo%20v%20Sl.pdf](http://www.svors.si/web/portal.nsf/ae76a4ee10890d4bc1256fb9005f74fe/c9831c2ffc08d831c12572a500446876/$FILE/Kajfez%20Bogataj%20Vplivi%20podnebnih%20sprememb%20na%20vodne%20vire%20in%20vodooskrbo%20v%20Sl.pdf)

<sup>2</sup> Klemen Bergant (2006) "Climate Change Scenarios for Macedonia", Nova Gorica, Slovenia, September.

Macedonia there will be a negative effects with consequences in many sectors as well as: agriculture, Forestry, Biodiversity, the Water resources, Health care, etc. "Today Macedonia is faced with drastic reduction of effective rainfalls, which mainly are due to significant rising of the temperatures. The amount of reduction of effective rainfalls till 2100 year is in range between 27% and 84%. Taking the fact that 84% of the available water resources are created on the territory of Macedonia, we can conclude that the significant reduction of the effective rainfalls will cause reduction of available water resources in 2050 and 2100th year"<sup>1</sup>. This will mean that the available water resources for water supplying will be reduced and in conditions of increased temperatures due to climate changes are expected to increase the consumption of the drinking water up to 30 %. Most threatened agricultural regions from the phenomenon of the climate change in Macedonia are: Povardarie, especially at the part of Black river and Bregalnica; in the endangered zones is southeast region (Strumica), south part of Vardar valley (Gevgelija). The valley of Skopje- Kumanovo (Skopje), Ovche pole (Shtip)<sup>2</sup>

With regard to the Forestry, due to the increase of air temperatures and decreasing Rainfalls, it is possible intensification of the process of forest dying, especially on the Dab area (up to 1200 meters of mean sea level.) Also are expected movements of certain tree species to a greater mean sea level and changes in their current floristic composition of the current forests. Because of the high percentage of dry tree stems it will be increased also the amount of burning material and because of the favorable conditions (high temperature of air and decreased rains) it is expected larger forest fires and burned areas. The effects on health which climate changes cause, it can be divided into Direct and indirect influences. In direct influences are all the diseases and conditions connected to temperature and extreme weather events. The Indirect influences are all diseases that connected to water pollution and food or the lack of them, however the communicable diseases.<sup>3</sup>

Analyzing the emissions of CO<sub>2</sub>-eq in Macedonia which is one of the indicators for causing climate changes, we will point to the research which is made by MANU in 2006, that can be used comparative analysis with many other countries in order of emissions of CO<sub>2</sub>-eq by one individual. For Macedonia for 2002 year the value of this indicator is 6.18t co<sub>2</sub>-eq/citizen,

---

<sup>1</sup> Donevska, K. Assessment of vulnerability and adaptation for water resources sector, the Second National Report on the RC to the UN Climate Change, December 2006, pg. 7-8. Ministry of Environment and Physical Planning.

<sup>2</sup> Ibid.,

<sup>3</sup> Kendrovski, V. Situation analysis of vulnerability in the health sector and proposed adaptation measures as a consequence of expected climate changes in RM.

emissions by citizen are smaller from other countries in transition. Emissions by citizen in Macedonia are larger than the one in some larger countries in the world: Turkey, Mexico, Brazil, China, Indonesia, Pakistan and India. (Where there is a falling order of emissions in interval of 5 to 2 t Co<sub>2</sub>-eq/citizen.) In R. Macedonia the emissions mainly come from the Energetic sector, who participates with 70% of overall emissions. Second largest by emissions is the Agricultural sector with 10-15%, and all of the remaining sector participate with less than 10%. Only exclusion's the sector of Forestry in 2000 year when he participated with 18 % because of his large amount of forest fires.<sup>1</sup>

### **Conclusion**

Climate change is one of the biggest threats that planet earth faces. They are key element in establishment of international relations, making the security dimension reflected as a result of the changes and processes that are happening in the living environment. Today we should approach to improve the international cooperation for detecting and following the security threats which arise from climate changes, as well the prevention, preparedness, response and answering all the institutional capacities, on international plan as well as locally. This after all, refers to advancement and development of the regional security strategies, for scenarios of climate changes and their implications on global security. In future the possible activities of international level that should be realized refer to creation of regional strategies for softening elasticity and adaptation of climate changes. It is referred to the most affected regions of climate changes and that is the African region where people are facing with lack of drinking water, as well as Asian continent, where 60% from world's population lives there and their coastal lands are directly affected from sea level rising.

Despite this reality Macedonia must find a way to turn the attention on herself. Here it is pointed on creating special alliance (group, coalition) for representation in international negotiations. This is one of the most successful models that showed results. For Example the least developed countries have special group (LDC) and their voice in international negotiations is far stronger than the other individual countries. As a result of such "group lobbying" under UNFCCC there is special program and a special fond for the LDC group. Other similar examples are: Alliance of Small Island States – AOSIS, The Umbrella Group (informal coalition of non EU developed countries). European union, The Environmental Integrity Group –

---

<sup>13</sup>Report inventory of greenhouse gases, ICEIM-MANU Skopje, 10.10.2006 pp. 29-30  
<http://unfccc.org.mk/macedonian/dokumenti/SNC%20inventar%20rezime.pdf>

EIG (coalition of Mexico, Republic of Korea and Switzerland ), CACAM (alliance of countries from OPEC states Central Asia, Caucasian, Albania , Moldavia and AED). Macedonia has much to learn of these experiences and to initiate coalition which will enable much more favorable international position for realization of their interests in the field of fight against climate change. As part of the activities at the regional level, Macedonia had part in several regional projects who are: Projects in building capacity for improving the quality of the inventory of emissions of greenhouse gases in the period 2003-2006, financed by UNDP GEF and parallel co-financed by Switzerland, also the regional project for building the capacities for access to carbon financing in Eastern Europe,<sup>1</sup> however R. Macedonia in the future should be the driving force in initiating and participating of debates and the initiator of specific initiatives related to the lowering of the consequences of this global security problem.

## Bibliography

1. Bates, B.; Kundzewicz, Z.W; Wu, S.; Palutikof, J. (2008) Climate change and water;
2. Цицонков.Р. (2003) Глобално загревање на земјата – причини, последици и мерки, Машински факултет – Скопје;
3. Elpida Kolokytha (2010), European policies for confronting the challenges of climate change in water resources, <http://www.ias.ac.in/currsci/25apr2010/1069.pdf>;
4. Фелтон, Тим на Канцеларијата на УНДП во Скопје, Климатските промени – предизвикот на 21-век (Април, 2010);
5. Kirstin D.; Thomas E. D. (2007) The Atlas of Climate Change: Mapping the World's Greatest Challenge (The Earthscan Atlas Series);
6. Lučka Kajfež-Bogataj Univerza v Ljubljani in IPCC Ženeva, Vplivi podnebnih sprememb na vodne vire in vodooskrbo v Sloveniji;
7. Милески. Т (2005) Еколошка безбедност, Филозофски факултет, Скопје;
8. Peter Halden. (2007) The Geopolitics of Climate Change: Challenges to the International System. FOI, Swedish Defence Research Agency SE-164 90 Stockholm Sweden.

---

<sup>1</sup> Second national report on the Republic of Macedonia to the UN Framework Convention on Climate Change, pp. 136.



## Reports and online articles

1. Прирачник за Конвенцијата за климатски промени и за Протоколот од Кјото, Грижа за климата, Секретарјат за климатски промени (UNFCCC) Бон, Германија, 2003;
2. Paper from the High Representative and the European Commission to the European Council (March 2008), Climate Change and International Security;
3. Рамковна конвенција за климатски промени, [www.unfccc.org.mk/.../Konvencija%20za%20klimatski%20promeni.pdf](http://www.unfccc.org.mk/.../Konvencija%20za%20klimatski%20promeni.pdf);
4. Rosina M. Bierbaum, Dan Brown and Jan McAlpine. (2008) Coping with Climate Change: National Summit Proceedings, University of Michigan;
5. Извештај за инвентарот на стакленички гасови, ИЦЕИМ-МАНУ Скопје, 2006;
6. Македонски зелен центар, Македонија и климатските промени (март 2008);
7. Сценарија за климатски промени за Македонија (2006), Универзитет на Нова Горица , Центар за Атмосферски истражувања, [climate\\_change\\_scenarios\\_macedonia\\_summary-mk.pdf](http://climate_change_scenarios_macedonia_summary-mk.pdf).

## ГЛОБАЛНИ, РЕГИОНАЛНИ И ЛОКАЛНИ ИМПЛИКАЦИИ ОД КЛИМАТСКИТЕ ПРОМЕНИ ВРЗ БЕЗБЕДНОСТА

### **Резиме:**

*Зачестените дебати и анализи за влијанието на климатските промени врз безбедноста претставуваат иницијатор на продлабочени научни опсервации од страна на академската заедница. Климатските промени се феномен, кој ги засега практично сите витални области на планетава и човештвото. Тука, пред сè, се мисли на: економијата, финансиите, технологијата, енергијата, здравството, екологијата како и безбедноста на земјите и луѓето. Ваквиот контекст, во голема мерка, налага реевалуирање на безбедносната димензија и креирање стратегии за справување со климатските промени. Кога станува збор за климатските промени како безбедносен проблем, неминовно е да се постави прашањето што претставува референтен објект за климатска заштита и со кој степен на промени на климата можат да се соочат екосистемите и општествените активности пред состојбата да прерасне во безбедносно неодржлива? Трудот дава одговори на неколкуте поставените прашања и се фокусира на глобалните, регионалните и локални импликации од климатските промени врз безбедноста. Во трудот ќе бидат опфатени предвидувањата и сценаријата за климатските промени кои би имале влијание врз безбедноста во регионот на Западниот Балкан и Република Македонија.*

**Клучни зборови:** *Климатски промени, глобално затоплување, еколошка безбедност, глобална закана, стратегија, регион.*

**Prof. Duško Vejnović, PhD**  
College of the Interior Banja Luka  
[dusko.vejnovic@education.muprs.org](mailto:dusko.vejnovic@education.muprs.org)

**Gojko Pavlović, MA**  
College of the Interior Banja Luka  
[gojko.pavlovic@education.muprs.org](mailto:gojko.pavlovic@education.muprs.org)

## **GLOBALIZATION AND PRIVATIZATION OF SECURITY**

### **Abstract**

*This paper focuses on the process of globalization and privatization of security affairs. The authors first analyze the broader context of the private security sector phenomenon and then they discuss it within the reconstruction of state monopoly on the use of force, by examining the causes for its growth and pointing out possible dangers from uncontrolled and legally unregulated privatization. Globalization processes have led to risk division, instead of earlier inside-social processes which were carried out within profit division (and services) between the actors in the processes of transition and labor. The transformation of labor organization is conducted based on its increasing changeability, adjustment and temporariness (the so called “3P”). The processes of globalization “have brought” within this transformation some dominant new-liberal values with new-liberal ideologies, that cannot be ignored, even more since every ideology has a “protective” function of corresponding social actors consisting the struggle for profit. The place and the role of private security subjects in these processes are extremely important. The problem dealt with in this paper is: “Who should be responsible for security affairs?”. The paper points out the necessity of paying adequate attention to the private security sector, given that it has taken over specific affairs which were under the authority of the state for centuries. The scientific thought has to universally investigate all aspects of the private security sector which is on the rise considering its quantity, while the quality is still questionable.*

**Key words:** globalization processes, privatization of security, state monopoly on the use of force, private security sector.

### **INTRODUCTION**

Contemporary epoch is the epoch of globalization. In the sphere of sociology, political science, law, economics, culture and art the old term international is being replaced with the new term called globalization. However, this is not a case of semantic error. The term global signifies a new ideological and methodological orientation. Namely, the term “international”

marks the relationship between sovereign states, and the term “globalism” sees a man as a citizen of the planet, i.e. as a member of unique world community.<sup>1</sup> Globalization is a complex and contradictory process. David Held points out three important elements for determining globalization. “The first element is the way in which the processes of economic, political, military and cultural interdependence change the character, domain and power of modern state, for its regulation capability is opposed and reduced in specific spheres. The other element is the way in which regional and global interdependence creates a chain of political decisions and outcomes that change the national political system itself. The third element is the way in which these processes reshape and renew political identities, thus encouraging many local and regional groups, movements and nationalisms to reexamine the nation state as a representative and responsible system of government.”<sup>2</sup>

Therefore, all former criteria of division, political, ideological, national, class, religious and alike, are blurred today, marginalized and subordinated to basic, global, economic criterion which leads to the domination and power of those who possess capital through which everything else is resolved. Everything is subordinated to this global aim, which does not choose means and methods of realization, because all human inventions, accomplishments and the entire research-technological progress are used, and many seemingly outdated dogmas as well. Ideological and all the other differences are put aside, and all this in the interest of economic collaboration. Even political opponents are economic partners. Interest and profit dominate over emotions. Economic methods and measures are more effective than other methods. Economic power has become the main currency in international relations, and economic competence dominantly determines the course of global politics.

Also, the disintegration of bipolar political environment and the process of globalization and interdependence, which are spreading fast, especially after the Cold War, have led to changes which strongly influenced the way of thinking and the psychology of statesmen and decision makers from the lowest to the highest level of state and international hierarchy structure. These changes have also motivated the theoreticians of security studies to significantly expand the term security from the traditional focus, i.e. from state-centric understanding of security towards new global transnational focus where security is seen as a complex question which is

---

<sup>1</sup> Romić M., (2007). *Globalizacija i tranzicija*. Banja Luka: Defendologija centar za bezbjednosna, sociološka i kriminološka istraživanja, p. 18.

<sup>2</sup> Dejvid H., (1997). *Demokratija i globalni poredak. Od moderne države ka kosmopolitskoj vladavini*. Beograd: Filip Višnjić, p. 163.

necessarily related to the influence of man on changes in global surrounding and the influence of global changes on his conduct. Therefore, the expansion of research of security field implies the expansion of the term security in all directions outside nation state: up – towards international institutions, down – towards regional and local governments and sideways (both right and left) towards nongovernmental organizations, the public and the media and abstract forces of nature or market.<sup>1</sup>

Creation of new form of global production, trade, finances..., has led to the creation of new global form of interdependence of states and more emphasized transformation of social power from the classical carrier of that power (the state), to the new transnational factor of social power, which has an international influence, outside the control of nation state, which, as a result, has shifted the process of decision making from the national level of decision making to the supranational level. This decision making transformation requires a new specification of security notion in international community. Questions such as: "Who needs security? Which value system is needed for security provision? Which level of security is required for protected value system? Who or what poses a threat? What funds are necessary for provision of security and at which price?" are questions whose answers need to be sought at the transnational level of decision making rather than at the national level of decision making.<sup>2</sup> Therefore, one of the basic questions, whose answer needs to be sought while explaining the phenomenon of security privatization, is who should have and who has a legitimate right to use physical force in securing the state, the citizens and their property.<sup>3</sup>

## GLOBALIZATION – ZEITGEIST

As a result of its unusually complex and contradictory nature, globalization is the subject of many discussions, from philosophical-ethical and economic to military-political, where it is the object of emphasized idealization or demonization and disputing. On the one hand, there is a tendency of some countries to present globalization as their ideological platform, which needs to explain their leadership, while on the other, nations and countries which are influenced by the negative effect of globalization,

---

<sup>1</sup> Rothschild E., (1995). *What is Security?*, Daedalus, Vol. 124, No. 3, p. 53-107.

<sup>2</sup> Baldwin D.A., (1997). *The Concept of Security*. Review of International Studies 23, pp. 5-25.

<sup>3</sup> Mandel R. (2000). *The Privatization of Security*. 41th Annual Convnention, March 14-18. Los Angeles: International Students Association, p. 3.

see this phenomenon as a sort of manifest of hegemony of developed part of the modern world.

For almost four centuries the intergovernmental organization of the world has been confidently ruled by a model based on territorial sovereignty, prohibition of interference into internal affairs, relatively low level of cooperation and absence of the superior over the state. At the end of the 20<sup>th</sup> century all these things were brought into question. New forms and shapes of multilateral cooperation and global politics resulted in many governmental, intergovernmental and nongovernmental organizations, which replaced the above mentioned principles. At the beginning of the 20<sup>th</sup> century there were 37 intergovernmental and 176 international nongovernmental organizations, and by the end of the century this number mounted up to impressive value of 6,743 intergovernmental and 47,098 nongovernmental organizations.<sup>1</sup>

The power of states weakens not because of many nongovernmental organizations, but because of powerful international transnational corporations. But despite all this, nation state is still a real factor of the modern world, while the followers of globalization expect its gradual downfall; all neoliberals thus see a chance to accelerate the globalization process and uncontrolled economic trends. “In the process of disappearance of societies organized in nation states, postmodernism recognizes “the end of politics”, the same view held by neoliberalism, which would like to give up, as much as possible, control functions to the market.”<sup>2</sup>

At the same time, globalization is a phenomenon which marks zeitgeist at the beginning of new millennium and most significantly shapes politics, economy and social life of the world, although unequally and with different consequences. This process, which implies intensive economic, technological, political, ideological-cultural, military and other forms of connecting people, nations and states based on the model of western civilization paradigm, is gaining in intensity, with a more intensified tendency for covering all spheres of individual and collective existence of people. What is basically and radically new for this phenomenon and is unjustifiably long and persistently blurs the research optics, is a radically changed nature, fundamentals and principles and mechanisms of, above all, international economic, and global political and geopolitical order.

Ideologically, globalization is based on values of liberal-democratic (neoliberal) model of the western world – private ownership, individual freedoms and democracy, and its goal is the expansion of these values on all

---

<sup>1</sup> Held D. & Mc Grew A., (2002). *Globalization/Anti-globalization*. Cambridge: Polity Press, p. 18.

<sup>2</sup> Habermas J., (2002). *Postnacionalna konstelacija*. Beograd: Otkrovenje, p. 67.

sides of the world and in all spheres of human activity. Basic integrating factors are: the expansion of free market, the development of communication and global information technologies, as well as the mobility of capital in the material sphere, i.e. the unification of value measures and ways of life in the spiritual sphere.

Since the main purpose and goal of globalization is to provide free flow of ideas, goods, capital and information, its main characteristic is, definitely, interdependence of people, nations and states of the modern world never seen before. Due to information technologies, modern societies are becoming more open and social relations in global sense more transparent, which results in the development of modern forms of social, economic and political life. Thus, globalization brings the world in which state borders are less important and which opens up endless possibilities of technological and democratic development of human life on earth. There is general agreement that theoretical basis of globalization is "neoclassical economic thought which emphasizes market competition and complete adjustment of economic subjects to prices and demands of the world market<sup>1</sup>, and at the center of this project is the world in which three basic ideas are dominant: "peace as an assumption of relation between countries; democracy as the best way for organizing political life; and a free market as a prerequisite for creation of wealth."<sup>2</sup>

On the other hand, large transnational corporations together with international financial institutions and organizations, International Monetary Fund, World Bank and World Trade Organization, primarily initiate the process of globalization and crucially influence global economic relations. Transnational corporations are responsible for the growth of wealth at the global level, growth of world trade, remarkable progress in the field of science and technology, but they are also responsible for the resulting consequences. They are responsible for unemployment, exploitation of cheap labor in developing countries and increasing the gulf between the rich and the poor. The main factors of power of transnational corporations are the factors of knowledge and technology which give them effective control over the most important markets, markets of goods and services, financial markets and markets of information. This kind of position enables them, in states and regions where they are present, to realize effective control of production, commodity flows, price politics and investments, and to have a huge ideological, political and cultural influence. With the power they have,

---

<sup>1</sup> Mencinger J. (2004). "Socijalno-tržišna ili "čista" tržišna privreda". U Stiglic E. DŽ. (Ur.) *Protivrečnosti globalizacije*. Beograd: SBM-x, p. 291.

<sup>2</sup> Mandelbaum M. (2004). *Ideje koje su osvojile svet*. Beograd: Filip Višnjić, p. 11.

transnational corporations become important political actors. It is not uncommon for corporation diplomacy to suppress state diplomacy, with which transnational corporations take over the prerogatives of nation state.

## PRIVATIZATION OF SECURITY – THE REALITY OF GLOBAL SECURITY

Today there is more talk about the privatization of security as a phenomenon which is widely spread and accepted, than in any other previous period in the history of modern nation state. Peter Singer, one of the most known authors in this field, points out that the trend of the privatization of security has gone too far and too fast.<sup>1</sup> By answering why security was privatized, Singer points out that there is not only one simple cause which led to this phenomenon. Instead, he says that the privatization of security is a clear and distinctive representative of global security change and business environment at the beginning of the 21<sup>st</sup> century.<sup>2</sup> As key factors of security in general, Singer also cites reduction of public consumption and outsourcing services to the private sector and other factors, as the aftermath of the Cold War. It is necessary to point out that there is a difference between factors which have led to the privatization of security in developed countries, transitional countries and developing countries, and post conflict countries.

In developed countries the main incentive for the privatization of security was the demand for increased efficiency<sup>3</sup> in state institutions, which resulted in marketing of public administration. The main feature of marketing is the process of outsourcing of security tasks which were earlier executed by the public sector. The term outsourcing could be translated as paying another company to do a job which is normally under the authority of a state institution.

In transitional and developing countries the dynamics of private security emergence was influenced by the completion of the Cold War and structural changes in social, economic, political and strategic areas of the state. With the disappearance of bipolar division of the world, weaker countries were not able to rely on superpowers to prevent internal conflicts and guarantee international security and many of them found themselves

---

<sup>1</sup> See more: Singer P. (2007). *Can't Win With 'Em, Can't War Without 'Em: Private Military Contractors and Counterinsurgency*. Washington D.C: The Brookings Institution.

<sup>2</sup> Singer P. (2003). *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press, p. 49.

<sup>3</sup> Sewell P.T., (2007). *Private Security Companies: The Reasons Why*. Military Technology, Vol. 31, Issue 3, p. 60-61.



without means for personal protection. On the other hand developed western countries did not see any interest in further involvement in conflict prevention in order to get peace and stability in remote parts of the world. Also, big armies, common for that period, were reduced to effective level as a result of new circumstances, and surplus of military, police and intelligence personnel sought employment in the rising private security sector. At the same time, security status was getting worse and the crime rate was on the rise, which led to formation of private companies in charge of security services. Therefore, the increase of security in society in general, resulted in a higher level of protection provided by the private security sector.<sup>1</sup>

It was the state's inefficiency that led to the privatization of security in post conflict countries and inability of the state to efficiently cope with new challenges, risks and threats. In these countries there is usually lack of well-trained public security services and private companies which provide security services often fill in the blank. This shows just how important private security sector is in the situation of dysfunction or overburdening of public and state security forces. However, despite this, the dangers are great because the subjects of private sector can impede the progress and strengthening of the public and state security sector, i.e. change of situation in which they are the only providers of security services. The possibility of abuse, violation of human rights and inequality in front of the law in such circumstances are also great.<sup>2</sup>

If the private security sector develops in an uncontrollable way, outside the system of democratic control, there is a danger of it being transformed into privatized and alienated power, which would result in the loss of the purpose of its existence as a legal institution in security arena. This situation could also generate different forms of alienation and deformation which could in return present greater risks for rights, freedom and democracy of citizens and society.<sup>3</sup>

The term private security is related to non-state subjects which perform specific jobs in the domain of private security sector<sup>4</sup>, and which are

---

<sup>1</sup> Pavlović G., (2011). *Pravo privatne bezbjednosti – uporedna studija*. Banja Luka: Defendologija centar za bezbjednosna, sociološka i kriminološka istraživanja, p. 9-11.

<sup>2</sup> Pavlović G., i Vejnović D., (2010). *Društveni ambijent privatnog sektora bezbjednosti sa težištem na Republiku Srpsku*. Bezbjednost Policija Građani, broj 1-2, pp. 215-227.

<sup>3</sup> Spaseski J., (2009). *Private Security as an Integral Part of the Single Security System*. VARSTVOSLOVJE, year 11, no. 2, pp. 305-315.

<sup>4</sup> Most authors agree that all human and material potentials are considered as subjects of security which the state can hire for security reasons, and they can be divided into: *Conventional* (police, army, courts, prosecutor's office, inspection organs, prisons and similar institutions and alike). *Nonconventional* (legislative organs-council, executive organs-assembly, executive organs-the president, the government, the organs of internal

in theory classified into types of armed security forces.<sup>1</sup> In practice, a wide range of people, organizations and activities can be involved in provision of military and security services, both at home and abroad. In technical literature, however, private companies which provide security services are divided into, based on security services they provide and the type on internal organization, *Private Military Companies* and *Private Security Companies*.

Often, however, private companies which provide security services combine their work in many areas, so most authors when they talk about private security sector imply both of them and mark them as *Private Military-Security Companies* (PMSCs). We could define private military and private security companies as companies which are commercially oriented directly providing military and security services for profit.<sup>2</sup>

However, it is necessary to make a distinction between these two types of companies. The simplest way to differentiate these two types of companies is to determine whether a private company functions offensively or defensively. Namely, it is said that private military companies function offensively or actively, while private security companies function defensively or passively.<sup>3</sup> Also, one of the differences between these two companies is a moral one, i.e. there is a difference between protection of people and attack on people for money.

Therefore, in order to determine which factors make up the private security sector, and establish the difference between them, the term private military companies should be reserved for those companies which take an active part in combat operations and which have equipment, training, men and hierarchy similar to the state army. These companies are often mentioned when there is talk about the privatization of security and lately they often take part in wars in Iraq and Afghanistan, as well as in other low intensity conflict areas.

---

affairs); and *Other* (organs of local government, organizations in charge of public services and activities, private companies, firms and other organizations and social and legal persons and educational institutions). See more: Vejnović, D. (1995). *Državna bezbjednost-obavještajne službe*. Banja Luka: Glas Srpski.

<sup>1</sup> Klark DŽ. (2006). *Uloge vojnih i bezbednonih snaga u 21. veku*. Beograd: Rasprave Centra Džordž Maršal, pp. 27-31.

<sup>2</sup> Schulz S., and Yeung C., (2005). *Private Military and Security Companies and Gender*. Geneva: DCAF, p. 1-3. Singer also does not make a distinction between private military and private security companies, and he uses the term *Private Military Firms*, which includes both types of companies. Private Military Firms are, according to him, private business entities which provide clients with a wide range of military and security services.

<sup>3</sup> Mandel R., (2001). [\*The Privatization of Security\*](#). *Armed Forces & Society*, Vol. 28 Issue 1, p. 138.

The term *private security companies* should stand for those subjects which legally provide security services and which are, unlike the former, common in stable countries, and which are regulated and controlled in a similar way as other business companies. Typical services that these companies provide are: physical and technical security of persons, property and objects and detective services in, primarily, non-conflict areas. Their equipment and training is different from the equipment and training of the members of private military companies.

## CONCLUSION

Globalization is a process of intensive economic, technological, political, notional, cultural and military connecting of people, nations and states based on the model of western civilization paradigm with a more emphasized tendency for covering all spheres of individual and collective existence of people. Global perspective of the world and universality of standards of the entire social organization of states and nations is more than certain. Basically, globalization is a vigorous economy based on neoliberal concept of social organization and unipolarity of the world order, instigated by accelerated pace of technological revolution, transport, and telecommunications and information technology.

It provides the free flow of ideas, goods, capital and information, i.e. it enables access to work, capital and raw materials on all markets and production for all markets. Thus, globalization brings the world in which state borders are less important and which opens up endless possibilities of technological and democratic development of human life on earth. However, at the same time globalization polarizes, jeopardizes and negates traditional and authentic values of societies, their culture and historical heritage, promotes the interests of one and marginalizes the interests of other social groups and communities. This is why it is often recognized by the strong stamp of inequality, unevenness and turning towards unipolar and uniform world. There is a strong feeling that globalization creates a world in which states and nations rely upon each other, most frequently guided by different interests (possibilities), those who strive for wealth and those who struggle for basic survival needs.

Globalization strongly stimulates connecting of the world, orchestrated by the most powerful countries in the West and their interests, and the main promoters of this process are transnational corporations and the most influential financial institutions. The rest of the world is deprived of the possibility to influence the course of progress of the globalization process, accepting the fact that they are the periphery and reservoir for raw materials

and cheap labor. This kind of process leads to the geography of unnecessary world and empire which is globally bigger than any previous.

Thus, it can be concluded that globalization undoubtedly influences deepening of the gulf between the rich and the poor. Furthermore, it influences stratification within countries, both developed and developing. And while this leads to social inequality in developed countries, in others, aside from social inequality, it results in rich elites, which being satisfied with its status actually enable world global elite the continuation of globalization and further acquisition of wealth.

Privatization of security is, evidently, generally accepted trend in the world. The increase in the demand for security needs, which increase the expanses of the public sector of security and thus burden the state budget, influences the transfer of part of services into the sphere of private security sector as a supplement to public sector. The traditional understanding that only the police are responsible for security is long forgotten and this opens the door to a new philosophy of security in which the sector of private security plays an important role. Private security sector does not represent competition to the state and its security, but is, on the contrary, an expression of the need of society, private capital, an expression of need of all citizens to, together with state institutions, put general security at a higher level in the interest of all.

Aside from this, the private security sector is still critically looked upon because of possible abuse, violation of human rights and inequality in front of the law. Because of traditional understanding, in transitional societies where the state has the monopoly on security affairs, there is disbelief towards private initiatives, so private security is in best case seen as competition, sometimes even a threat to state security services. This is different in developed countries. The legislative regulation is clear on the private security sector and its relation with state services, which have recognized its value.

In terms of the future of these companies it can be said that as long as there are conflicts of low intensity, there will be need for private companies which provide security services. After the Cold War the international community has demonstrated in several examples the lack of will to get involved in regional conflicts in which western political questions were not directly threatened, and it is this gap that will continue to be filled with private military and security companies.

## REFERENCES

1. Baldwin D.A., (1997). *The Concept of Security*. Review of International Studies 23, pp. 5-25.
2. Dejid H., (1997). *Demokratija i globalni poredak. Od moderne države ka kosmopolitskoj vladavini*. Beograd: Filip Višnjić.
3. Habermas J., (2002). *Postanacionalna konstelacija*. Beograd: Otkrovenje.
4. Held D. & Mc Grew A., (2002). *Globalization/Anti-globalization*. Cambridge: Polity Press.
5. Klark DŽ. (2006). *Uloge vojnih i bezbednonih snaga u 21. veku*. Beograd: Rasprave Centra Džordž Maršal, pp. 27-31.
6. Mandel R. (2000). [\*The Privatization of Security\*](#). 41th Annual Covnention, March 14-18. Los Angeles: International Students Association.
7. Mandel R., (2001). [\*The Privatization of Security\*](#). Armed Forces & Society, Vol. 28 Issue 1, p. 138.
8. Mandelbaum M. (2004). *Ideje koje su osvojile svet*. Beograd: Filip Višnjić.
9. Mencinger J. (2004). *''Socijalno-tržišna ili ''čista'' tržišna privreda''*. U Stiglic E. DŽ. (Ur.) *Protivrečnosti globalizacije*. Beograd: SBM-x.
10. Pavlović G., (2011). *Pravo privatne bezbjednosti – uporedna studija*. Banja Luka: Defendologija centar za bezbjednosna, sociološka i kriminološka istraživanja.
11. Pavlović G., i Vejnović D., (2010). *Društveni ambijent privatnog sektora bezbjednosti sa težištem na Republiku Srpsku*. Bezbjednost Policija Građani, broj 1-2, pp. 215-227.
12. Romić M., (2007). *Globalizacija i tranzicija*. Banja Luka: Defendologija centar za bezbjednosna, sociološka i kriminološka istraživanja.
13. Rothschild E., (1995). *What is Security?*, Daedalus, Vol. 124, No. 3, p. 53-107.
14. Schulz S., and Yeung C., (2005). *Private Military and Security Companies and Gender*. Geneva: DCAF.
15. Sewell P.T., (2007). *Private Security Companies: The Reasons Why*. Military Technology, Vol. 31, Issue 3, p. 60-61.
16. Singer P. (2003). *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca: Cornell University Press.
17. Singer P. (2007). *Can't Win With 'Em, Can't War Without 'Em: Private Military Contractors and Counterinsurgency*. Washington D.C: The Brookings Institution.
18. Spaseski J., (2009). *Private Security as an Integral Part of the Single Security System*. VARSTVOSLOVJE, year 11, no. 2, pp. 305-315.
19. Vejnović, D. (1995). *Državna bezbjednost-obavještajne službe*. Banja Luka: Glas Srpski.

**Goran Zendelovski, MA**  
*Institute of Security, Defense and Peace*  
*Faculty of Philosophy-Skopje*  
goranz@fzf.ukim.edu.mk

## **CONTEMPORARY POLITICAL PROCESSES OF GLOBALIZATION – THREAT OR CHANCE FOR THE STATE**

### **Resume**

*The model of the Western liberal political system fundamentally established the political dimension of globalization, which is still being considered as commonly accepted and certified universal civil value. The political power of globalization which is connected to a foundation of democratic principles and values very often transforms itself into an ideology and a mean for domination over the countries. In fact a number of countries were able to accept this liberal democratic concept of voluntary or forced again was on track. The problems countries face are due to the changed security environment and the dangerous consequences which can easily disrupt the stability of national and international security order. To some extent there is a possibility of weakening the state and transfer its powers to “hands” of supranational and non-state authorities. Some governments of states can lose legitimacy and land management because of inadequacy with the trends that carry the processes of globalization. Thereto, it forced the states where there was no compatibility between the system of national security and the system of modern national state, to open themselves towards new shapes of collaboration or be marginalized by world affairs. Therefore, some states have to “survive” the need for a change in a way of rebellions or revolutions, or the consequences will affect national and international security.*

*Key words: state, security, globalization, political processes, revolutions.*

### **Introduction**

Westfall model and its model of sovereign states have been present for almost four centuries. It signifies that the state has supreme authority and power over its territory, the territorial integrity and sovereignty are untouchable and interfering with inner affairs of the sovereign state is not allowed. However, the end of the 20th century puts the above mentioned

occurrences under suspicion because of dynamics, changes and new forms of collaboration and participation of new actors on the international scene that seemed out of the principles of the Westfall model. With these actions, contemporary political dimension of globalization based on postulates of western (neo) liberal political concept drastically changed the role of the state. New shapes and forms of collaboration and interdependence, as well as different spheres of influences have managed to establish different standards that strongly affected the states, especially the ones with lower level of development.

Already established diagnosis lined in accordance to development, modernity or central and peripheral areas, produced discontent in many states and resulted in a queue of violent political changes that spread outside the national borders. Changes that also affected other spheres of social life didn't contribute that much to weakening state's functions as they did to changing the role of the state. This is basically about state's power that is often reduced or limited in traditional areas connected with the security and possibility for running the state by state authorities. These tendencies were due not only to the influences coming from outside, but also to the disability of the state to adjust and adapt the society in accordance to global changes. This was often a reason for difficulty to some states when coordinating inner politics with the regional or global political context. Beside this, the effects of the globalization that simultaneously increased state's political responsibility with political disability helped some states that hold different systematic values and ideologies from the rest of the states in the world, to become more disputable and vulnerable. On the other hand, the diffusion of national power can contribute to the transfer of "the weight" to some other politically safer level whose consequences will affect international peace and regime.<sup>1</sup>

### **Security Implications of Weak States**

In the past two decades the concept of a state acquired universal character where the processes of globalization helped in the replacement of states' heterogeneity with homogeneity. <sup>2</sup> It is notable that besides the erosion of power in inner-outer events, the state will always be placed in the focus of the attention, only with certain changes in the sphere of politics, economy and security. Notwithstanding its double standards, globalization still offers a chance for new forms of ruling that doesn't necessarily have to

---

<sup>1</sup> Maull W.H., World Politics in Turbulence, International Politics and Society, Friedrich-Ebert-Stiftung, IPG 1/ 2011, pp.11-25

<sup>2</sup> Holsti K. J. The State, War and The State of War, University Press, Cambridge, 1996.

be connected with the most dominant democratic model. Modern forms can be connected to different political, economic, religious and social ideologies, and the new idea for the state can be found on their basis.

However, will the new processes of globalization be able to transform existing non-democratic states into prosperous and stable states? Will the experiment for building a state by the Western model in the countries of the Third World be successful, or will it prove a complete failure?

Taking into consideration the past and the present, it is relevantly obvious that there is no state that hasn't been burdened by various genocides, massacres, revolutions or wars. Besides that, various influential trends contributed to the state to strengthen or weaken its own power. Their dynamics was determined by the strength of the state in national and international borders, and the influences didn't have the same effect over developed and undeveloped societies. The level of strength within developed states distinguishes itself with the firm ties between physical and institutional components of the state, high degree of legitimacy of rules and norms and therefore the possibility for a certain group to use armed force in order to confront the power of the state is reduced. Another main feature of the strong states is the fact that they had at their disposal the capacity and opportunity to providing security, law and regime necessary for state's wellbeing.

Unlike strong states, the process of decolonization didn't quite help the weak states from the Third World to stand on their feet. It was expected that by lowering the intensity of western influence, a new impulse would occur and there would be room for the new states to improve and increase inner relations on political, economic, security and cultural field. However, this was not the case with most of them. Before all, defining their legitimate political community differed in many things from the origin and foundation of the developed states. The essence of the problem was not only in the military sphere, but also in the legitimacy and effectiveness that made weak states helpless and potential hotspots of unrest and conflict. With the inability to control the condition on its own territory, the state could lose the monopoly over the force and law, and by this, new groups of violence and terror would be formed which would affect their own inhabitants. This is a case especially in those states where the groups fight each other or the government about taking control over territories rich with natural resources. On the other hand, the emergence of aggressive nationalism and



religiousness additionally increased the rivalry which very often resulted in genocides and civil wars, and later on, ended up as “all against all wars”.<sup>1</sup>

This note only confirms that the biggest threat for the states after World War II is from the inside, and not from the outside. Old threats and dangers such as rivalry between states have transferred within national borders. Therefore, the concept of national security has a totally different meaning for weak states, which is totally opposite from the one in strong states, although the advantage belongs to the better-organized societies that succeed in dominating the weaker societies by following various means. Because of this, systematic flaws of weak states followed by a high level of deprivation and violence done by the government regimes contribute to a social separation and inoperativeness as well as apathy towards well developed states. Also with the militarization of society and national policy elites in power in weak states led national army can be destructive and harmful to development and coexistence in the country, while the country appears to be occupied by its own army. Hence, it is very probable that “home problems” of weaker states will spill over the international level with possible implications over regional and global security.<sup>2</sup>

### **Revolution – Chance for Weaker Societies**

Significant historical events contributed to an overturn in the entire social and political regime which was usually established by force and whose aim was rearrangement of the society over new principles and ideals. Actually, this process appeared in specific time periods and places where it explained the different forms of fight which often resulted in fundamental change in the power and modification of the existing organizational structure. To be more specific, these events and processes can be explained by the term revolution, which is used to mark a reconstruction of the old social forms into new and more modern ones. The term can be also connected with the aspects of the state (American, French, Russian, Chinese revolution), but also for marking dramatic social changes or, in newly times, revolutions such as Industrial-Technological, Information Technology revolution, etc.<sup>3</sup>

Following this context, revolutions or changes in the new century can be interpreted as if they were connected to the processes of globalization on a way that leads towards clearing the path for the entrance of liberal democracy and capitalism, but also for modernization of the societies that are

---

<sup>1</sup> Kuper R., *Raspad nacija poredak i haos u XXI veku*, Filip Visnjic, Beograd, 2007.

<sup>2</sup> Buzan B., *People, States and Fear The National Security Problem in International Relations*, Wheatsheaf books ltd, 1983.

<sup>3</sup> Marshal G., *A Dictionary of Sociology*, Oxford University Press, 1998.

expected to contribute to a larger equality, freedom and material progress. It can be noted that revolutions are progressive and useful, even though they carry various consequences and dangers with them. Certain states pass the phase of modernization in different ways because of the differences in economic development, state's resources, demographic changes, the intensity of the outer international pressure, differences in economic development between states that are participants in the international economic scene, etc.<sup>1</sup> Revolutions are accompanied by three aspects that refer to state's downfall, competition between the groups about the central power and creation of new institutions which could be followed by dangerous events like civil war, military coup or guerrilla war whose consequences are numerous victims and a "cunami of refugees".

These events brought up significant changes in the states at the beginning of 21st century. Some of them are said to be "a consequence" of contemporary processes of globalization, or changes that states "survived" in a shape of unrest, rebellions and revolutions. Conditions where societies tended to confront authoritative regimes and open the paths of democracy and progress. Such changes occurred with the Colour Revolutions<sup>2</sup> which rose in several societies from the former Soviet republics and Balkan states.

This tendency is still active especially in the region of Northern Africa and the Middle East. The new revolutionary wave known as Jasmine Revolution is a subject of serious researches and analysis from various aspects, because it contributed to notable changes in Arabic world that strongly influenced regional and global security environment. The appearance of a series of malcontents and injustices due to dictator's ruling, corruption, breaking of human rights and freedom, high degree of unemployment, extreme poverty and the increase of the price of basic goods are the main reasons that occupied these countries. In some of them (Egypt and Tunisia) the revolt was a reason for a change of government, and the domino effect of malcontent spread towards Morocco, Algeria, Libya, Kuwait, Saudi Arabia, Sudan, Syria, Bahrain, Jordan, Yemen, Oman and Iran, which had a lower intensity and did not result in change of government.

---

<sup>1</sup> Miller D., Coleman J., Connoly W. and Ryan A., The Blackwell Encyklopedia of Political Thought, Blackwell Publishers Ltd, 1991.

<sup>2</sup> "Colour revolutions" is a term used by the media in order to describe the relations of the movements that developed at the beginning of the 21<sup>st</sup> century. One of the most famous are the Bulldozer revolution in Serbia, the Rose revolution in Georgia, the Orange revolution in Ukraine and the Tulip revolution in Kirgizstan. These revolutions were tended to change the government because of corruption and authoritativeness. Source: <http://en.wikipedia.org/wiki/Revolution>

Among other things, the concentration of power in the hands of the ruling elite did not allow democratic principles, application of the law and the market of free change to penetrate in the societies. The negation of national interest, impeccable following one's own interests and the methods of repression and terror have become new and disturbing factor in international relationships.<sup>1</sup> This way of governance leads to marginalization of the country of the world. For them, isolation represents fertile ground for repression, because these countries are powerless, because they have no one to act together and make it seem "inaccessible and risky destination for foreigners". The paradox is in the fact that many of them enjoy the support got by the most democratic countries because they own great reserves and valuable raw materials. Therefore, as countries for collaboration are considered highly developed states like USA and the countries members of EU (France, Germany, Italy, UK and others) with which they previously had colonial connections or managed to build new relations through military collaboration.

However, the pressure imposed by the contemporary processes of globalization contributed to a "sequel of the match" in a more uncertain level. IT progress and the necessity for modernization enabled the means of communication (the Internet and social networks) to become strong weapon of weak societies and to help them organize themselves in a better way, to start revolutions and, in the end, bring better times. It also helped them to get rid of the deep feeling of malcontent and weakness. The combination of so-called powerful forces of today and concerns of young generations and technology led to important changes that first began in a small and insignificant country and has spread to the region's largest and most important states.<sup>2</sup> Besides, the concept of interdependence is a strong factor for all participants and events in different parts of the world that affect each other or are depended of each other.<sup>3</sup> This is a case especially when the societies and the states share similar political, security, economic, cultural and social problems and worries that cannot be dealt with separately.

But will the highly developed countries remain immune to these dangers? How can fluctuations affect their security and prosperity?

There is a certainty that there are no guarantees that the dangers will not appear in front of the "door" of the highly developed countries. The nexus of the weak states with the strong ones in the field of security is ascertained in several particular problems. First and foremost, the

---

<sup>1</sup> Arendt H., *The origins of totalitarianism*, Harcourt, Brace & World, 1966.

<sup>2</sup> Zakaria F., *Why There's No Turning Back in the Middle East*, TIME, February 17, 2011.

<sup>3</sup> Plevnik J., *Iza globalizacije*, Golden marketing, Zagreb, 2003

consequences of the current violent changes in the world produced explosion of immigrants who “occupied” the countries of the First world. Parts of them are various groups with religious fanaticism and extremism as well as a desire for violence like in their own countries.

These trends will enforce bitterness with domicile people and appearance of racism, xenophobia and hatred. Similar to the dissatisfaction of the France against Arabs and Germany against Turks. Secondly, developed countries had firm collaboration with some of the countries from the Near and Middle East in the security-military sphere. This is about the partnership in the global war against terrorism and the free access when placing equipment and stationing western military capacities.<sup>1</sup> As a third security problem comes up the (none)violent disconnection from the oil and gas pipe-lines which are going to disable the distribution of energetic resources in developed countries which are depended on the energetic capacities located in these weak countries. Last and maybe the most dangerous problem for regional and global security would be disobeying the principle of “Monroe’s doctrine”<sup>2</sup> which means shutting down the opportunity for interfering in states’ inner affairs that can cause strong national unity in weaker societies and feelings of hatred against western countries and their values. Such a situation can serve as a provocation (trigger) for the opponents (countries led by military power in the region) to the west to deploy its military facilities inside or near vulnerable countries.

While completely different approach would be if they offer financial and other material - technical means to help restore society and building legitimate government with support from the people can be the first step in the transformation of society whether you will be based on western democratic model or a new model to other fundamental principles and values.

Analyses state that despite the correlation between strong and weak states, there are many differences when it comes to the way of creating the states. Strong and well developed countries are characterized by long tradition and history they nurtured through the years and which gave them the opportunity to grow and develop, compared to the weak, newly created

---

<sup>1</sup> For example, countries Saudi Arabia, Kuwait and Bahrain are among the major partners of the West (primarily the United States of America) for procurement of military equipment and technique. Their importance confirms in Bahrain where is stationed U.S. 5th Fleet and one of the countries of this region support the U.S. fight against Al Qaeda in Afghanistan and Iraq.

<sup>2</sup> Monroe’s doctrine set James Monroe U.S. President in 1823 in which America would not interfere in the internal affairs of European states, nor do European states have the right to interfere in the affairs of the American continent.

states that are still in an early phase of development and are, at the same time, more vulnerable to new challenges carried by globalization. It is unexpected for revolutions to raise in places where the countries are facing military pressure or financial crisis, or when the weak states are facing the more advanced capitalistic states. These combinations and variations of structural weaknesses limit the country to answer outer international pressures which enables the creation of a potential crisis in form of revolution.

## **Conclusion**

Existing growth of inequalities and allocation of the benefits in favor of stronger societies reduces the possibility for creation and building stable states on world's periphery. In addition, the inability of the weak states to use the capacities and resources at their disposal in their own benefit makes them even more vulnerable and insecure. It means that the states have to find a model which is going to be suitable for the opportunities of the society and international surrounding. It is also an option to transform into a model that contains a combination of processes of national and international character whose function will be to prevent the country of crisis and guarantee the country's security and prosperity.

## **References:**

- Arendt H., *The origins of totalitarianism*, Harcourt, Brace & World, 1966.
- Buzan B., *People, States and Fear The National Security Problem in International Relations*, Wheatsheaf books ltd, 1983.
- Holsti K. J. *The state, war and the state of war*, University Press, Cambridge, 1996.
- <http://en.wikipedia.org/wiki/Revolution>
- <https://www.cia.gov/library/publications/the-world-factbook/geos/mu.html>
- Kler M., *Vojni za resursi*, Zaharij Stojanović, Sofi, 2003.
- Kuper R., *Raspad nacija poredak i kaos u XXI veku*, Filip Visnjic, Beograd, 2007.
- Marchal G., *A Dictionary of Sociology*, Oxford University Press, 1998.
- Mauil W.H., *World Politics in Turbulence*, Internationale Politik und Gesellschaft, Friedrich-Ebert-Stiftung, IPG 1/ 2011, pp.11-25.
- Miller D., Coleman J., Connolly W. and Ryan A., *The Blackwell Encyclopedia of Political Thought*, Blackwell Publishers Ltd, 1991.
- Plevnik J., *Iza globalizacije*, Golden marketing, Zagreb, 2003.
- Steger B.M., *GLOBALIZATION*, Oxford University Press Inc., 2003.
- Waever O., Buzan B., Kelstrup M. and Lamaitre P., *Identity, Migration and The New Security Agenda in Europe*, Pinter Publishers Ltd, 1993.
- Zakaria F., *Why There's No Turning Back in the Middle East*, TIME, February 17, 2011.

**Marjan Arsovski, PhD**  
Faculty of Security – Skopje  
email: [arsovskim@yahoo.com](mailto:arsovskim@yahoo.com)

## **EUROPEAN UNION'S FOREIGN AND SECURITY POLICY IN THE WESTERN BALKANS**

### **Abstract**

*EU countries have always recognized the need to act together in foreign policy and defense matters, but this has proved to be a difficult challenge and hard to achieved. The principle of common foreign and security policy (CFSP) was formalized for the first time in 1992 by the Treaty of Maastricht, but creation of formal secondary instruments for diplomacy and intervention were needed pursuant to regional conflicts in the 1990s.*

*Such decisive actions are the European Union peacekeeping missions to several of the world's trouble spots which promote development of the European Security and Defense Policy and design the European military structure. The first EU military missions were in the Balkans where it has established itself as a key player in the resolution of the conflicts in the Western Balkans. Its leading role in the Balkans was not just funding the assistance projects in seven countries in order to help them build stable societies, but also deployment of military, police and justice in Republic of Macedonia, Kosovo and Bosnia and Herzegovina to help ensure law and order. In this context, the research paper aim is to explore the military missions of the European union in the western Balkans as a cradle for the birth of the European union army.*

*Keywords: Western Balkan, European Union, Military missions, Defense and Security Policy.*

### **North Atlantic Treaty Organization and European Union cooperation in military operations**

Within the scope of peacekeeping operations in the Balkans, the European Union (EU) had a huge benefit in the use of funds and the experience of North Atlantic Treaty Organization (NATO), with arrangements with both organizations and had great operational importance.

United States (US) has always pointed the need of increased participation of Europeans in NATO, because they bear the largest share of the Alliance. On the other hand, the European Union wants to develop its own security system through autonomy or separation and duplication of the command system in the integrated command structure of NATO. This would create a discrepancy between the North Atlantic and the European pillar of

NATO, while the Union would use military and operational experience of NATO and independently performing peacekeeping missions.

As a result, in 1989 an intensive cooperation began between the U.S. and EC, resulting in a Declaration for transformation of NATO - North Atlantic Alliance, adopted in London in 1990.

Further, at the summit in Brussels in 1994 may be located the roots of European security and defense identity (EBOI) by creating a Joint Association of Specialized Forces (JASF) of NATO that is formalized earlier in the Declaration for transformation of NATO in 1990. The concept of JASF presented the opportunity for Europeans to use means from NATO and the United States to perform independent missions. The Command of such operations would be integrated within the command structure of NATO, however the responsible person for such operations would be the Deputy Supreme Allied Commander for Europe (DSACEUR) which is always European. After leaving from NATO in 1966, France has resolute its return to the integrated command of NATO with request for greater command autonomy for Europeans, even with possibility for dual command which was been strong-mindedly rejected by the United States.

At the NATO Ministerial meeting in Berlin in 1996 a Communiqué (also known as "Berlin - plus" Agreement) was enacted confirming the creation of a European defense identity within NATO through its own conduct missions related to conflict and crisis management. Furthermore, the "Berlin Plus" establishes a mechanism for cooperation between the EU and NATO.

In 1998 at the summit in *St. Malo* based on proposal initiated by Britain and France, a Declaration is adopted proclaiming that the European Union should have the capacity for autonomous action. According to the instructions of the British Minister of Defense, Mr. George Robertson, the European Union should have its own European defense capacity in order to effectively increase the achievement of its foreign policy objectives on the international scene, which would also suit its size and economic power.

Indetermination and inability of the Union to react on the events in Kosovo led to an even greater determination at the next summit in Cologne and Helsinki to strengthen the commitments of the European Union to have its own capabilities in security and defense matters.

However, the determination of the European Union to seriously build a Union capacity to perform missions represents an ambitious step overburdened with old mortgages in the relations between the EU and NATO or the United States. The complexity of the issue is even greater because of participation of countries in ESDP missions which at the same time are members of NATO, not members of the EU and willing to be. Such is the case with Turkey, which trying to become a member of the EU, uses

the position of NATO member to block the Europeans in their ambitions, so they could not conclude the "Berlin – plus" Agreement. However, after long negotiations and pressure from the United States and Britain the "Berlin – plus" Agreement was finally implemented in March 2003 in the Republic of Macedonia where the EU gained access to NATO's capacities and was equipped with needed means for conducting military crisis management missions.

EU Military operation "Concordia" in the Republic of Macedonia

At the summit in **Barcelona**, held on 15 and 16 March 2002, the EU Council confirmed the Union's central role in the stabilization of the Republic of Macedonia previously request from that state.<sup>1</sup>

The next summit held in Copenhagen on 12 and 13 December 2002 confirmed the decision for the EU to take the NATO military mission in Macedonia and CFSP bodies were given assignments to prepare plans for carrying out the operation and Joint Action has been adopted for that reason.<sup>2</sup>

On 17 of March 2003 in Brussels, President of Macedonia Boris Trajkovski sends a letter to the High Representative for Common Foreign and Security policy commending military force of the EU to undertake the mandate of the NATO's force "Allied Harmony" stationed in the country beginning from 31 of March in order to contribute for the stability in the country. Towards the middle of July the mission has been extended for another six months till 15 of December 2003, by giving another letter for request from the Macedonian President Boris Trajkovski (request for extension of the mission) to the High Representative, for which the Council General Affairs and External Relations Council gives consent.

On the same day an Agreement regulating detailed rules for cooperation between the EU and NATO is published. Practically the first mission on which the "Berlin Plus" Agreement applies that establishes a mechanism for cooperation between the two organizations.

Immediately the next day, March 18, 2003, after the written request by Boris Trajkovski the President of Republic of Macedonia, the Council of Ministers adopted a decision to launch the first European military mission "Concordia", which from 31 of March 2003 replaces the NATO mission "Allied Harmony" for the duration of 6 months. At the same session, the Council adopts the operating plan and gives permit for application of the Rules of engagement (rules of warfare). On 21 of July 2003, upon request of the Macedonian authorities, the Council decided to extend the mission until

---

<sup>1</sup> Barcelona European Council, Precedency Conclusion, 15 and 16 March.

<sup>2</sup> Council 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Republic of Macedonia, Official Journal of the European Union (OJEU). 11.02.2003, No L 34, p. 26th



15 December 2003. Generally, after the decade-long debate, this is a first military operation in accordance with the "Berlin plus" agreement for the first use of NATO assets by means of which the EU has demonstrated its own military capabilities and symbolize a cornerstone for the future development of its ESDP.

Prior to this, a decision by the North Atlantic Council was adopted to end the NATO mission "Allied Harmony" and also a Resolution 1371 was adopted by the UN Security Council which welcomed the efforts of the European Union to contribute for the implementation of the Ohrid Framework Agreement, in particular by the presence of international observers.<sup>1</sup>

For smooth functioning of the mission, an agreement between the EU and the Republic of Macedonia was concluded which regulates rights and obligations of both sides of the agreement.<sup>2</sup>

On 31 of March 2003 the first day of the mission, the President of the European Commission Mr. Romano Prodi gave a speech where he said that on the first military mission of the European Union should be seen more broadly as another step forward in the long process of European integration.<sup>3</sup>

The EU mission is covered by the "Berlin Plus" Agreement on EU – NATO cooperation by which in case of escalation of the situation in Macedonia, the EU Military Staff could seek help from NATO military forces KFOR (Kosovo forces) stationed in neighboring Kosovo. The mission of the Union is very decanting composed only of 250 soldiers and with low risk because its only purpose was the maintaining of peace, by monitoring and collecting information for the security situation in the former crisis areas. However, it is of great importance for the EU because the bodies foreseen in ESDP demonstrate their work for the first time in military and security operation.

Pursuant to Article 25 of the Treaty establishing the European Union, political and strategic aspects of the mission are at the responsibility of the Political and Security Committee.

The responsibility for implementing military aspects of the mission are entrusted to the Military Committee in charge of the Operation's commander Admiral Reinhardt Feist, who is also NATO's Deputy Supreme

---

<sup>1</sup> Resolution 1371 of the UN Security Council, 4381st Meeting (PM) of 26/09/2001 Press Release SC/7153.

<sup>2</sup> Agreement between the European Union and the Republic of Macedonia on the status of the European Union – led forces in the Republic of Macedonia, OJ of EU L 82/46, 29.03.2003.

<sup>3</sup> Statement IP 03/465 by the President of the European Commission, Brussels 31 March, 2003.

Allied Commander for Europe (DSACEUR) which is always European, and is appointed by the Council of the European Union.<sup>1</sup>

For the Commander of the force on the ground is appointed the French General Pierre Maral.

For the Alexis Brouhns is appointed as a special representative and the monitor for the implementation of the mission.<sup>2</sup>

In Article 9 of Joint action, the Council decided 4.7 million euros to be provided as financial costs for mission, where the overhead costs are divided according to the scale of the GDP of member states, while spending on troops and their equipment are covered by the state that sends them.

Leading Member State in the operation is Republic of France, whose command is undertaken after 30<sup>th</sup> of September 2003 and till the end of the operation (December 15, 2003) by the EUFOR which are land force for rapid deployment based in Florence consisted from 400 troops coming from many Member States of the Union. As a commander of these forces it appointed the Portuguese Major General Luis dos Santos, previously conducted by the French General Pierre Maral.<sup>3</sup>

The scope and structure of the EU force is similar to NATO's previous one, consisted of 30 teams from which 22 light armored teams for connections, 8 using heavy armored vehicles, demining team, medical evacuation team and air component. Teams are run by three regional headquarters deployed in Republic of Macedonia which are managed by the Allied Forces Headquarters for Europe in Brussels.

At the end of the military mission, the EU continued its engagement in Macedonia, with the changed nature of the presence which was the police mission, called Proxima.<sup>4</sup>

Generally, the mission "Concordia" represents the first attempt of the EU to undertake military operations and peacekeeping interventions outside those led by NATO. Republic of Macedonia became the first "testing

---

<sup>1</sup> Appointment of the Operation Commander and Force Commander for the EU force in Republic of Macedonia, 6158/03 (Press 38) Brussels 07.02.2003.

<sup>2</sup> Council Joint Action of 29 October 2001 concerning the appointment of the Special Representative of the European Union in the former Yugoslav Republic of Macedonia OJ L 287, 31.10.2001, p. 1–2; Joint Action amended by Joint Action 2003/446/CFSP (OJ L 150, 18.6.2003, p. 71); Council Joint Action 2003/870/CFSP amending and extending the mandate of the Special Representative of the EU, OJ L 150/71. OJ L 334, 11.12.2002, p. 7;

<sup>3</sup> Appointment of the new Force Commander of the EU Force in the Republic of Macedonia, 11881/03 (press 225) 29.07.2003 Brussels.

<sup>4</sup> Council Joint Action 2003/681/CFSP of 29 September 2003 on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL "Proxima") OJ L 249, 1.10.2003, p. 66–69.

ground” for substantial development of ESDP in order not to be only a policy without essence (substance).

### **European Union military mission “Althea” in Bosnia and Herzegovina**

After the mission in Macedonia, Althea mission in Bosnia represents the second military mission of the Union and characterizes as the largest ever military mission with 6,500 troops and 22 participating member states.<sup>1</sup> Similar to Concordia mission in Macedonia, Althea mission continues an already existing engagement by NATO with a mission called Stabilization Force (SFOR) established after the signing of the Dayton Agreement in 1995 which ended the war in Bosnia and Herzegovina (Bosnia). However, even with the presence of Althea, NATO still remains with a military presence with so-called "Forces behind the horizon" in order to give logistical support to the Union. Hence the basic objective of the Althea mission is to preserve the implementation of military aspects of the Dayton Agreement and providing a safe and security environment in Bosnia and Herzegovina. It also represents a supplement to the already present European Union Police Mission which is also its first police mission.<sup>2</sup>

With these two missions the European Union complete its security presence within the framework of the Program for Stabilization and Association for countries that seek to become member states of the Union. On 2th of December 2004, the date of taking over the mission the High Representative for CFSP stated that with the Althea mission the EU confirm that Bosnia and Herzegovina place is in Europe.<sup>3</sup> Hence the financial assistance of the EU police mission in Bosnia is financed through the CARDS program for institution building and strengthening of local structures to which the European Commission will adopt relevant measures and direct their actions to achieve the objectives of the Joint Action.<sup>4</sup>

The mission "Artemis" is a military operation to establish a peace which is conducted autonomously based on UN resolution where the sending

---

<sup>1</sup> Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina OJ L 252, 28.7.2004, p. 10–14

<sup>2</sup> Council Joint Action of 11 March 2002 on the European Union Police Mission, OJ L 70, 13.3.2002, p. 1–6.

<sup>3</sup> Speech by EU HR Javier Solana in Sarajevo,

[www.consilium.europa.eu/cm3\\_fo/showPage.asp?id=1044&lang=en](http://www.consilium.europa.eu/cm3_fo/showPage.asp?id=1044&lang=en)

<sup>4</sup> Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, repealing Regulation (EC) No 1628/96 and amending Regulations (EEC) No 3906/89 and (EEC) No 1360/90 and Decisions 97/256/EC and 1999/311/EC OJ L 306, 7.12.2000, p. 1–6

of forces was not based on approval from national authorities in Bosnia. In contrast, the Mission "Concordia" in Republic of Macedonia was a semi-autonomous since the presence of EU forces in the territory on which they maintained peace (Republic of Macedonia) required prior consent of the relevant state authorities.<sup>1</sup>

The takeover of the EU military mission from NATO has been obtained by prior approval from the Security Council with the adoption of UN Resolution 1575.<sup>2</sup> European Union launched missions in Republic of Macedonia and Bosnia as a continuance on a previously installed UN and NATO missions. The cooperation of both institutions for smooth transfer of the operations between the two organizations is systematically regulated in a Joint Declaration in 2003 in the field of crisis management.<sup>3</sup>

With the submission of periodic reports by the High Representative of the Union to the UN Security Council and acceptance of an obligation to consult with other international organizations such as OSCE and NATO, the European Union shows great respects to the UN Security Council and other institutions in the maintenance of international peace and security.<sup>4</sup>

## **Organization**

Direct political and strategic control over mission is made by the Special Representative for Bosnia and Herzegovina - Lord Ashdown who is working under the guidance of the High Representative of the EU.

He is coordinating the activities of the Union's ESDP (second pillar) and military relations with the Police Mission Althea mission (third pillar), and with the other institutions of the Union and NATO. For that purpose the Special Representative is conducting coordination group composed of all EU actors in the field, including the Commander of the EU forces who which

---

<sup>1</sup> Agreement between the European Union and the Republic of Macedonia on the status of the European Union – led forces in the Republic of Macedonia, OJ of EU L 82/46, 29.03.2003.

<sup>2</sup> Resolution 1575 (2004) Adopted by the Security Council at its 5085th meeting, on 22 November 2004.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/619/22/PDF/N0461922.pdf?OpenElement>

<sup>3</sup> Declaration EU UN cooperation in military crisis management operations

<sup>4</sup> Report of the Secretary-General and High Representative of the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina, covering the period from 1 July to 31 December 2004 s2005/66, 11.02.2005

<http://www.eupm.org/Documents/EUPM%20UN%20SC%20Report%20July-Dec%2004.pdf>

will take into consideration the political guidelines of the Special Representative without interfering in the command chain.

The Political and Security Committee is responsible for political and security planning with power to change the Operational plan and the command including the commander of the operation and the commander of ground forces - EUFOR. For the Deputy Supreme Allied Commander for Europe (DSACEUR) is appointed Sir Rejt John who is also the Commander of the operation, while for the Commander of the forces on the ground was appointed the Italian Major General Gian Marco Chiarini. The two commanders mutually communicate through already established element of the NATO command in Naples as Joint Forces Command, which operated till 02th of April 2004 as AFSOUTH command. France asked for a more direct connection between the two commanders, however Britain insisted for the existing system of command in case the situation deterioration and there is need for "extraction forces" to be send.

With the establishment of unity in coordination of activities of the Union in different levels, the European Union struggle to develop the second intergovernmental pillar – European Foreign and Security Policy. However, there is great resistance in the establishment of legal subordination of the second pillar in relation to the first pillar as reflected in the Joint Action for Althea in Bosnia, where the EU Special Representative (second pillar) will perform only coordinative role, while the Commission (first pillar) remain to directs its activities, where appropriate, to achieve the goals set forth in instruments of the Common foreign and security policy that establishes the mission. The great number of instruments and the bodies involved by the Union makes great complexity in coordination of activities in the second pillar.

### **Conclusion**

As a conclusion, the importance of these two missions should be acknowledged, as a cradle for the birth of the European union army by Concordia mission in Macedonia which is the first ever military mission of the Union of its existence, which is composed of only 250 soldiers and can be seen as a test for the Berlin plus agreement concerning the relations with NATO and the UN. The significance of the Althea mission in Bosnia is that of representing the first largest operation with around 7,000 troops the Union took, which proves that it is prepared to undertake more complex operations in the field of crisis management.

## References

1. Agreement between the European Union and the Republic of Macedonia on the status of the European Union – led forces in the Republic of Macedonia, OJ of EU L 82/46, 29.03.2003.
2. Agreement between the European Union and the Republic of Macedonia on the status of the European Union – led forces in the Republic of Macedonia, OJ of EU L 82/46, 29.03.2003.
3. Appointment of the new Force Commander of the EU Force in the Republic of Macedonia, 11881/03 (press 225) 29.07.2003 Brussels.
4. Appointment of the Operation Commander and Force Commander for the EU force in Republic of Macedonia, 6158/03 (Press 38) Brussels 07.02.2003.
5. Council 2003/92/CFSP of 27 January 2003 on the European Union military operation in the Republic of Macedonia, Official Journal of the European Union (OJEU). 11.02.2003, No L 34, p. 26th
6. Council Joint Action 2003/681/CFSP of 29 September 2003 on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL "Proxima") OJ L 249, 1.10.2003, p. 66–69.
7. Council Joint Action 2004/570/CFSP of 12 July 2004 on the European Union military operation in Bosnia and Herzegovina OJ L 252, 28.7.2004, p. 10–14
8. Council Joint Action of 11 March 2002 on the European Union Police Mission, OJ L 70, 13.3.2002, p. 1–6.
9. Council Joint Action of 29 October 2001 concerning the appointment of the Special Representative of the European Union in the former Yugoslav Republic of Macedonia OJ L 287, 31.10.2001, p. 1–2; Joint Action amended by Joint Action 2003/446/CFSP (OJ L 150, 18.6.2003, p. 71); Council Joint Action 2003/870/CFSP amending and extending the mandate of the Special Representative of the EU, OJ L 150/71. OJ L 334, 11.12.2002, p. 7;
10. Council Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia, repealing Regulation (EC) No 1628/96 and amending Regulations (EEC) No 3906/89 and (EEC) No 1360/90 and Decisions 97/256/EC and 1999/311/EC *OJ L 306, 7.12.2000, p. 1–6*

11. Report of the Secretary-General and High Representative of the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina, covering the period from 1 July to 31 December 2004 s2005/66, 11.02.2005
12. Resolution 1371 of the UN Security Council, 4381st Meeting (PM) of 26/09/2001 Press Release SC/7153.
13. Resolution 1575 (2004) Adopted by the Security Council at its 5085th meeting, on 22 November 2004.
14. Speech by EU HR Javier Solana in Sarajevo, [www.consilium.europa.eu/cm3\\_fo/showPage.asp?id=1044&lang=en](http://www.consilium.europa.eu/cm3_fo/showPage.asp?id=1044&lang=en)
15. Statement IP 03/465 by the President of the European Commission, Brussels 31 March, 2003.

## **НАДВОРЕШНА И БЕЗБЕДНОСНА ПОЛИТИКА НА ЕВРОПСКАТА УНИЈА ВО ЗАПАДЕН БАЛКАН**

### *Резиме*

*Земји на ЕУ отсекогаш ја препознавале потребата да се дејствува заедно во надворешната политика и одбраните работи, кое се покажало како мошне тешко да се постигне. Принципот на заедничката надворешна и безбедносна политика (ЗНБП) за прв пат е формализирано во 1992 со Договорот од Маастрихт, за кое остварување се јавува потреба и за создавање соодветни инструменти инструменти за дипломатија и интервенции.*

*Ваквите решителни акции на Европската унија се мировните мисии во неколку проблематични места во светот, преку кои се промовира развој на Европската безбедносна и одбранбена политика и се создава европска воена структура. Првите воени мисии се на Балканот, каде што ЕУ се етаблира како клучен играч во решавање на конфликтите во Западен Балкан. Притоа, водечка улога на Унијата во Балканот е тоа што не се состои само од финансирање на проекти за поддршка на земјите да изградат стабилна општества, туку и распоредувањето на војската, полицијата и правосудството лични во Република Македонија, Косово и Босна и Херцеговина со цел да се помогне во обезбедувањето на редот и законот. Во овој контекст, целта на труд е да се истражат воените мисии на Европската унија во Западен Балкан, како лунка за раѓањето на идната војска Европската унија.*

*Клучни зборови: Западен Балкан, Европската унија, Воени мисии, Одбранбена и безбедносна политика на ЕУ.*

**Zlate Dimovski, PhD**  
Faculty of Security – Skopje  
email: zdimovski@fb.uklo.edu.mk

**Ice Ilijevski**  
Postgraduate student at the Faculty of Security – Skopje

**Kire Babanoski**  
Postgraduate student at the Faculty of Security - Skopje

## **INTELLIGENCE PROCESS AS A KEY LINK IN THE FIGHT AGAINST TERRORISM**

### **Abstract**

*Subject of scientific explanation of this paper is the fight against terrorism in terms of application of the intelligence processes as an important part of criminal investigation. Terrorist organizations find suitable ground for spreading their ideology and perform their activities in post-conflict areas, particularly in recent times, taking off in the Balkans, too.*

*The role of intelligence services in particular is more reflected in the detection of terrorist organizations, their plans and preparations for carrying out terroristic acts, political and psychological motivation, the profile of terrorists and their logistical capabilities. The paper will give an overview of the stages, elements and tasks of the intelligence process as a basic tool of intelligence services in taking measures to oppose this global scourge. The need for gathering intelligence information represents the main goal of each country in fully achieving a preventive function in the fight against terrorism.*

*Key words: intelligence, intelligence process, intelligence agency, terrorism, terrorist organization, terrorist acts, anti-terror fight*

### **INTRODUCTION**

Terrorism is a contemporary evil and complex phenomenon that threatens all humanity. It includes non-state (and sometimes state) actors who are often associated with network organizations. Today, the fight against terrorism is imperative in the international community. The greatest burden in opposing terrorism accounted on the intelligence process. Acquiring information on the composition, organization, location,



opportunities, plans, motives and ambitions of terrorist groups is an enormous challenge for intelligence agencies.

Counterterrorism is highly dependent upon human intelligence (humint) - the use of agents to acquire information and, in certain circumstances, to carry out covert actions. To be effective, counterterrorism intelligence must embrace network attributes and effectively fuse with networked operational forces. Countering terrorism requires close cooperation between law enforcement and intelligence agencies.

## INTELLIGENCE AND INTELLIGENCE CYCLE

In general, we can say that intelligence has a specific function in the state which requires collection of accurate and timely information about any hazards, in order to be able to successfully run foreign and domestic policy. A universal definition of this term does not exist; consequently, there are a number of definitions from different authors and thus it is marked as a process, operation, collection and analysis or activity.

Intelligence<sup>1</sup> refers to the awareness and understanding of the country for its strategic environment, gained through collection and analysis of available information and secrets. In addition, intelligence can also mean:

- organizations that produce such knowledge;
- activities carried out by these organizations;
- organizational processes directing these activities, and
- the product resulting from these activities.

The state benefits from the help of the intelligence, i.e. from the application of intelligence methods, and this would facilitate the achievements of security objectives and the timely reception of information that enables successful opposition to the endangerments, dangers and threats that can come from some terrorist groups with the intention to overthrow the constitutional order.

Basically, the intelligence cycle has five elements<sup>2</sup>:

### 1. Requirements

The requirements are urgent needs that arise in the unit to prevent terrorism and that must be encountered in order to fulfill the mission of the unit (for example, to identify all the terrorists of a certain area).

### 2. Assignment tasks

---

<sup>1</sup> from: <http://www.dcaf.ch> – Basic data of DCAF, Intelligence services [retrieved on the 20.10.2010]

<sup>2</sup> Dimovski, Z., *Terrorism*, Grafotrans, Skopje, 2007, p. 176

This happens by granting the process tasks to fulfill the request. Task allocation is the duty of the commander of the unit, or a subordinate (person authorized by him), to gather information or to perform a specific task. The task must accurately explain what the leadership wants to know. The first step is through a written report (called an order for the task), to accurately convey what you want to do. An old proverb says: “if you really want to learn something important, you must ask the right questions”.

### 3. Collection

The next stage is to collect. Most people when they think of intelligence, they think of this part of the cycle of intelligence. Raw information that can be analyzed must be collected from all the available sources. There are many categories of sources of information, but the greatest part of the information collected and used by the units to prevent terrorism are the following: a person of intelligence, signals intelligence, open source intelligence, business records, other classifications (Intelligence of measurements, land unattended sensors, images, scientific and technical intelligence).

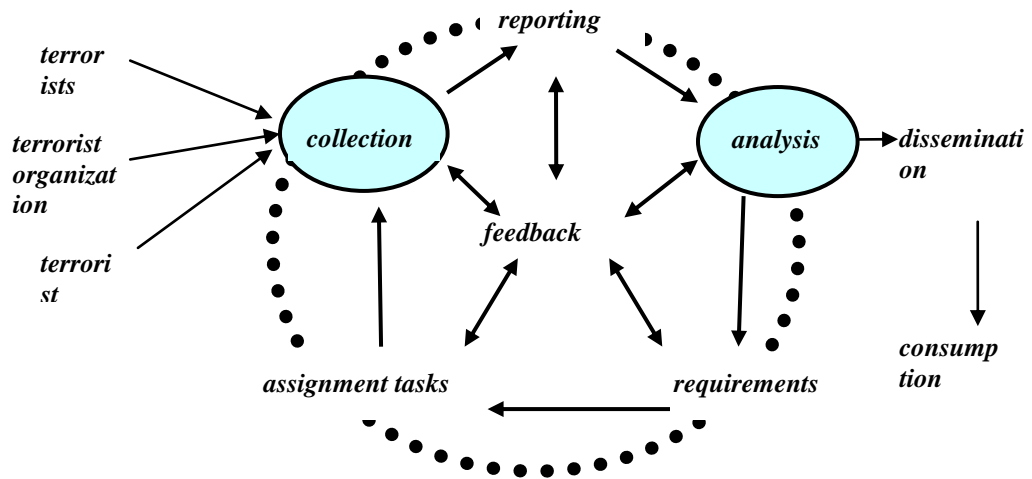
4. Reporting - notice of action (collection) in respect of the assigned task

Reporting is the next stage. This is the process of writing the results of the action or the collected data into usable format, and submitting the report to the people who will analyze it.

### 5. Analysis

The development of analysis can be the most difficult part. All raw data (which can be many) must be analyzed in order to reach the right conclusions. The report must give sufficient information to determine whether the request is fulfilled. If one needs more information, then he/she must be assigned additional tasks to collect more information, to report back and to analyze, to satisfy the request in the end. The conclusions of the analysis are called products. The product is represented in several ways: reports of the investigation, special reports, briefings, charts, association matrices, link tables, and charts for the course of events.

The two main activities conducted by intelligence - collection and analysis - should be viewed in a broader perspective: such that relates to the requirements and needs of decision makers, and to the use of the finished product of intelligence. This is done precisely through the concept of the intelligence cycle, which is a process through which they acquire information converted into intelligence and made available to policymakers.



**Figure 1.** The intelligence cycle

Three more phases are often overlooked in the process: dissemination, consumption and feedback. How, in which form, and to which extent the decision makers consume the intelligence product, are important issues. The relationship between the decision makers has to be active, not passive. However, objectivity requires a certain distance and willingness to consider all variables - not just those for which the analyst or his customer were considered to be important in the past. Although the intelligence feedback is more rarely received than the desirable amount, dialogue among intelligence consumers and producers should take place after the final “product”. Thus, decision makers have to give manufacturers some data about how their demands are met, and to discuss any adjustments that need to be made in every part of the process.

Like any other model, this review of the intelligence cycle is a simplification of the real world. Certain requirements may become permanent requirements. Policy makers are rarely willing to give items of information. Instead, they show a desire for reports on specific situations or events, leaving their responsibility for determining how to obtain the necessary information for preparation of these reports for intelligence. In addition, the intelligence services will have some internal needs to acquire information to provide for their continued work: intelligence information that will be useful for potential future operations or related to counterintelligence and security. Dissemination is the hardest part of the intelligence cycle. The exchange of intelligence data, even within the government, is difficult because of the need to maintain the secrecy of intelligence methods and

sources. However, it takes a lot of responsible people, and this is an imperative for effective protection and security.<sup>1</sup>

## TERRORISM AS A SECURITY THREAT FOR THE BALKANS AND THE REPUBLIC OF MACEDONIA

It should be noted that terrorist groups are usually organized in a similar manner as the military organizations. Many terrorist groups, particularly those who are supported or managed by foreign governments, are highly disciplined; their tasks are organized and executed neatly, authoritatively and functionally. Leaders of terrorist groups and the majority of terrorists have been largely politically motivated, well trained in combat, often with military training in the field of tactics and planning. They are also trained in the field of Intelligence gathering data and in analyzing them, further, they perform surveillance and monitoring, apply cryptograms in mutual communication and are equipped with modern weapons, equipment, vehicles. Moreover, they apply to all measures of counterintelligence.

Terrorist organizations adopt various forms of violence in order to achieve publicity and to lead to intimidation to which they have directed their activities for achieving their political goals. Current activities include bombs, arson, bombing of working facilities or residences, conducting sabotage. Also, terrorists use other applicable methods, such as assassinations, murders, kidnappings, selling drugs or weapons to provide cash and perform other activities for destruction of facilities. Terrorism, a term which means ruling by intimidation or violence, is one of the worst forms of crime. With the means of threat or intimidation of individuals or groups, terrorists seek to achieve any material benefit or to achieve a political goal.

In order to successfully address the threats and dangers that terrorism brings, and to take precautionary and safety measures necessary to detect, terrorists and their organization should be identified and destroyed before they can commit violence.

Security has significantly expanded in other directions within international organizations, governments and the public since the end of the Cold War, in order to accept the views of international order, justice and humanity. As the armed forces, national intelligence is increasingly concerned with the safety of other people, not only with their own state.

---

<sup>1</sup> Geneva Centre for democratic control of armed forces (DCAF) Occasional paper No. 3, *Intelligence practice and democratic oversight – a practitioner's view*, DCAF Intelligence Working Group, Geneva, 2003, p. 18-20, from <http://www.dcaf.ch> [retrieved on the 05.02.2011]

Coalition forces deployed in peace support operations require nearly the entire spectrum of military intelligence. The concepts of graduated force, surgical strikes, few casualties and minimal collateral damage, all depend on intelligence. Operation Allied force against the Federal Republic of Yugoslavia in 1999 showed the paradox of a very public international operations that mostly depended on the secret intelligence service. However, the increased need for the intelligence to contribute to the international security extends beyond the conflict prevention, crisis management, crisis response, peacekeeping operations, operational information and negotiating peace, the other groups around the world and long-term security issues. The fight against terrorism, where intelligence is the most critical resource, is one such case; limiting weapons of mass destruction and their proliferation is another such case. The third category is the support of many agreements that exist for arms control and other confidence-building measures. International sanctions are the fourth category of broad-based, intelligence-driven cooperation. The fifth category is aid in the law enforcement in the fight against drug trafficking, money laundering and other forms of international organized crime. The sixth category is a violation of human rights. Interventions or other natural disasters and humanitarian assistance represent the seventh category. Also, there is a growing need for international intelligence cooperation in order to protect critical infrastructure and national defense against cyber attacks.<sup>1</sup>

Terrorist organizations usually seek the post-conflict regions where they are basing and where their mobilization is facilitated - as a suitable ground for spreading their ideology. In the Balkans, after many years of warfare, there were new threats and dangers of infiltration of terrorist groups from the Middle East. Such threats were not detected early, and terrorist organizations are successfully installed and adjusted on the territories of the former Yugoslavian states. Turkey, Bulgaria, Macedonia, Albania, Kosovo, Bosnia - are the countries where terrorism was met with support and cooperation of the Islamic fundamentalist movements.

Smooth implementation of terrorism through the territories of Southeast Europe, and in that context - the Balkans - as an open port of the Middle East to Europe (Central and Western), was largely made possible by newly geopolitical picture after the break-up of Yugoslavia. With the dissolution of Yugoslavia and the creation of "new states" were also created new geographical setting communication links between the new territorial

---

<sup>1</sup> Geneva Centre for the democratic control of armed forces (DCAF) Occasional paper No. 3, *Intelligence practice and democratic oversight – a practitioner’s view*, DCAF Intelligence Working Group, Geneva, 2003, p. 12, from <http://www.dcaf.ch> [retrieved on the 05.02.2011]

states populated by a significant percentage of Muslim population. Through well organized routes that were working on the Balkan area over an extended period of time, the transfer of persons without traveling documents, terrorists - individuals or groups, "transfer" of smaller or larger armed groups all across the major armed formations<sup>1</sup> - could be smoothly carried out.

In Macedonia there are many unresolved questions, ambiguities and dilemmas. One of the things that do not get along either with the Macedonian government or with the Macedonian public is exactly the terminology, especially when it comes to naming and describing the conflict in 2001 and its consequences, as still ongoing. However, we must recognize that it is not easy to uniquely address some key terminology (which automatically means eminently political) issues that affect our country. For example, what if Macedonian people and Macedonian government are threatened by terrorists, the guerrillas or criminals? And who fought the regular armed force of the country 10 years ago: the whole community raised a rebellion, with groups from the neighboring helpless states and domestic terrorists infiltrated by organized guerrillas? All this had political goals or criminalized cartels - smuggling drugs or trafficking arms. Unfortunately, there is no clear answer for these questions, which in part means that there is no clear policy. Perhaps a precise photo-robot of the state enemy number 1 is a combination of criminal, terrorist and guerrilla, who on top of everything is under strong influence of various neighboring and worldwide services operating in the area.<sup>2</sup>

Today, when the world through the United States and its allies is heavily involved in anti-terrorism fight, and when the consequences are devastating territories, security, stability and peace in Europe, all this directly influences the security of the Balkans. To stop this evil, Europe must cut off all channels and networks of terrorism leading to the Balkans. The fight against terrorism must be taken globally, regionally and nationally and it is important to take concrete measures and activities with a high degree of efficiency in order to eliminate the consequences and offset.

---

<sup>1</sup> Kotovčevski, M., *The Vicious Circle of Armed Conflicts and Terrorism on the Balkans*, Faculty of Philosophy, Institute of Defense and Peace Studies, downloaded from <http://www.fzf.ukim.mk/pdf/odb/kotovcevski/Kotovcevski.%20M.%20-%20Magjepsaniot%20krug%20na%20vooruzenite%20konflikti%20i%20terorizmot%20na%20Balkanot.pdf> [retrieved on the 20.01.2011] p. 8

<sup>2</sup> from <http://www.kontrapunkt-mk.org> [retrieved on the 25.12.2010]

## THE ROLE OF INTELLIGENCE IN THE WAR AGAINST TERRORISM

Intelligence is an activity which, through its elements should provide accurate and timely information on terrorists, terrorist organizations and their planned activities. Intelligence and anti-intelligence services are the only competent and authorized authorities to apply the secret methods and tools for detection of preparatory actions that precede acts of endangering the security of states. In fact, it presents a preventive intelligence function in anti-terror fight. Without results, the investigations are conducted after the terrorist acts and the activation of human resources available to the authorities for criminal prosecution, but investment in raising the level of efficiency, effectiveness and productivity of business intelligence for timely detection of terrorist targets and their prevention – is absolutely necessary.

Whether and how the intelligence process will be effective in performing its preventative function in the fight against terrorism depends on the ability for continuous action and sound knowledge of terrorist groups and individuals, their plans and goals, their political, economic and psychological motivation and patterns of leadership, membership, logistical and financial opportunities (for their secret accounts), links with other national and international terrorist organizations, connections with states that sponsor terrorism, and the structures of international organized crime that often appear in the role of their sponsors.<sup>1</sup>

Primarily through the intelligence, it is necessary to uncover the identity of the persons participating in a terrorist plan. Sure, one would need to know what are the content and/or purpose of that plan. As a reminder, the primary task of the intelligence is a preventive function, or in other words, it means being a step ahead of terrorists and their plans so that terrorist activities wish to remain on paper without ever being realized.<sup>2</sup>

Enormously big is the significance of intelligence for the successful conduction of the fight against terrorism. Intelligence is the key link in counterterrorism operations and investigations, i.e. successful intelligence is the most important weapon in the fight against terrorism. The ability of the state to detect, analyze and act against the terrorist threat largely depends on the effectiveness of the intelligence apparatus.

Daily gathering information about the identity, goals, plans and weak points of terrorists and terrorist organizations, is the most difficult area in the field of intelligence. However, no other method of anti-terrorism policy is

---

<sup>1</sup> Kotovčevski, M., *Fight against Terrorism*, p.176, Macedonian Civilization, Skopje, 2004

<sup>2</sup> Dojčinovski, M., Odžakov, F., *Intelligence Operations*, p.178, Solaris Print, Skopje, 2010

more important in the response to and prevention from terrorist attacks. It is accompanied in the field of counterterrorism as a separate discipline with its own problems and specificity, and with much larger risks.<sup>1</sup>

## THE NEED OF NEW INTELLIGENCE ARCHITECTURE

After the worldwide terrorist attacks, there were many drawbacks and defects found in the previous work of the intelligence services and the need for some reforms in the intelligence field and activity. The division of the intelligence services and their management in different centers, which are not coordinated with each other and have established cooperation at a satisfactory level, even within a state, impedes the exchange of information as a key element in the anti-terror fight. Defense against terrorist threats, vulnerabilities and threats requires the authorities to replace the formal, hierarchical structure of intelligence in the horizontal, cooperative and liquid architecture, which receives information intended for those who need it, through the development of specific communities of IT information sources. Advances in information technology can facilitate this transformation. Internet technology allows information teleconference communities to gather and exchange information in a virtual way, but in real time. Instead of focusing on central control, intelligence officials should spend more time in setting priorities, coordinating communication, supplying technical assistance and quality assurance data. Collecting information from multiple sources will require greater analytical capability to prevent overload.

When defining a new structure for collecting, analyzing and disseminating information on national security, questions about how to improve security while continuing openness and protecting personal privacy, cannot be avoided. Energetic public debate is essential to answering these questions. By clear guidelines formulated in the debates, we can provide confidence in the new public policies. Information technology can provide means to minimize these conflicts, fostering cooperation and help in the belief that the right information will come to the right people at the right time. Procedures that provide accountability and oversight can ensure that lessons from previous experiences will be used to improve the information strategies of the state to fight terrorism.

---

<sup>1</sup> more in: Kotovčevski, M., *Intelligence – A Golden Key in the Fight against Terrorism, The Intelligence – A Rampart in the Defense against terrorism* downloaded from <http://def.fzf.ukim.edu.mk/pdf/odb/kotovcevski/Kotovcevski,%20M.%20-%20Razuznavanjeto%20zlatan%20kluc%20vo%20borbata%20protiv%20terorizmot.pdf> [retrieved on the 05.02.2011]



In fact, it is necessary to establish a system of joint control and management of intelligence and contra-intelligence services for faster and more effective information sharing, joint action and single leadership, command and manage them.

## INCREASED CHALLENGES FOR EFFECTIVE INTELLIGENCE WHEN DEALING WITH TERRORISM

Problems, tensions and misunderstandings also involve the intelligence so that it supports the civil authorities which are exacerbated in the context of fighting terrorism. Professional intelligence analysts cannot know the perpetrators of terrorist attacks, as was the case with September 11<sup>th</sup> in the U.S., March 11<sup>th</sup> in Madrid and July 7<sup>th</sup> in London, which were the most recent cases of successful terrorist attacks. Therefore, intelligence professionals can encounter extreme difficulty in determining the capabilities of terrorists. Terrorists are often so innovative and ruthless that almost anything can become a weapon, making it virtually impossible to determine their intent.<sup>1</sup>

Intelligence agencies need to constantly adopt new ideas in the context of the global campaign against terrorism. Renewed emphasis should be placed on human intelligence with the application of information technology for improved analysis and collaboration with law enforcement agencies, as well as providing real time intelligence on terrorist activities. It is necessary for taking eliminating measures on those individuals for which there is solid information in connection with planning and preparing for generally dangerous actions.

Terrorist activities have created the great challenges of intelligence analysts. First, there must be an awareness of social, ideological and political environments in which terrorist movements have developed. Such awareness usually requires detailed knowledge of geographic, ethnic, religious, economic and political conditions in fuzzy regions. Much of the information required to analyze terrorist environments results from the extensive study of open source documents - newspapers, pamphlets, magazines, books, religious tract, and so on. Some authors believe that the intelligence community as well emphasizes sophisticated technical collection systems and lacks a comprehensive strategy for the collection and use of open source information (osint).

---

<sup>1</sup> Bruneau, T., C., *Democracy and Effectiveness: Adapting Intelligence for the Fight Against Terrorism*, International Journal of Intelligence and Counter-Intelligence, Taylor & Francis Group, LLC, 21:3, 2008, p. 454-456 from

[www.ccmr.org/public/library\\_file\\_proxy.cfm/lid/5585](http://www.ccmr.org/public/library_file_proxy.cfm/lid/5585) [retrieved on the 25.02.2011]

After the terrorist group that is hostile to national interests has been identified, the intelligence community is invited to focus on its membership, plans and activities. The biggest challenge for analysts is a problem in that moment - to try to think where terrorists will strike. Open societies are inevitably vulnerable to terrorists, especially those wishing to commit suicide in the process of achieving their goals. The skills needed to anticipate the unpredictable are extremely rare.

Others suggest greater reliance on external consultants or intelligence reserve when terrorist threats become imminent. Such an approach may also allow agencies to temporarily gain the services of persons from third countries. Although there are security problems involved in bringing foreign experts in highly sensitive areas, this may be one approach that can provide the necessary personnel without unnecessarily expanding the number of government analysts.<sup>1</sup>

Within the intelligence cycle, there are different categories of barriers that impede the effective collection of intelligence information. The first barrier is in the realm of politics. Often, intelligence is completely hampered in gathering intelligence information by the created policies. In addition to these political / legal barriers, there are technological hurdles to be overcome. In many cases, it is difficult to separate the appropriate doctrinal steps of collection of processing and exploitation. Indeed, such a distinction would only serve to overlook matters of great concern that are closely intertwined with the collection, such as difficulties in translation from foreign languages or decrypt encrypted communications.<sup>2</sup>

## CONCLUSIONS

In the Balkans there are still ideal conditions for the existence of terrorist organizations and their activities and expansion to Western Europe and USA. Intelligence agencies in the region must demonstrate full commitment and a satisfactory level of productivity in relation to the collection and analysis of intelligence information, and in coordination with the Western European security services, they have to give a successful response and counter terrorist threats.

---

<sup>1</sup> Best, R., A., *Intelligence to Counter Terrorism: Issues for Congress*, Congressional Research Service, The Library of Congress, 2003, p. 5, 10, 11, from <http://www.au.af.mil/au/awc/awcgate/crs/r131292.pdf> [retrieved on the 05.03.2011]

<sup>2</sup> Gray, D., Slade, C., *Applying the Intelligence Cycle Model to Counterterrorism Intelligence for Homeland Security*, European Journal of Scientific Research, Vol. 24 No. 4, Euro Journals Publishing, Inc. 2008, p. 498-519, p. 503 from [http://www.eurojournals.com/ejsr\\_24\\_4\\_06.pdf](http://www.eurojournals.com/ejsr_24_4_06.pdf) [retrieved on the 15.03.2011]

Collection, analysis and intelligence sharing are among the most important methods in the fight against international terrorism. Transnational nature of terrorism today gives a strong incentive to states to exchange intelligence information in order to prosecute terrorists and prevent future terrorist attacks. However, the exchange of anti-terrorism intelligence is often difficult, especially if it comes directly to national security. Among the secret services of countries there should be exchange of anti-terrorist intelligence data and the existence of a significant level of mutual trust. Unfortunately, however, distrust is part of the sub cultural secret services and other elements of the national security apparatus.

Multilateral exchange of information, including indicators of potential attacks and criminal alliances among network actors, are needed to prevent network opponents. This requires the development of new analytical trades, processes and policies. Intergovernmental instruments are needed to fully use the side of sharing information, along with the development of distributed intelligence products, including the development of mechanisms for exchange of information between two nodes: intra-national and international.

## **Bibliography**

Димовски, З., Прирачник – криминалистичко разузнавање, Графотранс, Скопје, 2007

Димовски, З., Тероризам, Графотранс, Скопје, 2007

Дојчиновски, М., Одаков, Ф., Разузнавачки операции и асиметрички закани, Соларис принт, Скопје, 2010

Квигин, Т., Да се види невидливото – разузнавањето за националната безбедност во несигурно време, Магор, Скопје, 2009

Котовчевски, М., Борба против тероризмот, Македонска цивилизација, Скопје, 2004

Котовчевски, М., Маѓепсаниот круг на вооружените конфликти и тероризмот на Балканот, Филозофски факултет, Институт за одбранбени и мировни студии, downloaded from

<http://www.fzf.ukim.edu.mk/pdf/odb/kotovcevski/Kotovcevski,%20M.%20-%20Magjepsaniot%20krug%20na%20vooruzenite%20konflikti%20i%20terorizmot%20na%20Balkanot.pdf> [retrieved on the 20.01.2011]

Котовчевски, М., Разузнавањето златен клуч во борбата против тероризмот, Разузнавањето браник во одбраната од тероризмот, downloaded from

<http://def.fzf.ukim.edu.mk/pdf/odb/kotovcevski/Kotovcevski,%20M.%20-%20Razuznavanjeto%20zlaten%20kluc%20vo%20borbata%20protiv%20terorizmot.pdf> [retrieved on the 05.02.2011]

- Малиш-Саздовска, М., Прирачник за разузнавачки циклус, Јофи - скен, Скопје, 2005
- Оцаков, Ф., Улогата на разузнавачките служби во борбата против тероризмот и организираниот криминал, Соларис принт, Скопје, 2010
- Ричелсон, Џ., Разузнавачката заедница на САД, Магор, Скопје, 2009
- Best, R., A., *Intelligence to Counter Terrorism: Issues for Congress*, Congressional Research Service, The Library of Congress, 2003, from <http://www.au.af.mil/au/awc/awcgate/crs/rl31292.pdf> [retrieved on the 05.03.2011]
- Bruneau, T., C., *Democracy and Effectiveness: Adapting Intelligence for the Fight Against Terrorism*, International Journal of Intelligence and Counter-Intelligence, Taylor & Francis Group, LLC, 21:3, 2008, p. 448–460, from [www.ccmr.org/public/library\\_file\\_proxy.cfm/lid/5585](http://www.ccmr.org/public/library_file_proxy.cfm/lid/5585) [retrieved on the 25.02.2011]
- Đorđević, Z., Šaljić, E., Uloga obavestajnih službi u borbi protiv terorizma, Zbornik radova – Medjunarodna i nacionalna saradnja i koordinacija u suprotstavljanju kriminalitetu, volumen 3, br. 1, Banja Luka, 2010
- Geneva Centre for the democratic control of armed forces (DCAF) Occasional paper No. 3, Intelligence practice and democratic oversight – a practitioner’s view, DCAF Intelligence Working Group, Geneva, 2003, from <http://www.dcaf.ch>
- Gray, D., Slade, C., *Applying the Intelligence Cycle Model to Counterterrorism Intelligence for Homeland Security*, European Journal of Scientific Research, Vol. 24 No. 4, Euro Journals Publishing, Inc. 2008, p. 498-519, from [http://www.eurojournals.com/ejsr\\_24\\_4\\_06.pdf](http://www.eurojournals.com/ejsr_24_4_06.pdf) [retrieved on the 15.03.2011]
- Steinberg, J., Graham, M., Eggers, A., *Building Intelligence to Fight Terrorism*, The Brookings Institution, Policy Brief #125, Washington, 2003, from [http://www.brookings.edu/~media/Files/rc/papers/2003/09intelligence\\_steinberg/pb125.pdf](http://www.brookings.edu/~media/Files/rc/papers/2003/09intelligence_steinberg/pb125.pdf) [retrieved on the 20.03.2011]
- Sullivan, J., P., *Terrorism Early Warning and Co-Production of Counterterrorism Intelligence*, Canadian Association for Security and Intelligence Studies CASIS 20th Anniversary International Conference, Montreal, Quebec, Canada, 2005, from [http://www.projectwhitehorse.com/pdfs/6.%20CASIS\\_Sullivan\\_paper1.pdf](http://www.projectwhitehorse.com/pdfs/6.%20CASIS_Sullivan_paper1.pdf) [retrieved on the 05.03.2011]
- Pastore, F., Friedrichs, J., Politi, A., *Is there a European strategy against terrorism?, A brief assessment of supra-national and national responses*, Working Papers, CeSPI, Centro Studi di Politica Internazionale, Rome, 2005, from <http://www.cespi.it/WP/wp12-terrorismo.pdf> [retrieved on the 20.03.2011]

## РАЗУЗНАВАЧКИОТ ПРОЦЕС КАКО КЛУЧНА АЛКА ВО БОРБАТА ПРОТИВ ТЕРОРИЗМОТ

### *Резиме*

*Предмет на научното објаснување на овој труд е борбата против тероризмот од аспект на примена на разузнавачкиот процес како значаен дел од криминалистичката истрага. Терористичките организации пронаоѓаат погодно тло за ширење на својата идеологија и изведување на своите активности во постконфликтните подрачја, а особено во последно време земаат замав и на Балканот.*

*Улогата на разузнавачките служби особено се огледува во откривање на терористичките организации, нивните планови и подготовки за вршење на терористички акти, политичката и психолошката мотивираност, профилот на терористот и нивните логистички можности. Во трудот ќе биде даден преглед на фазите, елементите и задачите на разузнавачкиот процес како основен инструмент на разузнавачките служби при преземањето на мерки за спротивставување на ова глобално зло. Потребата од собирање на разузнавачки информации на секоја држава е главната цел за да се постигне во целост превентивната функција во борбата против тероризмот.*

**Клучни зборови:** *разузнавање, разузнавачки процес, разузнавачка служба, тероризам, терористичка организација, терористички акти, антитерористичка борба*

**Dragan Arlov, PhD**

*Academy of Criminalistic and Police Studies, Belgrade, a retired Professor  
arlovdragan@gmail.com*

**Radivoje Jankovic, MSc**

*Academy of Criminalistic and Police Studies, Belgrade  
radivoje.jankovic@kpa.edu.rs*

## **HANDLING THE SERVICE GUN, WITHOUT SHOOTING LIVE AMMUNITION, IN THE FUNCTION OF A HIGHER LEVEL OF PROFESSIONAL TRAINING**

### **Abstract**

*Basic considerations: Strengthening human resources so that the role of police in the field of reduction of threats to both national and international security will be achieved and the feeling of safety of citizens increased, are of key importance to realize the defined goals of the Ministry of Interior development strategy 2011-2016. The development of the system of professional training and improvement, particularly in the part referring to specialist training, influences considerably the final result in achieving the high degree of professionalism. Gender equality (represented in numbers) is not entirely fulfilled if the level of professionalism of all police officers is not satisfactory. Legal power to use firearms implies a high level of competence including the knowledge of law, the ability to make a decision on its application, as well as adequate manner of its use. Meaningfulness of police officers control target shootings with live ammunition is in the function of defining the current stage of competence (in this part of professionalism) and correction of further work. The main hypothesis in this paper is that the existing scope and quality of practicing handling the service handgun, between two live ammunition target shootings, are not represented to the required extent. Engagement of material resources for live ammunition target practice shootings, as control measuring, implies also indirect and considerable material burden of tax payers.*

*The goal: To determine the contribution of planned handling of CZ 99 service handgun, without live ammunition target practice shooting, on shooting efficiency for female police officers.*

*Material and methods: The sample included 36 female police officers of the police department in Novi Sad. The sample was further divided into two sub-samples according to the criterion of quality of shooting at control measuring. The control group consisted of 20 statistically considerably more successful police officers, and the remaining 16 were classified into the experimental group, considerably less successful. The female police officers who belonged to the experimental group were then trained with clearly defined characteristics (for 7 days, 2 hours a day, disassembling, assembling, shooting position, pulling a gun, charging, firing), all in order to achieve greater scope and quality of use of the service handgun (without*

*shooting). The quality of shooting at control and final measuring was verified by modified IDPA method (considering that target was a silhouette of an assailant with a gun in his hand). By adequate statistic procedures the differences between the groups were determined after the training and repeated measuring.*

*The results: Clearly existing starting difference between the groups (considering the criterion according to which they were formed), and in favour of the control group, was entirely lost following the training. During the repeated measuring (live ammunition shooting), the examinees of the experimental group achieved considerably better results statistically.*

*Conclusion: The results show that planned work without shooting can considerably have positive effect on the efficiency of shooting from the service CZ99 handgun. The possibility to raise the level of competence of police officers in this manner creates conditions for justified expenditure of considerable material resources from the Republican budget.*

*Key words: female police officer, service handgun, shooting efficiency*

## INTRODUCTION

Strengthening human resources in order to achieve an adequate role of police in the field of reduction of threats to both national and international security and increase the feeling of safety of citizens is of key importance to realize the defined goals of the Ministry of the Interior development strategy 2011-2016. The development of the system of professional training and improvement, particularly in the part referring to specialist training, influences considerably the final result in achieving the high degree of professionalism. Gender equality (represented by numbers) is not completely fulfilled if within the professional powers of police officers this is not achieved equality as well. Legal power to use firearms implies a high level of competence including the knowledge of the law, the ability to make a decision on its application, as well as adequate manner of its use.<sup>1</sup> Meaningfulness of the test of live ammunition practice shootings of police officers is in the function of defining the current level of competence (in this part of professionalism) and correction of further work. The main hypothesis in this paper is that the existing scope and quality of practicing handling the

---

<sup>1</sup>Unnecessary harmful consequences which occurred from uncontrolled shooting of police officer Raicevic in Belgrade during the intervention over a perpetrator should be more than a sufficient reason for quality analysis of the entire scope of use of powers, particularly the powers related to the use of force. There are other events, not less important of course, in which either police officers or citizens were wounded from service firearms (self-wounding, committing of criminal offences...)

service handgun, between two live ammunition target shootings, are not represented to the required extent. Engagement of material resources for live ammunition target practice shootings, as control measuring, implies also indirect and considerable material burden of tax payers.

The goal of professional improvement is constant repetition and development of acquired police knowledge, skills and attitudes, as well as acquisition of new ones, which are the result of police practice, science or new legal provisions in certain fields of life, and they are necessary for lawful, effective and efficient performance of police work.

The program of professional improvement of police officers of the Ministry of the Interior of the Republic of Serbia consists of two parts: common instruction and problem teaching.

Common instruction consists of the following fields:

Theory, 35% of the total number of classes;

Operative police skills, 32% of the total number of classes;

Training in handling firearms and shooting, 14% of the total number of classes (handling 42% and shooting 58%);

Physical training, optional, 2% of the total number of classes, and

First aid, 13% from the total number of classes.

Problem teaching includes specific syllabi as needed by the various lines of work.

Training in handling firearms<sup>1</sup> includes the following:

Carrying firearms and the layout of corresponding equipment along the belt;

Technical characteristics and the main parts of CZ99 handgun;

Safety measures in handling firearms;

Disassembly, assembly, cleaning and maintenance of firearms;

Shooting positions

Pulling a gun;

Rules and corrections during aiming;

Charger substitution and

Jams and how to remove them.

The program foresees every police officer who is obliged to be present to have a prescribed number of classes in one month. It is also foreseen that police officers, who attend the classes are free from regular working activities and the teaching is defined as regular working obligation and is entered into a work list.

---

<sup>1</sup> In this part this entirely refers to CZ99 9 mm service handgun.



All police officers, both in uniform and in plain clothes, are obliged to attend the classes and testing. The plan provides for freeing of previous obligations of a number of police officers.<sup>1</sup>

Organizational units make a plan of program implementation and in order to check the level of acquisition – competence of this knowledge, capabilities and skills in the form of preparatory and test fire ammunition shootings in periods April-June and September-November with the provided number of bullets on the basis of the plan in the Program (regular checks). For those police officers who missed the regular check or had a negative score, there is an additional check<sup>2</sup> scheduled following immediately the regular check.

## THE GOAL

The goal of this research was to determine the contribution of planned handling with CZ099 service handgun, without live ammunition shooting, on shooting efficiency for female police officers.

## METHODOLOGY

The sample included 36 female police officers of the police department in Novi Sad. The sample was divided into two sub-samples according to the criterion of quality of shooting at control measuring.<sup>3</sup> The control group consisted of 20 statistically considerably more successful police officers, and the remaining 16 were classified into the experimental group, considerably less successful.

The female police officers who belonged to the experimental group were trained with clearly defined characteristics (for 7 days, 2 hours a day, disassembling, assembling, attitude, pulling a gun, charging, firing), all in order to achieve greater scope and quality of use of the service handgun (without shooting).

The training was realized by direct engagement of the author of this research. The quality of shooting, at both control and final measuring, was verified by modified method used in competitions of International Defensive Pistol Association (IDPA) as well as the Association of Practical Shooters of Serbia (IDPA-Serbia). The target was not a standard one, but a waist-line

---

<sup>1</sup> It is usual to free the managing personnel, but the same is not done with available police powers.

<sup>2</sup> The program does not provide for the additional training in order to raise the level of competence, but only a repeated check, following immediately after the regular check.

<sup>3</sup> Control measuring for the purpose of this research was carried out immediately after the completed spring test in live ammunition shooting.

silhouette of an assailant with the handgun in his hand and the values of scoring fields from 0 to 6. The target was set at the distance of 7 m.

The examinees had a task when they hear a signal timer sound to take a service gun from the table<sup>1</sup>, load it (pulling the slide to the backward position and releasing it, which fulfils the conditions to act by single action / SA) and shoot the target, with the aim to do it as precise as possible and within the shortest time possible. Only one attempt is allowed to complete the task / only one bullet in the service gun magazine available.

The shooting efficiency was determined in such a manner that to the time for which the examinee completes the task (from the sound signal, as a signal to take the service handgun from the table until the sound of the shot, to which time measuring instrument responds recording and memorizing it) 0.5 sec was added for every unaccomplished point from 6 maximum points (for instance, the examinee who completes the task in 2.33 seconds, and achieves a maximum number of points, the result for processing is 2.33, and if the target is missed it is 5.33, considering that the accomplished time is increased for 6 unaccomplished points or punishing  $6 \times 0.5 = 3$  seconds).

The criterions for defining groups was missing of a target and level of efficiency lower than 5.4 (according to modified IDPA model).

By appropriate statistical procedures the differences between the groups were determined after the training and repeated measuring with, naturally, elimination of evident starting differences.

## THE RESULTS

The groups formed before the training were with statistical assurance considerably different<sup>2</sup> according to the criterion of efficiency of shooting from service gun taking into account that the experimental group consisted of 16 female police officers who missed the target at control shooting.

---

<sup>1</sup> The service gun was placed on the table in front of a police officer so that they would all have the uniform conditions to accomplish the task, considering that police officers came from various organizational units (plain clothes, uniforms...). They started the task from slightly diagonal stand with their dominant hand in opposite position.

<sup>2</sup> Other indicators are not shown because of the space available and clear differentiation considering the idea of research. Significance of differentiation marked with asterisk (\*) was a criterion to define the groups in research.

Table 1 – Numerical and percentage representation of efficiency level according to groups at initial measuring

Efficiency	Up to 4.26		4.27-5.4		Over 5.4	
	No	%	No	%	No	%
Control	11	55*	8	40*	1	5
Experimental	0	0	0	0	16	100*

Table 2- Numerical and percentage representation of efficiency according to score achieved after the training

Efficiency - score	missed		Up to 5		Over 5	
	No	%	No	%	No	%
Control	3	15.0	8	40	9	45

Table 3 – Numerical and percentage representation of efficiency – IDPA, after the training

Efficiency	Up to 4.26		4.27-5.4		Over 5.4	
	No	%	No	%	No	%
Control	6	30	7	35	7	35
Experimental	12	75*	2	12.5	2	12.5

After the training, the examinees of the experimental group were statistically considerably more efficient considering that there was 75% at the final measuring with the score lower than 4.26 (lower value means the higher efficiency level).

Table 4 – Significance of differences between groups, in total

	n	F	p
MANOVA	4	82.41	.000

The results of Multivariate Analysis of Variance (MANOVA) (Table 4) suggest the statistically significant (p .000) differentiation between the groups, when all monitored features are observed in total.

Table 5- Significance of differences between the groups for individual features

ANOVA	$\chi$	R	F	p
Score initially	.55	.67	27.35	.000
IDPA initially	.68	.95	287.11	.000
Score finally	.26	.27	2.69	.110
IDPA finally	.41	.45	8.50	.006

The results of variance analysis suggest the statistically considerable differentiation between the experimental and control groups when the monitored features are observed individually as well. The differentiation, but not a statistically significant one, has not been determined for the efficiency level at final measuring evaluated by means of the score accomplished at shooting.

Table 6 – Characteristics of groups in relation to efficiency before and after the training

	Coefficient of discrimination	Control	Experimental
IDPA initially	9.376	Up to 4.26* and 4.27-5.4*	Over 5.4*
Score efficiency before	1.470	Over 5*	missing* and up to 5
IDPA finally	1.014	4.27-5.4 and over 5.4	Up to 4.26*
Score efficiency - after	.006	missing	Up to 5 and over 5

From the results shown in Table 6, the characteristics of control and experimental groups can be seen as defined by using all monitored features of efficiency at initial and final measuring. The examinees of the control group were more efficient at initial measuring (considering that the mentioned condition was a criterion to form the experimental group). The examinees of the experimental group are characterized by the lower level of efficiency at the initial measuring and the higher level of efficiency at final measuring – after the defined treatment was carried out.

Table 8 – The distance (Mahalanobis) between the groups before and after the training

	Before	After
Control - experimental	2.19	6.38

By calculating Mahalanobis distance between the groups of examinees, we obtain yet another indicator of similarities and differences, and the distance between the various spaces can be compared. From the indicators shown in Table 8, it can be seen that this distance was 2.19 at the initial measuring (the control group examinees were more efficient), and after the training the stated distance was 6.38 (the experimental group examinees were more efficient).

## CONCLUSION

The results suggest that planned work without shooting can have considerable effect and positive influence on the efficiency of shooting from CZ99 service handgun. The possibility to raise the level of competence of police officers in this way creates conditions for justified expenditure of considerable material resources from the republican budget.

In addition to positive results, which may be achieved by the shown procedure of the development of specific competences, as far as the efficiency of police officers when using firearms is concerned, we should point out the significance and necessity to define the powers to use more lenient means of coercion.<sup>1</sup>

## REFERENCES

- Arlov, D. (2005). Relacije između određenih motoričkih sposobnosti žena policajaca i efikasnosti gadjanja iz pištolja, 13-ti Međunarodni interdisciplinarni simpozijum »Sport, fizička aktivnost i zdravlje mladih«, Univerzitet u Novom Sadu, Novosadski maraton,
- Arlov, D. (2011). Kompetencije ovlašćenih službenih lica kao pozitivan ishod kvalitetne edukacije, Međunarodni naučni skup „Dani Arčibalda Rajsa“, Kriminalističko-policijska akademija, Beograd.
- Arlov, D. (2007). Uticaj nekih stresora na efikasnost gadjanja iz pištolja CZ 99. 15-ti Međunarodni interdisciplinarni simpozijum »Sport, fizička aktivnost i zdravlje mladih«, Univerzitet u Novom Sadu, Novosadski maraton,
- Ribičić, G.; Vidić, P. (2009). Fizički napadi na policijske službenike. Policija i sigurnost (Zagreb), godina 18. broj 2, str. 202-212.
- Strategija razvoja Ministarstva unutrašnjih poslova 2011 – 2016, [www.mup.gov.rs/](http://www.mup.gov.rs/) 11.02.2011.
- Šantek, M. (2005). O uvjetima za uporabu vatrenog oružja, Policija i sigurnost, (Zagreb), broj 1-6, str. 159-190.

---

<sup>1</sup> Particularly non-lethal weapons, chemical devices for individual use, reconsidering the justification of abolishing “rubber bullets”, as well as more specific definition of the use of physical force.

**Katja Eman, MSc,**  
Faculty of Criminal Justice and Security, University of Maribor,  
[katja.eman@fvv.uni-mb.si](mailto:katja.eman@fvv.uni-mb.si)

**Gorazd Meško, PhD**  
Faculty of Criminal Justice and Security, University of Maribor,  
[gorazd.mesko@fvv.uni-mb.si](mailto:gorazd.mesko@fvv.uni-mb.si)

## **MEDIA REPORTING ABOUT ENVIRONMENTAL CRIME IN THE REPUBLIC OF SLOVENIA**

### **Abstract**

*The destruction of the natural environment, essential for people and other living beings, by environmental crime is increasingly exposed in the media. We live in the age of information technology and media news needs only a few seconds to go around the world. Not much can remain hidden from the media. Thus, individual acts of pollution and environmental degradation are very often subject to media coverage. If this includes the destruction of the great and important habitats or endangers human lives, it can also be a front page story. Nowadays, the media pay serious attention to various environmental issues, such as global warming, depletion of the ozone layer, illegal waste disposal, air pollution, etc. Unfortunately, it often happens that journalists, who are not specifically trained in this field, report about environmental criminality, and often use basic terms incorrectly as well as (unintentionally) mislead the public and create panic. Furthermore, deliberate exaggeration in order to increase sales is not excluded.*

*The purpose of this paper is to present the trends of media reporting about environmental crime and problems connected with it, that emerge in the society. Based on analysis and literature reviews, authors present the detected trends of media reporting on environmental crime in Slovenia from 2005 to 2010 and emphasize the discovered issues. The results of the performed analysis of media reporting in Slovenia have shown that the media are insufficiently aware of their role and impact on the public, on its understanding of environmental crime and the awareness of the dangers of it. In drawing attention to violations of environmental protection legislation the media have a dual role. With their research the media can discover and reveal different forms of environmental crime of the rich and powerful. Furthermore, the media can draw the attention of the people with the increase of real and verified news (which certainly has something to do with journalistic ethics) and raise their awareness about the importance of preserving undamaged nature. In the conclusion, particular suggestions of solutions for the presented problems are given.*

*Keywords: environmental crime, media, mainstream mass media, Republic of Slovenia, green criminology*

## INTRODUCTION

Nowadays, the media pays serious attention to various environmental issues, such as global warming and green house gasses, depletion of the ozone layer, waste disposal, air pollution and acid rain, nuclear issues, oil spills, conservation and animal welfare issues, rainforests, food production and genetically modified food, population growth, starvation and unequal distribution of natural resources. The life-threatening characteristic or the consequence of environmental crime - the destruction of environment vital for humans and other living beings - is becoming increasingly exposed in the media and the society in general. One lives in an age of information technology. Every media-news needs only a few seconds to circle the world. Almost nothing can remain hidden from the media. Thus, the individual acts of pollution and environmental degradation are very often subject of media coverage. If this includes the destruction of the great and important habitats or endangered human lives, it can also be a front page story.

As in past decades, environment has become an important subject of international debate, Anderson<sup>1</sup> notes that at various points in this period different environmental disasters and issues have come to the fore of public and political attention. Therefore, the study of the environment deserves to occupy a central place within the media and other, especially because the news media play a crucial role in framing this contested terrain.<sup>2</sup>

The aim of the present paper, as shown in the following chapters, is to present the trends of media reporting about environmental crime in the world and to analyse detected trends in Slovenia in the period from 2005 to 2010. The results of the performed analysis of media reporting in Slovenia have shown that the media are still insufficiently aware of their role and impact on the public and of its understanding of environmental crime. The media can draw the attention of the people with the increase of real and verified news and raise their awareness about the importance of preserving

---

<sup>1</sup> Anderson, A. (1993: 1). Source-Media Relations: The Production of the Environmental Agenda. In A. Hansen (Ed.), *The Mass Media and Environmental Issues* (pp. 51-68). Leicester: Leicester University Press.

<sup>2</sup> Differences in market orientation within news media exist and environmental issues are one of the topics, (often) used for achieving one's own interests. Also, reporting about environmental issues reflects the general identity of the newspaper and sometimes even its political orientation. Although media owners will deny it, Andersen's (1997: 65) survey has shown that judgements inevitably play an important part in shaping the news.

the natural environment, as is discussed in the conclusion together with some suggestions of solutions for detected problems.

#### MEDIA REPORTING ABOUT ENVIRONMENTAL CRIME

In the last decades, environmental issues have provoked intense public concern and political debate.<sup>1</sup> Already Rubin and Sachs<sup>2</sup> have warned that a badly prepared reporter will have difficulties in distinguishing between acceptable environmental change and environmental damage or in attempting to evaluate the rupture of life support chains or recognizing incipient health hazards. These issues require more than the clipped, superficial approach of the deadline-weary reporter; they definitely require reportorial and editorial insight into the environment and natural sciences, especially ecology and biology. Furthermore, Andersen<sup>3</sup> stresses that the news produced by the media are a complex array of social, organizational and cultural processes. In her opinion, media present people with specific versions of selective reality. Due to this fact, when considering the representation of environmental issues, society must avoid glossing over the real independent properties of nature. Unfortunately, as Clifford and Edwards<sup>4</sup> stress, it often happens that journalists who are not specifically trained in this area report about environmental crime, so the incorrect use of the basic terms as well as an (unintentional) misleading of the public and creation of panic. Deliberate exaggeration in order to increase sales is certainly a separate issue. Also reporting on environmental disasters, such as leakage of toxic substances from storage tanks in factories, releases of toxic gases due to 'error' at a plant's chimneys rack, the discovery of drums of hazardous acids in karst caves, etc. often become 'hot news' of the first page.

Environmental issues, especially crimes against the environment,<sup>5</sup> represent events where it is difficult to come to a consensus about the

---

<sup>1</sup> Anderson, A. (1997: 203). *Media, Culture and the Environment*. London and New York: Routledge.

<sup>2</sup> Rubin, M.D., Sachs, D.P. (1973: 35). *Mass Media and the Environment: Water Resources, Land Use and Atomic Energy in California*. New York: Praeger Publisher.

<sup>3</sup> Anderson, A. (1997: 107). *Media, Culture and the Environment*. London and New York: Routledge.

<sup>4</sup> Clifford, M., Edwards, T.D. (1998). Defining 'Environmental Crime'. In M. Clifford (Ed.), *Environmental Crime: Enforcement, Policy, and Social Responsibility* (pp. 121-145). Gaithersburg, Md., Aspen Publishers.

<sup>5</sup> Environmental crime is every temporary or permanent by the (inter)national legislation determined and defined human deviant act or resigned activity, which causes any form of harm (an artificial change, worsening, burdening, degeneration or destruction) to one or more of the eight elements (air, water, soft soil, mineral materials, human species, animal species, plant species, bacteria and viruses) that compound the natural environment or



occurrence of a particular event and causes and effects of it. McQuail<sup>1</sup> notes this is particularly typical for issues that are complex and involve huge public concern. According to Anderson<sup>2</sup> environmental issues are often very complex and fiercely contested by different subjects and their interests. Due to the nature of scientific inquiry, evidence about environmental degradation often remains inconclusive for a long time. All mentioned complexities of environmental issues require journalists to transform technical jargon into laypersons language to avoid unnecessary mistakes and misinterpretations.<sup>3</sup>

Due the above-mentioned reasons, sometimes, when presenting environmental issues, media fail to supply people with enough (risk) information, as was shown in studies of the Chernobyl accident<sup>4</sup> and seen in the recent nuclear accident in Fukushima, Japan. Or, as nowadays often happens, mass media report risks as something necessary to get a 'hot' story. Reporting about huge environmental accidents (e.g. Mexican Gulf oil spill) or environmental disasters (e.g. floods in Pakistan, earthquake in New Zealand etc.) are no exception.

Andersen<sup>5</sup> enumerates three important characteristics of environmental issues, which influence their chances of becoming news items: 1) environmental coverage is event-centered and news media are often preoccupied with dramatic events (e.g. oil spills, chemical leaking, accidental explosions and fires etc.) which shock readers and increase

---

interrupt the environments' natural changes. The violator/offender could be anyone or every one of us (corporations, companies, groups, individuals, etc). Environmental crimes' special characteristics are victims, because beside or directly by means of the environment (biotic and abiotic natural elements) it harms people as well.

<sup>1</sup> McQuail, D. (1992). *Media Performance and the Public Interest*. London: Sage.

<sup>2</sup> Rubin, M.D., Sachs, D.P. (1973: 53). *Mass Media and the Environment: Water Resources, Land Use and Atomic Energy in California*. New York: Praeger Publisher.

<sup>3</sup> Concerning public affairs, especially environmental issues nowadays, the Hutchins Commission in 1947 made five demands of the Free and Responsible Press (Rubin and Sachs, 1973: 34), which are, when it comes to reporting about violations against the environment, often hard to achieve: 1) a truthful, comprehensive, and intelligent account of the day's events in a context that gives them meaning; 2) a forum for the exchange of comments and criticism; 3) the projection of a representative picture of constituent groups in the society; 4) the presentation and classification of goals and values of the society; and 5) full access to the day's intelligence. Those 5 rules should nowadays be more often regarded by the reporters, especially when dealing with environmental issues.

<sup>4</sup> Gale, R.P. (1987). Calculating Risk: Radiation and Chernobyl. *Journal of Communication*, 37(3), 68-73; Wilkins, L., Patterson, P. (Eds.) (1991). *Risky Business: Communicating Issues of Science, Risk and Public Policy*. Westport: Greenwood Press; Sandman, P.M., Sachsman, D.B., Greenberg, M.R., Gochfeld, M., Dunwoody, S. (1987). *Environmental Risk and the Press: An Exploratory Assessment*. New Brunswick, New York: Transaction Book.

<sup>5</sup> Anderson, A. (1997: 121-122). *Media, Culture and the Environment*. London and New York: Routledge.

publicity; 2) environmental coverage is characterized by a strong visual component, although differences between television and press exist and television news make greater use of this criteria than press. Furthermore, availability and quality of picture can become a specific problem in the coverage of some environmental issues, such as global warming and green house gasses, which are hard to see; and 3) news production is often closely tied to a 24-hours daily cycle, while environmental issues usually involve longer processes (it turned out documentary films are better than television news for the presentation of complicated environmental issues), which often involve slow, drawn-out processes.<sup>1</sup>

In drawing the attention to the violations of environmental protection legislation the media have a dual role. The media, with their research journalists, can search out and discover different forms of environmental crime of the rich and powerful. Furthermore, the media, with the increase of real and verified news (which certainly has to do with journalistic ethics) can draw the attention of people and raise their awareness about the importance of preserving undamaged nature. Furthermore, Ericson, Baranek and Chan<sup>2</sup> emphasize that representing news involves visualizing, symbolizing and authorizing reporters' statements and findings. During this process social reality is constructed, therefore it is important how much exaggeration and unreal reporting is used. Especially due to the increasingly sensitive topic of environmental issues in the modern world. In the worst case scenario, major public panic, fears and riots could occur.

Research on media coverage and pursuing the real reporting on violations of environmental law are rare. American studies about violations against environment committed by corporations - oil processing industry in the U.S. dominate. In 1987 Randall and DeFillippini conducted the first ever survey of media reporting on the operations of the 25 largest petroleum corporations. After the Andersen<sup>3</sup> Jarrell's<sup>4</sup> survey<sup>5</sup> represents the third

---

<sup>1</sup>Contemporary development shows that news media are deeply embedded in a complex web of structure within the policy-making field (Andresen, 1997: 44).

<sup>2</sup> Ericson, R.V., Baranek, P.M., Chan, J.B. (Eds.) (1991). *Representing Order: Crime, Law and Justice and the News Media*. Milton Keynes, England: Open University Press.

<sup>3</sup> Anderson, A. (1997: 107). *Media, Culture and the Environment*. London and New York: Routledge.

<sup>4</sup> Jarrell, M.L. (2007). *Environmental Crime and The Media: News Coverage of Petroleum Refining Industry Violations*. New York: LFB Scholarly Publishing LLC.

<sup>5</sup>Jarrell (2007) conducted a survey on media reporting about the petroleum-processing industry as one of the biggest violators of environmental laws and corporate perpetrators of crimes against the environment in the U.S. The oil-processing industry is the leading production industry, the largest power producer in the U.S. and the largest producer of crude

such research in this field, which focused on the importance of media reporting, which appears in the individual cases of violations of journalistic reporting an oil-processing industry. In both studies, the role and importance of the presence of the media in highlighting and notifying such actions against the environment are exposed, as well as the indirect impact of the media on the investigation and punishment of perpetrators of the environmental crime acts.

Jarrell<sup>1</sup> notes that in the recent years, attention and interest of academics in the issue of environmental crime, environmental injustice and environmental racism increased. On the other hand, the public misleading media campaigns about the 'green and environment friendly' companies and production caused very severe damage. The individual has daily direct contact with a number of media (print, electronic, etc.), among which the mainstream mass media<sup>2</sup> is increasingly dominated. Jarrell<sup>3</sup> points out that the most important factors that affect media reporting and information transferred by the media are the ownership or the owner of each medium and the use of state officials and government representatives as a resource. As regards the first factor, it is clear that the owner will decide about the manner and type of reporting and news presentation and content. As an example of the influence on the media reporting about the environmental issues the case

---

oil in the world. The results of the analysis showed that the violations of environmental legislation are frequent and widespread as more than 36 percent of all oil-processing companies in the period of 1 year (2001-2002) were involved in at least one case which was investigated by the EPA. One fifth of the cases received judicial epilogue/ended up at court. The analysis of media reporting of violations by the oil-processing industry has shown that similar newspaper articles are similar in reporting on the trend and the topic. Most media reporting on the committed violations was misleading, because the articles quoted government's officials and representatives of business without any bias, but seldom published an opinion from the harmed residents or victims of environmental crime. Over-reporting from the government resources leaves the misleading impression that the problem receives the direct governmental attention and that the legislation enforcement is a priority. The media report about the violations only in vague and general terms. The shape and amount of the defined penalty also affects the report. Companies are often praised by working with government officials, while environmental and human health is ignored or documents fall under the statute of limitations. The newspaper articles did not equate environmental crime with criminal behaviour.

<sup>1</sup> Jarrell, M.L. (2007). *Environmental Crime and The Media: News Coverage of Petroleum Refining Industry Violations*. New York: LFB Scholarly Publishing LLC.

<sup>2</sup> Mainstream mass media are media, which are simple, cheap and simultaneously accessible to large segments of the population (Surette, 1992: 10). This is allowed to them because of a strong political and financial support, which alternative media do not have. The latter are struggling for financial resources and criticize the work of mainstream media and their publication the most.

<sup>3</sup> Ibidem.

of Chrysler, as one of the leading automobile giants and the (partial) ownership of the media, can be mentioned. The second factor influencing the media is the journalist's reliance on the representatives of authorities as sources of information, which offers the opportunity to representatives to present themselves or their party in good light, as a great supporter of environmental protection, and intentionally deceive the public. Political and social impact is reflected the most in the reporting of mainstream media. The media reported about developments on the political scene, which is always a topical subject, or provided socially desirable or sought information (tabloids, crime news, etc.).

Mainstream mass media are dominant in the presence of both American society and elsewhere in the world. The society is daily inundated with a wide range of media news from various sources. Mass media is not only transmitting information and providing it to the public, but often also interpreting the information during their work. When doing that, they influence the information; change it, especially when it comes to media which is lately changing its research role with the so-called scramble for profit. Often the media do not realize how big their influence on socialization is, when they provide the interpretation of social norms and values. Ownership changes of media houses affect the form and content of news, as well as the transmission of these social norms to the broader public. Therefore, the information presented to the public more and more frequently reflects the interests of the rich and powerful. A similar distortion of reality occurs in media reporting on crime, where environmental crime is no exception. In the American society, the European Union and also in Slovenia it is visible that exaggerated (deliberately distorting) media coverage of the various forms of criminality, most street gangs and individual acts of violence, with a combination of neglecting the official statistics on crime and distorted reporting on victims and perpetrators, often leads to the creation of entirely unjustified fear of crime.<sup>1</sup> Furthermore, some studies in the U.S. revealed that media coverage of crime supports the interests of the rich and

---

<sup>1</sup> Reuband, K.-H. (2009). Portrayals of crime in the German mass media. Trends, patterns and impact on fear of crime In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 163-185). Ljubljana: Tipografija; Farrall, S. and Murray, L. (Eds.) (2009). *Fear of Crime: Critical Voices in an Age of Anxiety*. Abingdon, Oxon, New York: Routledge-Cavendish; Meško, G. and Šifrer, J. (2008). Strah pred kriminaliteto v mestnem okolju: raziskava. *Varstvoslovje*, 10(4), 539-560; Meško, G., Fallshore, M., Muratbegović E. and Fields, C.B. (2008). Fear of Crime in two Post-Socialist Capital Cities - Ljubljana, Slovenia and Sarajevo, Bosnia and Herzegovina. *Journal of Criminal Justice*, 36(6), 546-553; Ditton, J. and Farrall, S. (Eds.) (2000). *The Fear of Crime*. Aldershot: Ashgate.

powerful in our society<sup>1</sup> and diverts the public attention away from the enormous costs and irreparable damage caused by crime of the elite members of our society. Although the increase of reporting about the major corporate scandals in the previous period was detected, (e.g., Enron and Martha Stewart in the U.S., Pivovarna Laško, Istrabenz and Lafarge Cement in Slovenia), the media coverage is still not as critical towards the acts committed by white-collar crime. Although the cost of such acts of the rich and powerful are invaluablely higher, the media often reduce them and do not associate them with the corporate crime and do not write about them with such enthusiasm and dimensions and negative touch as about the blood crimes and domestic violence (e.g., newspaper Slovenske novice). Something similar is happening also with the mass media reporting about the environment and the deviations against the environment. Jarrell<sup>2</sup> marks media coverage of the environment as cyclical, which at the onset of natural disasters and industrial accidents amazingly increases, and then decreases rapidly again, until a new disaster occurs. Like this violations of the environmental laws remain almost media imperceptible, especially when it comes to acts of the rich and powerful corporations, which are, inter alia, at least partial owners of large media houses. On the other hand, acts of environmental groups, such as Greenpeace, Sea Shepherds etc., are widely described in the U.S. media, furthermore, some individual radical environmental groups, which use extreme acts and major actions (e.g. chaining to the trees, the destruction of machinery, deliberately running into a whaleboat, etc.) are equated with terrorist organizations. The overview of media reporting on environmental crime showed that most cases of environmental crime (e.g. industrial 'accidents' in the form of toxic spills or fires, etc.) were published in the media as 'disasters'. Jarrell<sup>3</sup> also found that the biggest problem with media reporting on environmental crime and connecting it to the environmental risks and environmental damage is the overall complexity of the phenomenon. One understands that environmental problems are not clear and simple (black and white) and also that the victims and perpetrators are often not known. Furthermore, the ruling authority directs very little of its attention to solving environmental problems, and the media for all these reasons consider that it is a minor matter, unworthy of

---

<sup>1</sup> Hall, S., Critcher, C., Jefferson, T., Clarke, J., Roberts, B. (1987). *Policing the Crisis*. London: Mcmillan; Barlow, M.H., Barlow, D.E., Chiricos, T.G. (1995). Economic Conditions and Ideologies of Crime in the Media: A Content Analysis of Crime News. *Crime and Delinquency*, 4, 3-19.

<sup>2</sup> Jarrell, M.L. (2007). *Environmental Crime and The Media: News Coverage of Petroleum Refining Industry Violations*. New York: LFB Scholarly Publishing LLC.

<sup>3</sup> Ibidem.

media attention. In this context, environmental risks, environmental crime, environmental protection, environmental justice and environmental legislation are deemed as too complex, too lengthy and too expensive to be worthy of media attention and publication.

It can be concluded from the previous discussion that the media are not taking their secondary role about raising public awareness seriously enough, especially with regard to cases of environmental crime and environmental protection. Furthermore, the complexity of the field of environmental criminality itself is also a major problem, because it is leading to inadequate reporting of such violations (severity and risk reduction of environmental nature), and consequently misleading the public, and ultimately do more harm than good. Jarrell<sup>1</sup> defines the scope of environmental crime as a challenge to research, whereby he specifically mentions green criminology, which reveals more and more results of their work to the public. She points to the complexity of the field itself and the need for precaution in the research<sup>2</sup> and consideration of the multidisciplinary of the areas. Another problem is the difficulty of conceptualization of environmental crime and the understanding of the general public that this is a crime, which can to the individual be equally or even more dangerous than conventional crime.

Andresen<sup>3</sup> and Jarrell<sup>4</sup> argue that the media attention and reporting is not divided equally among different forms of crime, because some forms of crime are not 'interesting' enough. While "street crime" is given more than its fair share of media, political, and enforcement attention, "white-collar" crime is generally ignored unless the consequences of such corporate actions are tragic. Even then, media attention is terminal. Headlines and leading news reports favor the isolated violent encounter. In essence, murder by gun, knife, or other weapon is considered horrendous, while murder by unsafe working conditions, pollution, and defective products is accidental and, therefore, not as problematic or deserving of public attention. Furthermore, to compound the problem, many of the individuals who commit white-collar

---

<sup>1</sup> Ibidem.

<sup>2</sup> In the U.S, the difficult work the researchers, who fight for the funding of their work (and survival) against the rich corporations and their so-called 'greenwash' campaigns that emphasize environmentally friendly work of enterprises and their concern for the environment, especially stands out.

<sup>3</sup> Anderson, A. (1997). *Media, Culture and the Environment*. London and New York: Routledge.

<sup>4</sup> Jarrell, M.L. (2009). Environmental Crime and injustice: media Coverage of a landmark environmental Crime Case. *The Southwest Journal of Criminal Justice*, 6(1), 25-44.

offenses are the very same individuals who have the power, resources, and influence to shape laws and influence the government's decisions.<sup>1</sup>

News media are highly selective in the representation of environmental issues and environmental risk. Rare environmental risks, connected with unexpected, dramatic disasters, such as chemical spills and explosions, are usually over-represented.<sup>2</sup> As regards facing environmental crime, Jarrell<sup>3</sup> advocates an approach in terms of social justice, or rather environmental justice, especially in the work of media and public awareness. The work of competent law enforcement and other government agencies, as well as of nongovernmental organizations is important. Due to the lack of knowledge about the nature and hazardous effects of environmental crime, the public does not know how to act properly and protect first themselves, and also the threatened natural environment. There is no doubt that cooperation at all levels and all areas is inevitable. Criminological perspective on environmental crime emphasizes the further development and exploration of green criminology. Development and particularly reckless conducts of the mainstream media have had a negative impact on the field of informing the public about environmental crime and on raising public awareness about the risks of the individual acts of big corporations. Perhaps the inclusion of these topics in mainstream criminology would mean more attention and focus on finding the reasons for the emergence and prevention of contemporary forms of security threats posed by environmental crime. Perhaps Slovene media will be more willing to cooperate with criminologists and in that way decrease the already mentioned 'mistakes' in media reporting about environmental crime cases.

## **MEDIA REPORTING ABOUT ENVIRONMENTAL CRIME IN THE REPUBLIC OF SLOVENIA**

Environmental criminality is normally discussed in the Slovene media, as all other forms of crime are. Due to the lack of criminological studies in this field, it is impossible to say if criminologists are concerned about the environmental crime reports facing the same problems as in other fields of media reporting about crime, such as: use of the most notorious criminal offenses and other accidents to attract readers (so-called bloody press); selective representation of crime reality; exaggeration in crime

---

<sup>1</sup> Ibidem.

<sup>2</sup> Anderson, A. (1997: 134). *Media, Culture and the Environment*. London and New York: Routledge.

<sup>3</sup> Jarrell, M.L. (2007). *Environmental Crime and The Media: News Coverage of Petroleum Refining Industry Violations*. New York: LFB Scholarly Publishing LLC.

reporting, etc. Till today studies of the media reporting in Slovenia have covered only the following fields and issues: myths about crime<sup>1</sup> fear of crime,<sup>2</sup> crime and insecurity issues,<sup>3</sup> violence in the media<sup>4</sup> and art crime.<sup>5</sup>

A review and findings of the studies of foreign authors represent a starting point for the present study, where publications in daily newspapers Delo and Dnevnik from January 2005 to December 2010 were reviewed. In the survey the method of content analysis of the written sources was used. The newspaper Delo is published every day of the week, including Sundays, exceptions are national holidays. The newspaper Dnevnik is published six days a week, but not on Sundays. Both newspapers are in the Slovenian environment considered as serious newspapers, and largely reliable media with long-standing tradition. From the review of publications it is evident that the acts of environmental crime have become a topical issue for the media in the last few years; ever since 2007 or 2008. Since then, media reporting about different forms of environmental crime more frequently end among the posts on the pages intended to crime reports, column called Chronicle (slo. Kronika), or among the publications on the pages that are intended for events from the home regions.<sup>6</sup> This shows that the individual acts against the environment, such as illegal dumping of toxic substances and waste, discharges of toxic substances in water or air, etc. despite the clear statutory placement among the forms of environmental crime, these acts for the media sometimes do not have that meaning. In both analysed newspapers a lot of attention is devoted to environmental protection in other newspaper sections, such as Science, Health, etc.

In newspaper Delo, the media reports on cases of crimes against the environment very rarely become first page news, the same goes for the

---

<sup>1</sup>Meško, G. (2000). Miti o kriminaliteti v ZDA. *Revija za kriminalistiko in kriminologijo*, 51(4), 305-313; Meško, G. and Eman, K. (2009). Myths about crime - what is (un)real in the real world? In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 29-49). Ljubljana: Tipografija.

<sup>2</sup> Meško, G., Cockcroft, T., Crawford, A., Lemaitre, A. (Eds.) (2009). *Crime, Media and Fear of Crime*. Ljubljana: Tipografija.

<sup>3</sup> Bučar-Ručman, A. (2009). An Overview of Research on Media Reports about Crime and Insecurity Issues in Slovenia. In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 79-103). Ljubljana: Tipografija.

<sup>4</sup> Petrovec, D. (2009). Violence in the Media: Selected Cases in Slovene Media. In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 107-117). Ljubljana: Tipografija.

<sup>5</sup> Vučko, S. (2010). Kazniva dejanja zoper umetnine in mediji. In B. Dobovšek (Ed.), *Preiskovanje kriminalitete v zvezi z umetninami = Art crime investigation* (pp. 147-156). Ljubljana: Ministrstvo za notranje zadeve, Policija.

<sup>6</sup> The newspaper Delo has a column From the home site (slo. Iz domačih krajev), and the newspaper Dnevnik a column Slovenia.



newspaper Dnevnik. Only the largest ecological disasters are important enough to be published on the first page. In the six-years examined period on the first page of the both newspapers only eight cases of illegal threats to the environment and people were published, and among them the four cases were from abroad<sup>1</sup>

A comparison of the number and the topics about the cases of environmental crime in Slovenia shows that both newspapers dealt with the same deviations against the environment and also that the publications of the individual cases in the newspaper Delo are much more common and varied than in the newspaper Dnevnik. Content analysis of media coverage on individual cases of environmental crime in the Republic of Slovenia has shown that Slovene journalists know the field of the threats and protection of the environment on which they report. In their reporting, journalists use professional terminology, particularly the terms that are defined in different regulations (e.g., illegal waste dumps, poaching, illegal fishing, animal torture, chemical pollution, toxic substances discharges, animal and plants smuggling, etc.) and are also used by the experts and academics. The analysis did not revealed any false or misleading media reporting on cases of environmental crime. Even the deliberate exaggeration is rare, as journalists often sympathize with the affected villagers and make a stand to protect the natural environment. However, in their writing the classification of the individual forms of crimes against the environment in the group of environmental criminality was not detected. Furthermore, the term environmental crime has not been found in any analysed article.

As regards the review of media coverage on environmental crime from 2005 to 2010, the trend of growing interest for the environmental crime issues and threats to the environment and the development of the environmental crime in the Slovene territory is evident also from the variety of publications about social sciences (especially criminology and criminal justice, law, psychology and crime prevention).

---

<sup>1</sup> Examples of the environmental crime in Slovenia, published on the front page of newspapers: sand in Slovene kindergartens, which contained large quantities of lead and cadmium; planted fires in the Karst; a (planted) fire at the tire landfill, where the toxic fumes and smoke endangered the surrounding populations; brutal attack of dogs, which killed their owner, and showed violent behaviour in the past. Examples of environmental crime from abroad, published on the front page of newspapers: a fire on a Turkish ship carrying the toxic waste material and the risk of ecological disaster in Istria due its eventual sinking; heavy fuel oil spilling into the sea in Croatia, which was again endangering the coast of Istria; a fire on an oil rigs and oil spill in the Gulf of Mexico; spill of sewage sludge in Ajka, Hungary.

## CONCLUSION

When dealing with media reporting about environmental crime, (green) criminologists have to be aware, that the media are not monolithic. They form a complex, differentiated system governed by particular organizational and societal constraints. Media reporting about risk and the environment are influenced by social, political and cultural factors.<sup>1</sup> In the end, concerning the media reporting about environmental crime and criminality, people lack the necessary knowledge to predict accurately the environmental consequences of many of their acts (to protect themselves). Therefore, Rubin and Sachs<sup>2</sup> stress that it is a fact that causes great anguish to newsmen who must assess the news value of events affecting the environment. As written by Rubin and Sachs<sup>3</sup> “only man can really care about his existence on this planet. Whether or not he is here to enjoy them, time and river keep on flowing”, and this also applies to media coverage.

The survey of media reports on environmental crime revealed that the acts of environmental crime have become a topical issue for the media since the end of 2007 and 2008. Since then, media reporting about different forms of environmental crime more frequently end among articles on the pages intended for crime reports or other columns. Results of the performed research show that Slovene journalists know the field of the threats and protection of the environment on which they report. Furthermore, they use professional terminology, particularly the terms that are defined in different regulations or used by the experts and academics. The analysis did not reveal any false or misleading media reporting on cases of environmental crime and even the deliberate exaggeration is rare. Just like abroad, report on cases of crimes against the environment very rarely become first page news in the Slovene media as well. Only the largest ecological disasters from 2005 to 2010 were important enough to be published on the first page. In the six-years examined period only four cases of environmental crimes in Slovenia were front page news.

The public has the right to know and therefore should be provided with the information about the business company. As stressed by Rubin and

---

<sup>1</sup> Anderson, A. (1997: 203). *Media, Culture and the Environment*. London and New York: Routledge.

<sup>2</sup> Rubin, M.D., Sachs, D.P. (1973: 259). *Mass Media and the Environment: Water Resources, Land Use and Atomic Energy in California*. New York: Praeger Publisher.

<sup>3</sup> Rubin, M.D., Sachs, D.P. (1973: 260). *Mass Media and the Environment: Water Resources, Land Use and Atomic Energy in California*. New York: Praeger Publisher.

Sachs<sup>1</sup> this is necessary for intelligent decisions in purchases and life-style or informed public participation in decision-making by private business. Therefore, press-business relationship must be redefined if press coverage of environmental deterioration is to improve. Furthermore, in addition to more stringent supervision and strict punishment is also so-called 'news-making (green) criminology' which supports greater activity and cooperation of criminologists with the media. This allows them to publish the correct (verified) data and to avoid misleading results and causing fear of crime. Andersen<sup>2</sup> addressed the issues concerning good, reliable media reporting about environmental issues more specifically: "The problem is that there is a fundamental conflict between the tendency for scientists to qualify everything and the media dependence upon short, sharp events and clear unqualified statements. Scientists tend to have little training in media relations and they are therefore often suspicious of journalists. Scientists need to develop a greater awareness of the workings of the media and similarly journalists need to cultivate a greater understanding of the constraints that influence scientists. Finally, environmentalists should avoid the temptation to manipulate the popular press through offering newsworthy explanations for complex phenomena because, in the long term, this may prove counter-productive."

Based on what was written above and dealing with the not equally divided media attention and reporting among different forms of crime and with the headlines and leading news reports which favor the isolated violent encounter, the comprehension and conformation on both sides, media and green criminology, is necessary in the future. News media are still highly selective in the representation of environmental issues and environmental risk. Only rare environmental risks, connected with unexpected, dramatic disasters nowadays 'deserve' to be front page news.

## REFERENCES

Anderson, A. (1993). Source-Media Relations: The Production of the Environmental Agenda. In A. Hansen (Ed.), *The Mass Media and Environmental Issues* (pp. 51-68). Leicester: Leicester University Press.

Andreson A. (1997). *Media, Culture and the Environment*. London and New York: Routledge.

---

<sup>1</sup> Rubin, M.D., Sachs, D.P. (1973: 190). *Mass Media and the Environment: Water Resources, Land Use and Atomic Energy in California*. New York: Praeger Publisher.

<sup>2</sup> Anderson, A. (1997: 168). *Media, Culture and the Environment*. London and New York: Routledge.

Barlow, M.H., Barlow, D.E., Chiricos, T.G. (1995). Economic Conditions and Ideologies of Crime in the Media: A Content Analysis of Crime News. *Crime and Delinquency*, 4, 3-19.

Bučar-Ručman, A. (2009). An Overview of Research on Media Reports about Crime and Insecurity Issues in Slovenia. In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 79-103). Ljubljana: Tipografija.

Clifford, M., Edwards, T.D. (1998). Defining 'Environmental Crime'. In M. Clifford (Ed.), *Environmental Crime: Enforcement, Policy, and Social Responsibility* (pp. 121-145). Gaithersburg, Md., Aspen Publishers.

Ditton, J. and Farrall, S. (Eds.) (2000). *The Fear of Crime*. Aldershot: Ashgate.

Ericson, R.V., Baranek, P.M., Chan, J.B. (Eds.) (1989). *Negotiating Control: A Study of News Sources*. Milton Keynes, England: Open University Press.

Ericson, R.V., Baranek, P.M., Chan, J.B. (Eds.) (1991). *Representing Order: Crime, Law and Justice and the News Media*. Milton Keynes, England: Open University Press.

Farrall, S. and Murray, L. (Eds.) (2009). *Fear of Crime: Critical Voices in an Age of Anxiety*. Abingdon, Oxon, New York: Routledge-Cavendish.

Gale, R.P. (1987). Calculating Risk: Radiation and Chernobyl. *Journal of Communication*, 37(3), 68-73.

Gandy, O.H. (1982). *Beyond Agenda-Setting: Information Subsidies and Public Policy*. Norwood: Ablex.

Hall, S., Critcher, C., Jefferson, T., Clarke, J., Roberts, B. (1987). *Policing the Crisis*. London: Mcmillan;

Jarrell, M.L. (2007). *Environmental Crime and The Media: News Coverage of Petroleum Refining Industry Violations*. New York: LFB Scholarly Publishing LLC.

Jarrell, M.L. (2009). Environmental Crime and injustice: media Coverage of a landmark environmental Crime Case. *The Southwest Journal of Criminal Justice*, 6(1), 25-44.

Lang, G.E. and Lang, K. (1981). Watergate: An Exploration of the Agenda-Building Process. In G.C. Wilhoit, H. de Bock (Eds.), *Mass Communication Review Year Book, II. Vollume* (pp. 447-468). London: Sage.

McQuail, D. (1992). *Media Performance and the Public Interest*. London: Sage.

Meško, G. (2000). Miti o kriminalitetni v ZDA. *Revija za kriminalistiko in kriminologijo*, 51(4), 305-313.

Meško, G. and Eman, K. (2009). Myths about crime - what is (un)real in the real world? In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 29-49). Ljubljana: Tipografija.

Meško, G. and Šifrer, J. (2008). Strah pred kriminaliteto v mestnem okolju: raziskava. *Varstvoslovje*, 10(4), 539-560.

Meško, G., Fallshore, M., Muratbegović E. and Fields, C.B. (2008). Fear of Crime in two Post-Socialist Capital Cities - Ljubljana, Slovenia and Sarajevo, Bosnia and Herzegovina. *Journal of Criminal Justice*, 36(6), 546-553

Meško, G., Cockcroft, T., Crawford, A., Lemaitre, A. (Eds.) (2009). *Crime, Media and Fear of Crime*. Ljubljana: Tipografija

Petrovec, D. (2009). Violence in the Media: Selected Cases in Slovene Media. In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 107-117). Ljubljana: Tipografija.

Reuband, K.-H. (2009). Portrayals of crime in the German mass media. Trends, patterns and impact on fear of crime In G. Meško, T. Cockcroft, A. Crawford, A. Lemaitre (Eds.), *Crime, Media and Fear of Crime* (pp. 163-185). Ljubljana: Tipografija.

Rubin, M.D., Sachs, D.P. (1973). *Mass Media and the Environment: Water Resources, Land Use and Atomic Energy in California*. New York: Praeger Publisher.

Sandman, P.M., Sachsman, D.B., Greenberg, M.R., Gochfeld, M., Dunwoody, S. (1987). *Environmental Risk and the Press: An Exploratory Assessment*. New Brunswick, New York: Transaction Book.

Surette, R. (1992) (Ed.). *Justice and the Media*. Springfield, IL: Charles C. Thomas.

Vučko, S. (2010). Kazniva dejanja zoper umetnine in mediji. In B. Dobovšek (Ed.), *Preiskovanje kriminalitete v zvezi z umetninami = Art crime investigation* (pp. 147-156). Ljubljana: Ministrstvo za notranje zadeve, Policija.

Wilkins, L., Patterson, P. (Eds.) (1991). *Risky Business: Communicating Issues of Science, Risk and Public Policy*. Westport: Greenwood Press.

William S. (1997). Constructing "crime": Media coverage of individual and organizational wrongdoing. *Justice Quarterly*, 14(2), 243-263

**Obrad Stevanović, PhD,**

*Assistant Professor Academy of Criminological and Police Studies, Belgrade  
email: obrad.stevanovic@kpa.edu.rs*

**Dalibor Kekić, PhD;**

*Academy of Criminological and Police Studies, Belgrade:  
email: [dalibor.kekic@kpa.edu.rs](mailto:dalibor.kekic@kpa.edu.rs)*

**Slobodan Miladinović, PhD**

*Assistant Professor Academy of Criminological and Police Studies, Belgrade  
email: slobodan.miladinovic@kpa.edu.rs*

## ***TERRORIST ATTACK USING THE FLU VIRUS AND USAGE OF SLIAR MATHEMATICAL MODEL***

### ***Abstract***

*Use of the influenza virus for a terrorist attack is a possible scenario in near future. Contemporary theorists and practitioners in the concept of security determined the issue of outbreaks of communicable diseases as a terrorist attack - as a matter of great importance to human lives. Modern mathematics has proved to be an important ally of the theorists and practitioners of security, as a possibility to predict the potential security challenge or threat. The easiest way to predict is using of mathematical models. SLIAR model is a model that includes: uninfected (S), latent (L), infected (I), asymptomatic (A) and recovered (R) members of a community affected by the flu. In this case, we will take the example that vaccination is done in group L, I, and A in hospitals after possible terrorist attack, or in cases of mutable viruses.*

**Key words:** *influenza, security issue, the mathematical model, terrorist attack, mutable virus, matrix.*

### **INTRODUCTION**

Regardless of the conditions and causes, outbreaks of infectious diseases are both health and security issue. Despite the fact that they do not usually specify a particular form of threat to security and the environment, epidemics cause effects similar to the consequences of certain forms of crime and terrorist attacks such as fear, suffering, bodily injury or death. By the possible massive scale threat to public health and safety of people, they may unquestionably be the reason for the appearance of civil emergency or

special security situation, and their consequences on human lives can sometimes have a scale of disasters that can be greater than the consequences of armed conflicts or major natural disasters.

In epidemics, as in other forms of emergency, the authorities responsible for public health and security and other public authorities, economic entities and civic associations - have two key responsibilities. First, to continue with performance of ordinary jobs and tasks and second - related to their organization, forms and methods - to adapt the system of governance and relations to the new conditions, or to perform specific tasks within its jurisdiction.<sup>1</sup> In these conditions, the focus on the part of health and police and other state agencies and organizations, their organizational units and employees, is transferred from regular to special health, security and other professional tasks and measures whose execution prevents the harmful consequences of epidemics, and localizes, reduces and eliminates their effects or consequences.<sup>2</sup>

Such changes in the way of work and priorities require significant changes in the management systems of these organs, organizations and their organizational units. This primarily involves the need to establish a single (integrated) management system that subjects to the state and society, ensuring their effective and efficient integration into the joint fight against outbreaks of infectious diseases. Special attention should be intentionally paid to the epidemics as part of international or non-international armed conflicts, terrorist or other subversive activities of individuals, groups or organizations.

As a result of the scientific inquiry for the best way of countering this type of threat to public health and safety, this paper presents a mathematical model predicting the effective and efficient development and spread of outbreaks of certain infectious diseases in time and space, as a key precondition for successful integrated management activities of state entities and companies in their suppression. This paper also aims to encourage greater scientific expert attention to further developing of the theory and practice of control of emergency situations (crises), natural or deliberately caused outbreaks of infectious diseases as a phenomenon that endangers the public health and public security on local, national and global levels.

---

<sup>1</sup> Adapted from: Obrad Stevanović, *Management in Police*, Police Academy, Belgrade, 2003, p. 242.

<sup>2</sup> Ibid.

## CONTEXTS OF EPIDEMICS OF INFECTIOUS DISEASES

Potential outbreaks of communicable diseases that disturb security over time are generated by three kinds of human activity on a global scale. The first activity refers mainly to health care and is focused on planning, organizing and undertaking measures to prevent emergence of epidemic and measures to slow the spread, reduce and mitigate its consequences, and eliminate its existence. The second activity is criminal, it is focused on intentionally causing epidemics and their use for realization of terrorist and other criminal targets, and it is usually qualified as bioterrorism. The third activity refers to security and is focused on prevention and combating against preparations for use of epidemics as a means of carrying out terrorist acts and other forms of criminal behavior of individuals, groups and organizations. These three types of human activities clearly indicate the three contexts of epidemics of infectious diseases: 1) health and epidemiology, 2) criminal and terrorist, and 3) security context.

### Health and epidemiological context

The legal framework for defining the key health and epidemiological aspects of protection from infectious diseases in the Republic of Serbia is prescribed by the Law on Health Protection,<sup>1</sup> Act on Protection of Population from Infectious Diseases<sup>2</sup> and the Veterinary Act,<sup>3</sup> as well as numerous other laws and regulations.<sup>4</sup> These laws and regulations operate at all levels of government development of operational plans and other planning decisions to act in cases of danger of infectious disease during their lifetime. The appearance of the bird flu in the world in 2006 brought to necessity to work out the Serbian government plan of action before and during the influenza pandemic,<sup>5</sup> with numerous documents.<sup>6</sup> During the appearance of

---

<sup>1</sup> Health Protection Act, "Official Gazette of RS", no. 107/05.

<sup>2</sup> Law on Protection of Population from Infectious Diseases, "Official Gazette of RS", no. 125/04.

<sup>3</sup> Veterinary Act, "Official Gazette of RS", no. 91/05, Belgrade.

<sup>4</sup> Regulation on Health Protection of Population from Infectious Diseases, "Official Gazette of RS", no. 29/2002; National Strategy to Combat HIV/AIDS, Ministry of Health, Belgrade, 2005; Regulation on reporting of communicable diseases and other cases stipulated by the Law on Protection of Population from Infectious Diseases, "Official Gazette" no. 98/05; Regulation of immunization and methods of protecting drugs, "Official Gazette of RS", no. 11/2006, etc.

<sup>5</sup> Plan of activities before and during an influenza pandemic (brochure), Government of the Republic of Serbia, October 2005.

<sup>6</sup> The conclusion of the Serbian Government to designate the contagious disease, avian influenza, "Official Gazette of RS", no. 92/2005; Order on taking measures for prevention and control of infectious disease of birds of avian influenza, "Official Gazette" no. 90/2005; Order on taking



New (Mexican) flu (influenza type A subtype H1N1), the Minister of Agriculture, Forestry and Water Management issued a warrant which prohibits the import, transit and shipments of certain items from countries where the presence of the flu was confirmed by WHO.<sup>1</sup>

Examples of good planning countering communicable diseases in the United States include the following: Operational Plan of the Center for control and prevention of pandemic influenza (CDC Influenza Plan of Operation - OPLAN) in Atlanta and the Plan of Implementation of the National Strategy for Pandemic Influenza U.S. The first plan defined the threat level and mode of action of members and employees of the Centre with appropriate recommendations for treatment of civil authorities in the need to combat the pandemic. The other plan provides 300 different activities as response to the emergence of bird flu pandemic at the national and international level.

### **Criminal-terrorist context – bioterrorism<sup>2</sup>**

Criminal-terrorist aspects of outbreaks of communicable diseases are indicated in a number of theoretical papers on the use of ABE, or nuclear (or radioactive), biological and chemical agents of mass destruction. These resources are developed and used in limited armed conflicts, and are recently referred to as the funds that are sporadically used to achieve criminal and terrorist goals on the power level. To highlight the concept of incitement and the use of epidemic infectious diseases in the criminal and terrorist purposes in recent years, the term bio-terrorism is most commonly used.

A key component by which terrorism differs from an ordinary murder or assault is the intent of causing intimidation. The terrorists are trying to achieve their goals (extortion, concessions, obtaining publicity, impact on the audience or provoking repression), by using fear as a tool. Exactly because of the possibility of producing extreme, large-scale fear of terror, biological products or epidemics of communicable diseases are an ideal weapon of extreme terrorists. According to some authors, their use often produces disproportionate effects and it is more than the fear of death and injury (disease) as the primary target of terrorists, often depending on the number of affected and dead out of the mysterious threat that caused the epidemic. The fear that is produced by the biological products is often inadvertently reinforced by the media which focus on dramatization of terrorist acts and

---

measures to prevent introduction of infectious disease of birds of avian influenza in the Republic of Romania in the Republic of Serbia, "Official Gazette of RS", no. 47/2006; etc.

<sup>1</sup> Order on taking measures to prevent bringing in the disease type A subtype H1N1, "Of. Gazette RS", no. 36/09.

<sup>2</sup> More on that in: Stern, Dž.: Ekstremni teroristi, Aleksandrija Press, Beograd, 2004, pp. 15-16.

sometimes impose a feeling of distrust in government and government information and recommendations on how to conduct in the given situation. The overall result of this situation is panic, which is in itself dangerous, and the government can hardly calm it. The scale and intensity of fear and panic depends on the real existence of a very professional group trained in the use of biological weapons that could cause heavy consequences in a relatively short time.

In addition to producing fear as opposed to the use of conventional weapons, the use of biological resources and outbreaks of communicable diseases for terrorist purposes is itself extremely mysterious, non-selective, immoral, difficult to control and invisible.

These funds can not only attack the desired targets and exclude the others, which makes it extremely unselective. In most cases, it is not possible to reliably predict what may be the consequences of its use. Even terrorists do not know in advance who is going to be affected, how many are going to die and what will be the long-term effects on the health of survivors and the environment. It can, however, confidently predict that civilians will be attacked at a large extent and that the radius of psychological damage would be far greater than the radius of disease and deaths. Immorality of the use of these funds is reflected in the fact that the victims of their actions are completely innocent ordinary people. Biological agents are a silent killer, which means that they can be used at any time, without knowing of the victim that the attack has begun. The first sign of a biological attack may be the reports of "hundreds of thousands of dead or dying patients." Starting from these properties of bioterrorism or the use of biological agents for terrorist purposes, there are many reasons against as well as for their use. Militant individuals who represent some vague, amorphous, constituting group can opt for biological weapons. It can also be religious groups such as the fanatic avengers, for example, those associated with Osama Bin Laden or those who prefer violence. However, as key reasons for the increased possibility of using biological agents by terrorists of this profile may be cited:<sup>1</sup>

- The desire of a large number of militant individuals and groups for revenge towards opponent countries, using the violent means;
- A large number of religious fanatics and high-rehearsed militant Islamic and other individuals and groups motivated by religious beliefs or revenge, which are at the end of armed conflicts in

---

<sup>1</sup> More information in: Stern, J.: Extreme terrorists, Alexandria Press, Belgrade, 2004, pp. 9-16, 41, 95, 105-106.

Afghanistan and the former Yugoslavia and are seeking asylum in the countries around the world;

- Increased professional, technical and technological capabilities for production of biological weapons even in countries that support terrorism, including the possibility of producing these resources in the "home construction";
- Increased availability of terrorism expertise, components and finished biological means and methods on the illegal market, often with the help of Internet technology.

### **Epidemiological characteristics of bio-terrorist acts**

American specialists have singled out certain categories of pathogens that cause outbreaks that may be of interest to terrorists. The highest categories are smallpox, anthrax, plague, botulism, tularemia, hemorrhagic fever, and new species of flu. In reality, those that can be used in these purposes are smallpox, anthrax and influenza, which are particularly dangerous because the infection carries out airborne mechanisms. The space in which an attack may occur is a very complex situation. Initially, epidemiologists will have critical information about the act of attack. From the moment of infection to the onset of symptoms (the incubation time), it may take a few days (e.g. for smallpox from 7 to 12 days). During this time, terrorists can safely withdraw from these territories and destroy all the technical means of attack so that there are no traces of the attack. Epidemics can affect a significant proportion of the population of major cities before it is determined that there is an existence of epidemic and of what kind it is. During the infection, it is necessary to isolate the infected in specialty hospitals, so that the epidemic would not take large proportions which would lead to significant socio-economic and human losses. Furthermore, the first signs of infection of unknown origin may appear as the usual seasonal viral or bacterial infection, until a clear clinical form is obtained (for example, smallpox appears as hives). Thus, specialists will not have critical information about the application of adequate measures. Third, it is difficult to estimate the losses objectively, even if they had all the necessary information on time.

In the cases when a mass outbreak caused chaos, it is possible, though unlikely, that the terrorists attack again with another type of pathogen (the so-called dual shock). Therefore, in order to combat the epidemic and to assess its real dimensions, epidemiologists and specialists must have a critical mass of operational information from the field; they must work out mobilization plans and estimate the number of engaging people and resources for the reactivity and fire outbreaks. Even in situations when the source of infection and the means of therapy and prophylactics are known,

significant organizational problems related to isolation procedures, hospitalization and treatment of hundreds of infected persons, the implementation of prevention in those who are exposed to infection, largely remain. Also, an important place in the organization takes the struggle with the effects of the epidemic, which implies a set of ground surveillance over the necessary resources for diagnostics, prophylactics, treatment and disinfection of.

Many cases of illnesses and death resulted from a bio-terrorist attack usually lead to significant demographic changes in the given area, as a result socio-economic collapse. In addition, in this area many psychological problems and phobias occur, and they are associated with the death of close people, relatives and people who are related in various ways.

### **Security and legal context – bio-safety**

Numerous provisions of the laws and regulations of the Republic of Serbia in the area of security suggest that the epidemics reached their level of importance of the security problems. As the most important of these regulations are mentioned: The Law on Emergency Situations,<sup>1</sup> Law on Defense,<sup>2</sup> Law on the Army of Serbia,<sup>3</sup> Police Act,<sup>4</sup> Law on Public Assembly,<sup>5</sup> Law on Security Services of the FRY (now Serbia), Law on the Security Information Agency,<sup>6</sup> Criminal Code,<sup>7</sup> The National Security Strategy,<sup>8</sup> and Strategy of Defense.<sup>9</sup>

Similarly, epidemics have been defined in some relevant documents of the United States. Thus, for example, the National Strategy for Pandemic Influenza U.S. (bird flu), was elaborated by the Council of Homeland Security of the United States. The strategy laid the foundations of the suppression and prevention of avian influenza in the security sector, relying on three basic pillars (readiness and communication, surveillance and detection, and response and prevention of the pandemic) and prescribing responsibilities for each part of the security system in particular.<sup>10</sup>

---

<sup>1</sup> Law on Emergency Situations, "Official Gazette of RS", no. 111/09, Belgrade, 29.12.2009, art. 8, par. 3.

<sup>2</sup> Law on Defence, "Official Gazette RS", Belgrade, br.116/07, Belgrade, 11 December 2007.

<sup>3</sup> Law on the Army of Serbia, "Official Gazette RS", br.116/07, Belgrade, 11 December 2007.

<sup>4</sup> Police Act, "Official Gazette of RS", no. 101/2005, Belgrade, art. 2 and 15.

<sup>5</sup> Law on Public Assembly, "Official Gazette of RS", no. 51/92, 53/93, 67/93 and 48/94, "Official Gazette of RS", no. 21/2001 - Decision of the Federal Constitutional Court and the "Official Gazette of RS", no. 101/2005 - Belgrade, art. 11.

<sup>6</sup> Law on the Security Information Agency, "Official Gazette of RS", no. 42/02, Belgrade, art. 2.

<sup>7</sup> Criminal Code, "Official Gazette of RS", no. 85/05, art. 248-250.

<sup>8</sup> The National Security Strategy, April 2009, Belgrade, Section III.

<sup>9</sup> Defense Strategy of the Republic of Serbia, October 2009, Belgrade, Section 2.

<sup>10</sup> *National Strategy for Pandemic Influenza*, Homeland Security Council, November 2005.

The division of responsibilities in preventing and combating epidemics of infectious diseases between the state organs is specific. In general, for these activities appropriate health and veterinary authorities and organizations are responsible. However, in cases of armed conflicts, if they are directed toward combatants, the greatest part of the responsibilities for their control is given to specially trained units of the army and the armed forces, systematically trained for such activities during an armed struggle. In the third situation, if the epidemics are used as part of criminal and terrorist activities, a key competence in their suppression have the police and judicial authorities. Despite the fact that in combating bio-terrorist attacks it is difficult to include the military or armed forces, their integration, in accordance with the law, may be necessary, due to the fact that they are the only units of the army trained and equipped for an adequate response in these kinds of situations.

### **MODELING AND ANALYSIS OF CONSEQUENCES OF BIO-TERRORIST ACTS**

Modern epidemiology has raised an important theoretical, experimental and practical material that accurately reflects the main features of the process of creation, dissemination and fire outbreaks and especially dangerous infections. From a practical point of view, epidemiology is always associated with science-based measures of prophylactics and the assessment of the effectiveness which determines the profitability of economic expediency-epidemiological measures of modern society.

One of the most important achievements of modern epidemiology is the use of mathematical modeling. Sense of modeling is that it does not perform real experiments, but computational experiments over the appropriate model, which are easily repeatable. They can include all possible situations that would occur in a real experiment. Real epidemiological experiments would be costly, life-threatening and morally intolerable. If the modeling results accurately portray the dynamics of epidemics (the spread in space and time) as a result of a bio-terrorist act, then the mathematical modeling obtains critical information.

The first step in studying the occurrence of the unknown infection is laboratory testing and setting diagnostics. This allows the surgical creation of the mathematical model of the pathological process in order to determine the place and time bio-terrorist act. It is important to use objective criteria in the modeling in order to accurately assess the number of infected and to form the curve of infection. Infection curve makes it possible to predict disease progression and to overtake appropriate action in response.

## Using GIS (geographic information system) to fight the spread of epidemics

In order to cope with epidemics, specialists have traditionally used maps to analyze the different epidemic situation in the territories where they appeared as extremely threatening diseases. In the cases of major epidemics it is an interesting layout of settlements, composition and density, features of the climate, the level of health care and other factors. Modern Geographic Information Systems and Technologies in particular meet the needs of epidemiologists in the implementation of procedures of legality - by visualization of the spread of epidemics on the map. Computer-graphics creation process and the development of epidemics implemented in a GIS is a powerful tool for checking a series of working hypotheses in relation to the side effects and conditions of use of biological weapons. The computer models allow the analysis of an epidemic and predicting the number of patients, levels of mortality and the spread of epidemics in space and time which enables the production of rational strategies to combat the infection. Recognizing the threat of the bio-terrorist attack in 2005, in Lyon was held the International Conference on combating bioterrorism. The conference was dedicated to creating an international system of prevention and fight against bioterrorism. The conference was attended by representatives of 140 countries and the participants gathered as a result of the understanding that especially dangerous diseases would pose a danger to all humanity.

### EPIDEMIC MODEL

Assume a hypothetical situation that the terrorists used a new type of flu, of which a vaccine has not yet been found. The only treatment is the clinical antiviral treatment. Also, we will assume that the virus attacked a city of 2.5 million inhabitants (the size of Belgrade) and that 12 people were infected. Each of them has contacted during the day with 5 other people and so many of them infected. Population exposed to flu is divided into five groups: S-susceptible (uninfected) members, L-latent (infected but not carriers of the virus), I-infected, A-asymptomatic group (infected but not immune), and R-recovered.

The so-called model SLIAR is based on the following assumptions:

1. The initial population has a numeric value  $N_0$ . The number of infected is small and amounts  $I_0$ . The number of people exposed to infection at the initial point is  $S_0 = N_0 - I_0$ .
2. People who have reduced immunity as initial population exposed to infection by the value of  $\sigma_s$ , where  $0 \leq \sigma_s \leq 1$ .

3. Part  $p$  from latent exceeds the group infected with the rate  $k$ , while the rest goes directly to the group of asymptomatic, too, with the rate  $k$ .

4. Infected individuals left the group  $I$  with stop  $\alpha$ .

5. Rates of migrations from group  $L_T, I_T, A_T$  are  $k_T, \alpha_T, \eta_T$  respectively. It is reasonable to assume that  $\alpha \leq \alpha_T, \eta \leq \eta_T$ , but there is no clear relationship between  $k$  and  $k_T$ .

6. Part of those who have recovered from illness  $I$  and  $I_T$  leaving groups is  $f$  and  $f_T$ , respectively. The number of deaths are  $(1-f)$  and  $(1-f_T)$ . It is reasonable to assume that  $f \leq f_T$ .

7. Antiviral treatment reduces the proportion of latent members who will develop symptoms of the disease factor  $\tau$  with  $0 \leq \tau \leq 1$ .

8. We will mark  $\varphi_L$  the part of the group  $L$  who had anti-viral treatment, and  $\theta_L$  on the part of those  $L_T$  who cross  $L$ . The same is true for  $\varphi_I, I, \theta_I$  and  $I_T$ , as for  $\varphi_A, A, \theta_A$  and  $A_T$ .

9. Members have the ability latent infection reduced the factor  $\varepsilon$ , where  $0 \leq \varepsilon \leq 1$

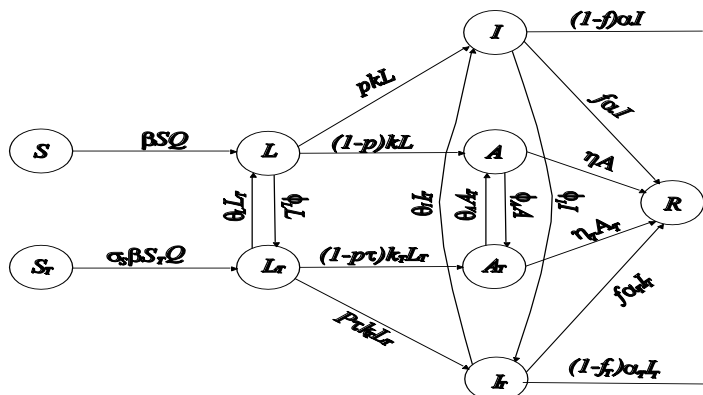
10. Individuals from the asymptomatic group have the ability to infect others reduced by a factor  $\delta$  of, where  $0 \leq \delta \leq 1$  transferred to the group  $R$  with the rate  $\eta$ .

11. Ability of infection of individuals from groups  $L_T, I_T, A_T$  is reduced by factors  $\sigma_L, \sigma_I, \sigma_A$  under the assumption that it is  $0 \leq \sigma_L \leq 1, 0 \leq \sigma_I \leq 1, 0 \leq \sigma_A \leq 1$ .

12. On average, infected individuals reduce the contacts by a factor, so we have a mixed population with the number  $N_M = N - qI - qI_T$ .

From the assumptions of (9) - (12) found that the number of infected  $Q = \varepsilon L + \varepsilon \sigma_L L_T + (1-q)I + (1-q)\sigma_I I_T + \delta A + \delta \sigma_A A_T$

This model can show the following Markovski graph



**Figure 1**

The process of spreading flu can analyze and display the following deterministic system of equations:

$$S' = -\beta S Q$$

$$S_T' = -\sigma_s \beta S_T Q$$

$$L' = \beta S Q - kL - \varphi_L L + \theta_L L_T$$

$$L_T' = \sigma_s \beta S_T Q - k_T L_T + \varphi_L L - \theta_L L_T$$

$$I' = p k L - \alpha I - \varphi_I I + \theta_I I_T$$

$$I_T' = p \tau k_T L_T - \alpha_T I_T + \varphi_I I - \theta_I I_T$$

$$A' = (1 - p) k L - \eta A - \varphi_A A + \theta_A A_T$$

$$A_T' = (1 - p \tau) k_T L_T - \eta_T A_T + \varphi_A A - \theta_A A_T$$

$$R' = f \alpha I + f_T \alpha_T I_T + \eta A + \eta_T A_T$$

$$N' = -(1 - f) \alpha I - (1 - f_T) \alpha_T I_T$$

$$Q = \varepsilon L + \varepsilon \sigma_L L_T + (1 - q) I + (1 - q) \sigma_I I_T + \delta A + \delta \sigma_A A_T$$

Adopt the following parameter values (Longini)

$k$	$k_T$	$\alpha$	$\eta$	$\alpha_T$	$\eta_T$	$p$	$\tau$	$S_0$	$I_0$	$\varphi_L$	$\varphi_I$	$\varphi_A$
0.52 6	0.52 6	0.24 4	0.2 44	0.3 23	0.3 23	0.66 7	0.4	2.499 $10^9$	12	1.61	1.61	1.61
$\theta_L$	$\theta_I$	$\theta_A$	$q$	$f$	$f_T$	$\beta$	$\sigma_I$	$\sigma_A$	$\sigma_S$	$\sigma_L$	$\varepsilon$	$\delta$
0.01 79	0.01 79	0.01 79	0	0.9 8	1.0 0	2 $10^{-6}$	0.2	0.2	0.7	0.2	0	0.5

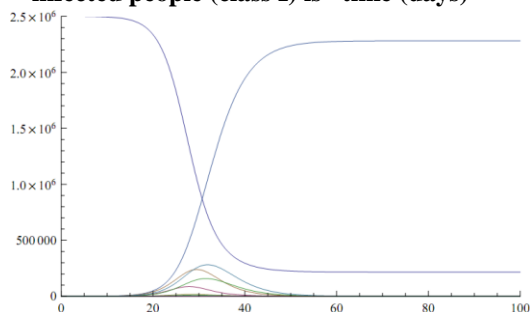
**Table 1. The values of parameters for the proposed model influenza outbreaks**

For given parameter values, numerically solves the system of equations (1) and is graphically displayed as in Figures 2 and 3.

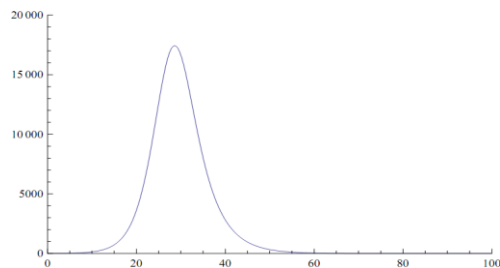
As we can see from the graphics, an epidemic would cease after 60 days. Infected would be over 17 000 people (!), and the maximum of the epidemic would be the twentieth eighth day of the terrorist attacks. As you can see, the epidemic would be great. In reality, to enforce measures of isolation - means that the dimensions of the epidemic would be much smaller, but still very large. This raises the question of organization of hospital accommodation, space for insulation, and means of treatment and so on.



**Figure 2. Classes of models given a function of infected people (class I) is time (days)**



**Figure 3 The number of given as a function of time (days)**



## CONCLUSIONS

In conditions of outbreaks of communicable diseases, management bodies, special organizations, their organizational units and departments in the Republic of Serbia are regulated by the relevant laws and regulations. Emerging out of the need of protection from epidemics in the Republic of Serbia, significant experience in this area was acquired during the threat of avian and swine influenza in the recent past. Nevertheless, it can be concluded that in this area there is a lack of suitable models for predicting the regularities in the spread of infectious diseases subjected to certain factors of influence, such as type of disease, vaccines, weather conditions and the like.

Sense of modeling is that it does not perform real experiments, but computational experiments over the appropriate model that are easily repeatable. They can imply to all possible situations that would occur in a real experiment. Real epidemiological experiments would be costly, life-threatening and morally intolerable. Population exposed to flu is divided into five groups: S - susceptible (uninfected) members, L - latent (infected but not carriers of the virus), I - infected, A - asymptomatic group (infected but not immune), R - recovered. That is the so-called model SLIAR.

## REFERENCES

- Criminal Code, "Official Gazette of RS", no. 85/05.
- Defence Strategy of the Republic of Serbia, October 2009, Belgrade.
- Health Protection Act, "Official Gazette of RS", no. 107/05.
- Law on Protection of Population from Infectious Diseases, "Official Gazette of RS", no. 125/04.
- Law on Emergency Situations, "Official Gazette of RS", no. 111/09, Belgrade, 29.12.2009.
- National Strategy to Combat HIV/AIDS, Ministry of Health, Belgrade, 2005.

Plan of activities before and during an influenza pandemic (brochure), Government of the Republic of Serbia, October 2005.

Police Act, "Official Gazette of RS", no. 101/2005, Belgrade.

Regulation on Health Protection of Population from Infectious Diseases, "Official Gazette of RS", no. 29/2002.

Regulation of immunization and methods of protecting drugs, "Official Gazette of RS", no. 11/2006.

Stevanović Obrad, *Rukovođenje u policiji*, Policijska akademija, Beograd, 2003.

Veterinary Act, "Official Gazette of RS", no. 91/05, Belgrade.

The conclusion of the Serbian Government to designate the contagious disease, avian influenza, "Official Gazette of RS", no. 92/2005.

National Strategy for Pandemic Influenza, Homeland Security Council, November 2005.

Stern, J.: *Extreme terrorists*, Alexandria Press, Belgrade, 2004.

**Dragana Kolarić, PhD**

*Academy of Criminalistic and Police Studies Belgrade*

*email: dragana.kolaric@kpa.edu.rs*

**EUROPEAN STANDARDS ON COMBATING  
TERRORISM AND THE CRIMINAL CODE OF THE  
REPUBLIC OF SERBIA  
– CURRENT SITUATION AND PERSPECTIVES**

**Abstract:** *The Criminal Code of the Republic of Serbia still makes distinction between the criminal offence of terrorism (Article 312) and the criminal offence of international terrorism (Article 391). The former is included among criminal offences compromising the constitutional order or security of the Republic of Serbia, and the latter refers to the Chapter XXXIV of the Criminal Code including criminal offences against humanity and other rights guaranteed by the international law. The existence of two distinct criminal offences is controversial. In preliminary considerations yet, the author indicates that the globalization of violence has resulted in the fact that terrorism is seen as "equal evil" by the whole international community and therefore the duality of two distinct criminal offences in respect to object of protection under criminal law has to be abandoned. In the second part of this paper, the author indicates to European standards on combating terrorism and to what extent criminal legislations of some states on the territory of the former SFRY is harmonized with them. In the third, central part, the author deals with the disadvantages of the Criminal Code of the Republic of Serbia and indicates the steps to be undertaken in order to harmonize it with the most significant European sources aimed at combating terrorism. Terrorism has proven to be a complex issue both by international organizations and national criminal legislations. Therefore, any suggestion in which direction the Criminal Code of the Republic Serbia has to be directed in the field of fight against terrorism is not an easy task.*

**Key words:** *terrorism, the Framework Decision, the Council of the European Union, the Council of Europe Convention on the Prevention of Terrorism, the Criminal Code of the Republic of Serbia, criminal offence.*

**INTRODUCTORY NOTES**

Ever since the terrorist incidents have been escalating all around the world, the international community is more focused on the implementation of idea that the national

criminal legislations should be well prepared to solve this complex phenomenon.<sup>1</sup> There is no doubt that terrorism today represents one of the most serious problems of a society. This is also indicated by many activities undertaken at the international level the goal of which is to prevent and suppress the criminal offence of terrorism. National criminal legislations are harmonized by introducing new criminal offences or expanding the criminal scopes of the existing ones. There is a question of whether the international sources and internal law harmonized with international documents by new antiterrorist legislation show authoritative trend which represents negation of legal state since it encroaches on the essential human rights guaranteed by the most significant international sources.

The theory even points out that counter terrorist incriminations represent a part of the terrorist logic itself and that the perpetrators of criminal offences thus seek the purpose and justification for their behaviour.<sup>2</sup> Despite the readiness and ever increasing consensus among the states regarding the reform and further development of legal solutions, this process faces many challenges.<sup>3</sup>

Reviewing the latest international measures in combat against terrorism (*Council Framework Decision on Combating Terrorism, 2002/475/JHA and Council Framework Decision 2008/919/JHA of November 28th, 2008 amending Framework Decision 2002/475/JHA on combating terrorism*<sup>4</sup>; *Council of Europe Convention on the Prevention of Terrorism CETS No. 196*<sup>5</sup>), we come to the conclusion that there must be a balance between the principles of legal state and the need to prevent terrorist acts, i.e. the protection of civil society and security, which implies partial encroachment on some

---

<sup>1</sup>This paper is the result of the realisation of the Scientific Research Project entitled „*The Development of Institutional Capacities, Standards and Procedures for Combating Organized Crime and Terrorism in the International Integration Conditions*“. The Project is financed by the Ministry of Science and Technological Development of the Republic of Serbia (No 179045), and carried out by the Academy of Criminalistics and Police Studies in Belgrade (2011–2014). The leader of the Project is Associate Professor Saša Mijalković, PhD.

<sup>2</sup> Carmen Lamarca Perez, Avelina Alonso de Escamilla, Ignacio Gordillo Alvarez-Valdes, Esteban Mestre Delgado, Alicia Rodriguez Nunez, Derecho Penal-Parte especial, Madrid, Colex, 2005, p. 707.

<sup>3</sup> The incrimination of terrorism and terrorism-related criminal offences represents a special challenge for democratic societies, since some legal provisions that would provide for criminal justice response may endanger the basic rights of citizens. On the other hand, a mild legal approach to the problem such as the criminal act of terrorism, which protects the citizens' rights firmly, can represent a risk for the security of a society. Terrorism has appeared to be a complex issue both for international organizations and national criminal legislations.

<sup>4</sup>For Serbia aspiring to become a full EU member as soon as possible, it of utmost importance to monitor the EU activities and its member states in the field of combat against terrorism. The most useful for any state is to revise some incrimination in its national legislation and thus cover the areas which the international documents consider worth including in the provision of terrorism and those crimes related to it.

<sup>5</sup> The Convention was adopted in Warsaw on May 16, 2005, and became effective on June 01, 2007. Our country ratified the Convention – *The Official Gazette of the Republic of Serbia – International Agreements*, No. 19/2009.

fundamental rights such as freedom of collaboration, the freedom of expression, the freedom of religion...

The Criminal Code of the Republic of Serbia still makes a distinction between the criminal act of terrorism (Article 312 of the Criminal Code) and the criminal act of international terrorism (Article 391 of the Criminal Code). The justification of the existence of two incriminations is disputable. Taking into account the globalization of violence, which has primarily political goals, it is clear that terrorism is equally evil to all, the entire international community and therefore the erstwhile duality of terrorist incriminations should be abandoned considering the object of protection (against the constitutional order and security of the Republic of Serbia – against the state and against the humanity and other right protected by the international law – international terrorism).

National criminal legislations are crucial when we talk about combating terrorism. This is why it is necessary to harmonize them with international sources which are not suitable for direct application as soon as possible. Although the Constitution of the Republic of Serbia in its Article 16 points out that the rules of international law are generally accepted and that the acknowledged international agreements make constitutional part of our legal system and are applied directly, with the limitation that the international agreements must be in accordance with the Constitutions, when the material criminal law is concerned, primarily because of the principle of legality, it is mostly not possible to apply directly still undeveloped and rudimentary standards of international agreements. They do not determine the elements of criminal offence in a sufficiently precise manner and they do not prescribe punishment for the behaviour which is considered a criminal offence.<sup>1</sup>

## STANDARDS SET BY INTERNATIONAL DOCUMENTS

Constant efforts to build international legal framework to define rules and standards undertaken in the direction of combat against terrorism are one of the important aspects following the development of terrorism. Manifesting forms of terrorism, as well as the means for their prevention and control have long been a subject of consideration by the United Nations, as well as some regional organizations. We shall analyse two international documents of recent date, which are of particular importance for the reform of Serbian criminal legislation. These are the *Council Framework Decision on Combating Terrorism, 2002/475/JHA dated June 13, 2002, with the amendments made in 2008* and the *Council of Europe Convention on the Prevention of Terrorism CETS No. 196*.

The Council Framework Decision on Combating Terrorism has thirteen articles. For national criminal legislations the most important are the following: Article 1, which

---

<sup>1</sup>Зоран Стојановић, Устав Републике Србије и материјално кривично законодавство, Зборник радова "Устав Републике Србије, кривично законодавство и организација правосуђа", Златибор, 2007. година, стр. 20.

defines terrorism in a unique manner for the entire EU territory<sup>1</sup>, Article 2, which defines a terrorist group<sup>2</sup> and Article 3, which defines the criminal offences related to terrorism.

The Framework Decision lists the following as terrorism-related criminal acts: aggravated theft, extortion and drawing up false administrative documents (Article 3 of the Framework Decision). This provision was subsequently amended in 2008<sup>3</sup>, so that in addition to the mentioned crimes, the crimes linked with terrorism are deemed the following: public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism. Public provocation to commit a terrorist offence means distribution, or putting at disposal public messages in any other way with the intent to instigate committing of criminal offense of terrorism, regardless of whether the act will be committed or not. Recruitment for terrorism means seeking other people who will commit any of the acts mentioned in Article 1 of the Framework decision. Training for terrorism means offering instructions in making or using explosives, fire or other arms or harmful and dangerous materials, or related to other specific methods or techniques

---

<sup>1</sup> Criminal offence of terrorism (or terrorist offence) is defined as an act which, considering its nature or context, may seriously damage a country or an international organization committed with the intent of seriously intimidating a population, or unduly compelling a Government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation. A terrorist act itself is carried out by committing some of the usual criminal offences prescribed by Criminal Codes of each respective country, to which exactly this specific intent or the goal which is desired to achieve give the possibility to qualify them as criminal offences of terrorism.<sup>1</sup> A criminal offence of terrorism, to that effect, is committed by attacks upon a person's life which may cause death; attacks upon the physical integrity of a person; kidnapping or hostage taking; causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss; seizure of aircraft, ships or other means of public or goods transport; manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons; release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life; interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life; threatening to commit any of the acts listed hereinabove (Article 1 of the Framework Decision).

<sup>2</sup> Terrorist group is defined as a structured group which consists of more than two persons, established over a period of time and acting in concert to commit terrorist offences. 'Structured group' means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure. Within a terrorist group, the difference is made between persons directing a terrorist group and those participating in the activities of a terrorist group (Article 2 of the Framework Decision).

<sup>3</sup> *Council Framework Decision 2008/919/JHA of November 28<sup>th</sup>, 2008 amending Framework Decision 2002/475/JHA on combating terrorism.*

aimed at committing one of the acts mentioned in Article 1 of the Framework decision, knowing that these skills are intended for this purpose.

The Council of Europe, the guardian of human rights, democracy and rule of law in Europe has dedicated attention to problems of terrorism for a long time. Special attention should be given to the *Council of Europe Convention on the Prevention of Terrorism CETS No. 196*. It was adopted in Warsaw on May 16, 2005, and became effective on June 1, 2007. The new Convention was adopted in order to increase the efficiency of the existing international instruments. Its goal is to strengthen the efforts by member states in preventing terrorism and sets two ways to achieve this goal. The first one is to incriminate certain behaviour: public provocation to commit a terrorist offense, recruitment for terrorism and training for terrorism. The second is to strengthen the preventive measures at both national and international levels (modification of the existing regulations on extradition and mutual assistance).

The provisions of Article 5 through 7 of the Convention are of particular importance for implementation into national criminal legislation (public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism). Public provocation to commit a terrorist offence means the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed (Article 5 of the Convention).

The Convention requires the signatory countries to incriminate recruitment for terrorism as well, which actually means hiring the possible future terrorists. The offence covers solicitation of another person to commit or participate in the commission of a terrorist offence, or to join an association or group, for the purpose of contributing to the commission of one or more terrorist offences by the association or the group (Article 6 of the Convention). Recruitment may be carried out in various manners and using various means, for instance via the Internet or directly contacting these persons. In order for the criminal offense to be completed, it is sufficient that the recruitment has been completed successfully, whereas it is not important that the recruit participates in the commission of a terrorist offence. The attempt of this criminal offence is also possible, if the activity on recruitment has been initiated but not completed (for instance, the perpetrator has not managed to convince a person to be recruited).<sup>1</sup>

Training for terrorism is a criminal offence which consists of providing instructions in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of carrying out or contributing to the commission of a terrorist offence, knowing that the skills provided are intended to be used for this purpose (Article 7).

As a result of harmonization with the most important international sources in the field of combat against terrorism, all countries of the former SFRY have revised their

---

<sup>1</sup> *Council of Europe, Explanatory Report to the Council of Europe Convention on the Prevention of Terrorism CETS No. 196*

respective criminal legislations. *Macedonia*<sup>1</sup> adapted twice its Criminal Code in the direction of making the provisions of terrorism more precise (first in 2008, and then in 2009). The Criminal Code accentuates three incriminations in the combat against terrorism (terrorist organization, Article 394a, terrorism, Article 394b and financing terrorism, Article 394v). As far as the criminal legislation in *Bosnia and Herzegovina* is concerned, we point out that it is mostly harmonized with the requirements of the international community. The Criminal Code of Bosnia and Herzegovina<sup>2</sup> introduced new incriminations in 2010, which refer to prevention and suppression of terrorist activities and their number increased. In the group of criminal offences against humanity and values protected by international law, the following criminal acts are included: terrorism (Article 201), financing terrorist activities (Article 202), public provocation to commit terrorist activities (Article 202a), solicitation for the purpose of terrorist activities (Article 202b), training for terrorist activities (Article 202c) and organizing a terrorist group (Article 202d). In a Chapter dealing with criminal offences against humanity and other right protected by international law, *Montenegro* has made several amendments. The most important are those that start from a new concept of criminal offences of terrorism. The basic criminal offence of terrorism (regardless whether it is against Montenegro, a foreign country or international organization) is included in Article 447 with many forms of commission. This criminal offence, as well as new criminal offences of terrorism such as public provocation to commit terrorist offence (Article 447a), solicitation and training for commission of terrorist offences (Article 447b), the use of lethal devices (Article 447c), destruction and damaging of nuclear facility (Article 447d), as well as financing terrorism (Article 449) have been included and harmonized with a number of conventions the goal of which is to prevent terrorist acts.<sup>3</sup> The existing Criminal Code of the *Republic of Croatia* became effective on January 1, 1998. It has been adapted several times since then. The latest adaptations are the result of harmonization with international sources and European legal achievements.<sup>4</sup> Two new criminal offences were introduced, and they are: public provocation to terrorism (Article 169a) and recruitment and training for terrorism (Article 169b). Also, the definition of criminal offence of terrorism (Article 169) has been harmonized with the Council of EU Framework Decision on Combating Terrorism. *The Republic of Slovenia* has also harmonized its criminal legislation with the relevant international documents in the field of combating terrorism. An entirely new Penal Code of the Republic of Slovenia was adopted, which became effective on November 1, 2008.<sup>5</sup> Article 108, which defines terrorism, has been expanded in

---

<sup>1</sup>"*The Official Gazette of the Republic of Macedonia*", No. 37/96, 80/99, 4/02, 43/03, 19/04, 60/06, 73/06, 7/08, 139/08, 114/09.

<sup>2</sup>"*The Official Gazette of Bosnia and Herzegovina*", No. 8/2010.

<sup>3</sup>"*The Official Gazette of the Republic of Montenegro*", No. 70/03 и 47/06 and "*The Official Gazette of the Montenegro*", No. 40/08, 25/10.

<sup>4</sup>"*Народне новине РХ*", бр, 110/97, 27/98, 50/00 – Одлука Уставног суда Републике Хрватске, 129/00, 51/01, 111/03, 190/03 – Одлука Уставног суда Републике Хрватске, 105/04, 84/05, 71/06, 110/07 и 152/08.

<sup>5</sup>"*Урадни лист РС*", бр. 55/08, 66/08-испр., 39/09.



accordance with *acquis communautaire*. Also, new criminal offences have been introduced: instigation and public glorification of terrorist acts (Article 110) and recruitment and training for terrorism (Article 111).

Introduction of new incriminations in order to protect society from terrorist activities represents a fulfilment of an obligation which the countries undertook by signing certain international conventions, particularly the 2005 Council of Europe Convention on the Prevention of Terrorism.

## CRIMINAL CODE OF THE REPUBLIC OF SERBIA

The criminal law of the Republic of Serbia still does not know new criminal offences in the field of combating terrorism. The question is then asked if the tendency to expand criminal justice repression in the field of combating terrorism is justified. New facts, public provocation to commit terrorist offence, recruitment and training for terrorism, require previous evaluation by the legislator prior to introduction into criminal code. The first to evaluate is the importance of the object to which criminal justice protection is offered, and then the degree of social danger of such behaviours. Criminal justice standard is justified if there is a legitimate object of protection and if it is possible to refer to violation or endangerment of some legal good. It is necessary at that for the criminal offence to be precisely determined, which means that the legislator should set a legal standard in such a concrete manner that the area of its application results from the text or in any case can be determined by interpretation. Criminal law must take into account the complexity of life and thus terrorism as well. This is why criminal justice standards are sometimes abstract and it is therefore unavoidable that in some cases there is doubt if some behaviour may be interpreted as legal actual position or not.<sup>1</sup> The request for determination of criminal justice standards does not exclude the use of notions in criminal law which need be interpreted by judges. Criminal offences of public provocation to commit terrorist act, recruitment and training for terrorism represent criminal offences of endangerment which include the preparation of terrorist acts. They initiate some questions which refer to legitimacy and boundaries of a new “preventive criminal law.” The period between recognizable preparation and commission of criminal act is in many cases short. The security agencies are therefore left with a narrow time span to prevent attacks. With these new criminal offences introduced, the government bodies can respond in the stage of preparation of terrorist attacks already. Endangering, when serious criminal acts are concerned, requires timely intervention of criminal law. It would be unacceptable if the competent government bodies would have to desist from, for instance, arrest of a person who undertook certain preparations (established a centre for training of future terrorists) because it has not yet come to the stage of the attempted commission of criminal offense of terrorism.

It has been proven that people, but also state institutions, tend to react irrationally as far as rarely occurring great risks are concerned. Scientific analyses suggest, for instance, that following the attacks of September 11, 2001, many American citizens

---

<sup>1</sup> Markus Bader, Das Gesetz zur Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten, *Neue Juristische Wochenschrift*, München, Beck Verlag, 39/2009, p. 2855.

used cars instead of airplanes for security reasons. The increased traffic jams and car accidents following this event caused quite a large number of road traffic related deaths which exceeded the number of victims in hijacked airplanes. Do government institutions also tend towards irrational reactions when great risks are at stake which might lead to endangering of some human rights and freedoms? From the aspect of new risks, the legislator must avoid mistakes in the course of future development of law, which despite good intentions may yield more damage than benefit for a legal state.<sup>1</sup>

Terrorism is a serious form of crime and in this case criminal law is *ultima ratio*, the last resort at the disposal to a society. It can be stated, in short, that potentially great danger from terrorist attacks justifies incrimination of certain behaviours as criminal offences in the stage of preparation already, if the guilt of a perpetrator is established. The perpetrator is sentenced to a punishment within limits prescribed by criminal code which prevents further activities by that person and possible completion of criminal offence of terrorism.

The current Criminal Code became effective on January 1, 2006, and has been updated twice since then.<sup>2</sup> We have already mentioned that taking into account the protecting object and direction of intent as a subjective part of criminal offence, it differentiates between terrorism and international terrorism. Criminal offence of terrorism exists when a perpetrator in his intention to endanger a constitutional order or security of Serbia causes explosion or fire or undertakes another generally dangerous activity or abducts a person, takes hostage(s) or deprives a person of freedom on his own will or commits any other act of violence or threatens to undertake a generally dangerous activity or use nuclear, chemical, bacteriological or some other generally dangerous substance and thus cause the feeling of terror or insecurity of citizens (Criminal offences against the constitutional order and security of the Republic of Serbia). Before the 2009 amendments of the Criminal Code only kidnapping was stated as a typical act of violence in the legal text. The legislator obviously thought that it was necessary to amend the existing legal description of criminal offence of terrorism in order to make a distinction in relation to the criminal offence of international terrorism. Moreover, except some questions, there is a tendency today that criminal justice response to terrorism is made equal regardless of whether it is directed towards a domestic country, foreign country or international organization (which is to a certain extent, at least when the basic form of commission is concerned, expressed in the original text of the Criminal Code of the Republic of Serbia from 2005).<sup>3</sup> International terrorism is committed by an individual who in his intent to harm a foreign country or international organization abducts a person or commits any other violence, causes explosion or fire or undertakes other generally dangerous activities or threatens to use nuclear, chemical, bacteriological or other similar substance (Criminal offences against humanity and other right guaranteed by international law).

---

<sup>1</sup> Ulrich Sieber, *Legitimation und Grenzen von Gefährdungsdelikten im Vorfeld von terroristischer Gewalt*, *Neue Zeitschrift für Strafrecht*, München, Beck Verlag, 7/2009, p. 353.

<sup>2</sup> "The Official Gazette of the Republic of Serbia", No. 85/2005, 72/2009 and 111/2009.

<sup>3</sup> Зоран Стојановић, Драгана Коларић, *Кривичноправно реаговање на тешке облике криминалитета*, Београд, Правни факултет, 2010. година, стр. 75.

The Criminal Code, when a criminal offence of terrorism is concerned, stipulates that preparation of such an act is punishable. Preparation of a criminal offence of terrorism, or plotting, as well as other offences against the constitutional order and safety may consist of procurement and making usable means for committing of offence, removing obstacles for committing of offence, making arrangements, planning or organising with others commitment of the offence or other activities related to establishing prerequisites for direct commission of the offence (Article 320, paragraph 2, of the Criminal Code). Plotting also includes the dispatch or transport to the territory of Serbia of persons or weapons, explosives, poisons, equipment, ammunition or other material for commission of one or more criminal offences from this group (Article 320, paragraph 3).

As far as international terrorism is concerned, the amendments to the Criminal Code of Serbia<sup>1</sup> include the provision according to which the preparation of international terrorism is punishable (Article 391, paragraph 4). The legislator is precise as to what this preparation consists of in the same manner as in Article 320, paragraph 2 of the Criminal Code (Article 391, paragraph 5). Therefore, it is only a framework definition which has already been quoted and which only partially includes the new criminal offences (public provocation to commit terrorist offence, recruitment for terrorism and training for terrorism). Preparation of terrorism and international terrorism, in the manner as formulated by the Criminal Code, opens even more dilemmas in the direction of reconsideration of legitimacy and specific quality of the standard, particularly when “other activities which create conditions for direct commission of a criminal offence” are concerned than the introduction of new criminal offences.

## **PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS**

Referring to the fact that new criminal offences encroach on the basic human rights such as freedom of expression and/or gathering cannot be accepted (particularly when the criminal offence of public provocation to commit a terrorist offence is concerned).

Freedom of expression is one of the important foundations of democratic societies. Article 10 of the European Convention on the Protection of Human Rights and Fundamental Freedoms is dedicated to the freedom of expression and the right to information. It points out that everyone has the right to freedom of expression. However, according to the Convention, the freedom of expression is not absolute. The state may, under certain circumstances, interfere with this freedom. Namely, paragraph 2 of Article 10 states that every limitation of freedom of expression, in order to be acceptable, must be motivated by some of the goals acknowledged as legitimate (national security, territorial integrity, public security, etc.). However, the existence of a legitimate goal is not sufficient for the interference of the state to be proclaimed in accordance with the Convention. Every limitation of freedom of expression must also

---

<sup>1</sup> "The Official Gazette of the Republic of Serbia", No. 72/2009.

be necessary in a democratic society and prescribed by law. According to the judicial practice of the European Court of Human Rights, the adjective “necessary” means some imperative social need.

There is a rich court practice related to this Article. For example, in case of *Hogefeld vs. Germany*<sup>1</sup> provocation to commit terrorist offence cannot be considered acceptable on grounds of the right to freedom of expression. The Court here was of the opinion that certain restrictions relating to the messages that might represent or even indirectly influence the commission of a criminal offence of terrorism were justifiable. Namely, in January 2000, the Court estimated as inadmissible the assumption related to the refusal of the Appeal Court to allow to the journalists to interview a former terrorist woman prior to completion of the trial. Although during the trial she criticized earlier activities of the organization she was a member of, she undoubtedly admitted that she believed in its ideology. The Court underlined that these statements *per se* did not represent provocation to commit a terrorist offence. However, considering her past, the supporters might interpret them as a call to continue terrorist combat. The Court was of the opinion that the restrictions represented a reasonable response to urgent social need and they were proportionate to the goals it was aspired to.

In case of *Brannigan and McBride*, the Court even thought that the action of the UK Government was justified by which they extended custody to those suspected of terrorist offences up to seven days without a court order. The Government was of the opinion that they were entitled to arrest and extend custody in their fight against terrorist threats, and the Court accepted it taking into account that the problem of terrorism represented without any doubt a serious issue and that the states were facing certain difficulties in undertaking efficient measures to suppress it.<sup>2</sup>

## CONCLUDING NOTES

Faced with the threat of global terrorism, there is an increasingly highlighted fact that security represents a right and not only a precondition to exercise other rights. Security as a right of an individual must develop parallel to personal freedoms and must be understood as one of the goals of the state, but always in accordance with other rights guaranteed by the Constitution.<sup>3</sup> As terrorism evolved over time, the international community changed its approach to it. The new relationship towards this problem is based on the protection of security which implies corresponding actions in the field of criminal law. This is exactly where there is justification for new and amended incriminations of terrorist acts. However, they must be neither too wide nor too rigid. If they are too wide within national criminal legislations, then they can easily endanger the fundamental freedoms and rights. Also, they are contrary to the basic principles of criminal law, and primarily the principle of legality and its *lex certa* part.

---

<sup>1</sup> *Hogefeld vs. Germany* (sentence), no. 35402/97, January 20, 2000.

<sup>2</sup> Жил Дитертр, Изводи из најзначајнијих одлука Европског суда за људска права, Београд, Службени гласник, 2006, стр. 347.

<sup>3</sup> Vania Patané, Recent Italian Efforts to Respond to Terrorism at the Legislative Level, *Journal of International Criminal Justice*, Oxford, Oxford University Press, 4 (2006), p. 1179.

However, it is undisputed that it is necessary to bring about the Law on amendments of the Criminal Code of the Republic of Serbia. The most important reasons are: to harmonize it with those international agreements which are important for the field of criminal legislation that Serbia has signed in the meantime and to harmonize it with legal acts and *acquis communautaire* of the EU, which represents an expression of Serbia's aspiration towards European integrations. Good criminal legislation is a necessary assumption for more efficient suppression of crime and achievement of protective function of criminal law, although this depends on its application to the large extent.

## REFERENCES

1. Bader, M. (2009), Das Gesetz zur Verfolgung der Vorbereitung von schweren staatsgefährdenden Gewalttaten, *Neue Juristische Wochenschrift*, München: Beck Verlag.
2. Black's Law Dictionary. (2004), St. Paul: Thomson West.
3. Дитертр, Ж. (2006), *Изводи из најзначајнијих одлука Европског суда за људска права*, Београд: Службени гласник.
4. Gardner, T. Andersen, T. (2006), *Criminal Law*, Belmont: Thomson Wadsworth.
5. Hoffman, B. (2009), Defining Terrorism, in *Terrorism and Counter Terrorism, Readings and Interpretations – third edition*, Prepare by Russell D. Howard, Reid L. Sawyer, Natasha E. Bajema, Boston: Higher education.
6. Lamarca Perez, C. Alonso de Escamilla, A. Gordillo Alvarez-Valdes, I. Mestre Delgado, E. Rodriguez Nunez, A. (2005), *Derecho Penal-Parte especial*, Madrid: Colex.
7. Nuotio, K. (2006), Terrorism as a Catalyst for the Emergence, Harmonization and Reform of Criminal Law, *Journal of International Criminal Justice*, Oxford: Oxford University Press.
8. Patané, V. (2006), Recent Italian Efforts to Respond to Terrorism at the Legislative Level, *Journal of International Criminal Justice*, Oxford: Oxford University Press.
9. Стојановић, З. Коларић, Д. (2010), Кривичноправно реаговање на тешке облике криминалитета, Београд: Правни факултет.
10. Стојановић, З. (2007), Устав Републике Србије и материјално кривично законодавство, Златибор: Српско удружење за кривичноправну теорију и праксу.
11. Sieber, U. (2009), Legitimation und Grenzen von Gefährdungsdelikten im Vorfeld von terroristischer Gewalt, *Neue Zeitschrift für Strafrecht*, München: Beck Verlag.

**Simona Strmečki, B.Sc**  
Ministry of the Interior R. Croatia  
[sstrmecki@fkz.hr](mailto:sstrmecki@fkz.hr)

**Krunoslav Antoliš, PhD**  
Police College Zagreb  
[kantolis@fkz.hr](mailto:kantolis@fkz.hr)

## **THE IMPORTANCE OF ICT FOR THE COMMON EU'S FOREIGN AND SECURITY POLICY**

*Abstract:*

*For the purpose of efficient establishment of EU's foreign and security policy, it is necessary to increase investments in the field of information and communication technology (ICT) in order to efficiently stimulate the processes such as situation assessments, decision making, giving and executing orders, i.e. investments in the C4ISR information system (Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance). Development of crisis management processes is possible by using the ICT, which can, in the end, contribute to the field of conflict prevention, which greatly influences the stability and security in crisis areas. The ICT has an irreplaceable role in the processes connected with combat missions against terrorism, antiballistic defense, responses in the use of weapons for mass destruction, evacuations of civilians and assistance in cases of natural disasters. It is important to emphasize the role of the Global Information Grid (GIG), which enables users' access, exchange, utilization and management of data, regardless of their location. In this grid the management is centralized and this enables common actions by military and other entities, but not the common management of different entities, e.g. military and scientific. The ICT has a role in the Preparatory Commission for the Comprehensive Test Ban Treaty Organization (CTBTO), where The International Data Centre (IDC) is established to be in charge of data collecting, processing, analyzing and reporting. Collecting of data is conducted by the International Monitoring System (IMS), which is consisted of the global network of sensors for detection and recording possible nuclear explosions, while data and information are received and transported by the Global Communications Infrastructure (GCI). Strategic plans and priorities are developed at the EU level, which includes the establishment of European Bomb Data System within the Europol Information System. All of the above mentioned give ICT very important position which is of great importance for the future of common EU's foreign and security policy.*

*Key words: ICT, Common Foreign and Security Policy.*

The goals of the Common Foreign and Security Policy of the European Union are founded on the following key components:

- military crisis management,
- civilian crisis management and
- conflict prevention.

Military and civilian crisis management is known as the Petersberg Tasks<sup>1</sup> and it comprises contributions to the collective defense, humanitarian and rescue tasks, peacekeeping tasks<sup>2</sup> as well as combat-force tasks in crisis management, including peacemaking. Insufficient investment into new technologies in the areas of defense and security, primarily in C4ISR – battle command IT system, is one of the key problems the EU faces with in obtaining higher capability in implementing the goals of the Common Foreign and Security Policy (visible in partnership harmonization with NATO), as well as in autonomous action and readiness (faster and more efficient) to react in times of international crisis. The task of C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance) IT system is, on the basis of the data and information collected through IT<sup>3</sup>, to transfer the data to computers. This enables the command centre, by using special military IT support, to receive the processed data in a form which provides easier evaluation of the situation, optimal decision making<sup>4</sup>, issuing orders and supervision of the execution of the decisions. C4ISR command systems rely on aircraft and geostationary satellites. Pilotless aircraft, crewless vehicles and robots are more and more

---

<sup>1</sup> The Petersberg Tasks were defined by the WEU Council of Ministers in 1992, and came under the jurisdiction of the European Union with the Amsterdam Treaty.

<sup>2</sup> Before European Peace Corps were established, the European Union and NATO agreed on the manner of their mutual cooperation and the use of NATO's military assets. The agreement is known as the Berlin Plus Agreement.

<sup>3</sup> As this assumes cordless communication, high standards for security and jamming resistance of the system were defined.

<sup>4</sup> Based on the intelligence received, surveillance and scouting, timely and valid decisions can be made regarding early warnings. The communication system is based on TDMA (Time Division Multiple Access) technology, i.e. on the transfer of digital signals through the communication channel in such a manner that every user is assigned a timeslot when they are connected to other participants within the same high frequency range. The same communication channel is used and interest groups do not interfere with each other as each of them uses different short timeslots for communication. During each timeslot part of the signal is transferred. Afterwards all the parts are 'combined' into the original signal at the receiving end. During transmission, the signal is divided into smaller bit streams which are sent at appropriate times – the so called time multiplex.

involved in combat systems and they are being developed so that they can function as autonomously as possible. Standards and guidelines for processing, transfer and shaping of information as well as security standards are all developed according to JTA (*Joint Technical Architecture*) structure and are available to the public. Parts pertaining to military use and not available to the public comprise approximately 15%. The major part of JTA structure describes the ways information technology can supplement basic standards and equipment, information processing standards (POSIX, SQL), data transfer standards (TCP/IP, HTTP), system function model, simulation models, user interface and security standards (SSL).

In crisis management (combat missions against terrorism, anti-ballistic missile defense, responses in cases when weapons of mass destruction (WMD) are used, evacuation of civilians and providing assistance in cases of natural disasters) a global information exchange network (*Global Information Grid – GIG<sup>1</sup>*) is needed. It would provide the users with access to exchange and use of data and their implementation regardless of location. Management of such a network is centralized. Even though it enables joint activities of military and other entities, it does not enable joint management over different types of entities (e.g. military and scientific).

Inadequate crisis management, except for short term consequences, directly and negatively affects conflict prevention in the sense that its consequences have a deteriorating impact on development, they increase inequality and cause political instability, i.e. have a negative impact on security.

The Member States of the European Union, by accepting the European Security Strategy *A secure Europe in a better world* at the intergovernmental conference in 2003, agreed on the existence of security threats.

The European Security Strategy identifies security threats as:

- proliferation of weapons of mass destruction,
- international terrorism,
- state failure, and
- organized crime.

Alongside with the European Security Strategy, the Strategy against the Proliferation of Weapons of Mass Destruction<sup>2</sup> was adopted. It is an action plan for combating the proliferation of weapons of mass destruction

---

<sup>1</sup> The European Organization for Nuclear Research from Geneva - CERN initiated the implementation of the Data Grid, a global information exchange network, at the level of the European Union.

<sup>2</sup> <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>



and it contains detailed instructions for prevention, detection and suppression of the proliferation of weapons of mass destruction and the means for their production, as well as the possibility of extending the expertise and technologies for their dual purpose.

There are three key factors in the suppression of the threat coming from WMD identified in the Strategy against the Proliferation of Weapons of Mass Destruction.

The first factor is the **importance of multilateral agreements** as legal foundations for all European forces for the suppression of WMD, i.e. cohesion of norms in international agreements and their protocols through Nuclear Non-Proliferation Treaty, treaties with the International Atomic Energy Agency, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention as well as international regulations preventing the proliferation of ballistic missiles. At European level, the Preparatory Commission for the Comprehensive Test Ban Treaty Organization – CTBTO verifies breaches of the aforementioned norms. The International Data Centre – IDC<sup>1</sup> was established as part of CTBTO. It is in charge of collecting, processing and analyzing data as well as reporting. Data is collected through the International Monitoring System – IMS which comprises a global network of detection sensors which register potential nuclear explosions. The International Surveillance System uses seismic, hydro-acoustic and infrasound surveillance technologies under ground, under water and in the atmosphere. Data and information is received and transferred via the Global Communications Infrastructure – GCI, whose communication authenticity and security is verified by digital signatures.

Another factor refers to the **necessity of promoting a stable regional and international environment**. This implies providing assistance by the European Union to regional and international security programs dealing with the prevention of the proliferation of WMD, regional control of (nuclear) armament and disarmament processes. Strategic plans and priorities, among which is the establishment of the European Bomb Data System, within the Europol Information System, are decided on at the level of the European Union. The establishment of the European Bomb Data System was defined as a strategic plan in 2007 at the conclusion of the European Union Council on supplementing the Strategic Directions and Priorities concerning security enhancement regarding explosives<sup>2</sup>. The European Bomb Data System represents a common instrument of the European Union, which gives the

---

<sup>1</sup> The International Data Centre is located at the headquarters of the Preparatory Commission in Vienna.

<sup>2</sup> <http://register.consilium.europa.eu/pdf/en/07/st15/st15618.en07.pdf>

Member States constant access to the information on incidents involving explosive devices. Operational units within the Member States use the so called secure part of the Internet for accessing data bases, whereas other competent bodies access the system in line with the provisions on the confidentiality of the national legislature. Central data processing base is classified as a separate category within the Europol information system, and contains information on explosive attacks and arson throughout the European Union. The European Commission and the Europol, through available funds of the Prevention and Fight against Crime financial program, work on improving the European Bomb Data System, mostly in the area of improving information security.

The third factor is **close cooperation with key partners**: the United States of America, the Russian Federation, Japan, Canada, the United Nations and other international organizations involved in efficient prevention of the proliferation of WMD.

The proliferation of WMD is closely linked to international terrorism, i.e. any security policy for combating international terrorism includes prevention of the proliferation of WMD.

From the aspect of information and communication technologies, combating terrorism at the level of the European Union can be implemented by taking the following measures:

- preventing of the spread of radicalism via the Internet (prevention measures according to the European Union Counter-Terrorism Strategy),
- improving technologies for collection and exchange of data on passengers, including biometric data in identification documents and passports, reducing the vulnerability of critical infrastructure against electronic attacks (protection measures according to the European Union Counter-Terrorism Strategy),
- exchanging criminal intelligence information, the European Arrest Warrant and surveillance of Internet telephony (pursuit measures according to the European Union Counter-Terrorism Strategy),
- protecting privacy (accountability measures according to the European Union Counter-Terrorism Strategy).

Spreading of radicalism through the Internet can be prevented by monitoring websites with a radical content. The monitoring can be implemented by using the Internet security portal called Check the Web, established in 2007 within the Europol. It enables the Member States access to the consolidated data on radicalism on the Internet, list of links pointing at the websites being monitored, and communication with the Europol in The Haag. A maximum of 5 experts from each country are given access to the portal.

Technologies for collection and exchange of information on passengers can be improved by implementing biometrical identification methods in identification documents and passports, as well as by enhancing technologies on the outer borders of the European Union. A significant improvement was achieved by implementing information systems which include biometric data bases – the Visa Information System and the Schengen Information System.

The Visa Information System<sup>1</sup> enables fast and unified exchange of information on visas between the Member States. The purpose, functionality and accountability for the Visa Information System have been defined, as well as the conditions and procedures for data exchange between the Member States. The goal is to raise internal security of the Member States and combat illegal immigration whilst sustaining common visa policy. The Visa Information System consists of national visa information systems, which are linked to the European Union central information system. In addition to enabling fast exchange of data on visas between the Member States, the Visa Information System constitutes an instrument of support to the common visa policy. It simplifies security checks on the outer border as well as within the Member States, and is the key element in the implementation of the so called Dublin Regulation on determining which member state is responsible for processing an application for asylum and identification and return of illegal immigrants.

The Schengen Information System, which was created through exchanges of information between the Schengen Member States who currently maintain the system, enables the common border control and procedures which are implemented for the purpose of minimizing possible security problems, arising from the abolition of internal borders and mutual exchange of information, primarily in the form of enhanced police cooperation. The Schengen Information System comprises the central information system located in Strasbourg and national information systems. The purpose of the information system is clearly defined in Article 93 of the Convention Implementing the Schengen Agreement according to which “The purpose of the Schengen Information System shall be... to maintain public policy and public security, including national security, in the territories of the Contracting Parties and to apply the provisions of this Convention relating to the movement of persons in those territories, using information communicated via this system.”

---

<sup>1</sup> The Visa Information System was established by the Council Decision of June 8, 2004, No 512/2004.

## References:

1. Council Decision of 8 June 2004 establishing the Visa Information System (VIS) (2004/512/EC). *Official Journal L 213* , 15/06/2004 P. 0005 - 0007
2. Council of the European Union. Towards a European Security Model. 5842/2/10 REV 2. Brussels, 23 February 2010
3. European Commission. [Schengen area](#). Europa web portal. [http://ec.europa.eu/home-affairs/policies/borders/borders\\_schengen\\_en.htm](http://ec.europa.eu/home-affairs/policies/borders/borders_schengen_en.htm). Retrieved 13 January 2011.
4. Hornby, S., Clarke, Z. (2004) Challenge and change in the information society, Facet, London.
5. Opinion on Implementing the Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (2005) Data Protection Working Party, Official Journal L385, Brussels, (Opinion 112/2005).
6. Opinion on the Proposal for a Directive of the European Parliament and of the Council on the Retention of Data Processed in Connection with the Provision of Public Electronic Communication Services and Amending Directive 2002/58/EC (2005) Data Protection Working Party, Brussels, (Opinion 113/2005).
7. Opinion on the Proposal for a Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short stay-visas (2005) Data Protection Working Party, Brussels, (Opinion 110/2005).
8. Towards a knowledge-based Europe – The European Union and the information society (2003) Office for Official Publications of the European Communities, Luxembourg.

**Sergiu Adrian Vasile, PhD**

Ministry of Administration and Interior "Alexandru Ioan Cuza" Police Academy  
[amalia.nitu@academiadepolitie.ro](mailto:amalia.nitu@academiadepolitie.ro)

**Amalia Nitu PhD**

Border Police, Schengen Training and Foreign Languages Department  
[sergiu.vasile@academiadepolitie.ro](mailto:sergiu.vasile@academiadepolitie.ro)

## **RECONFIGURATION AND THE PERSPECTIVES OF SECURITY STRATEGIC AREAS IN THE EUROPEAN**

### **Abstract:**

*The world is an unsafe environment, with sharp conflicts, where the war is the rule rather than exception. The theoretical roots of this vision can be found in Thomas Hobbes's philosophical work. The concepts of danger, threat, risk and vulnerability have been defined by different doctrinal implicit and explicit theories related to security, but the consensus doesn't seem to have been reached. In the study of these terms we intend to make a conceptual clarification of the areas of security policy across Europe in general and the prospects of the dynamics of these vectors, in particular, without mentioning only the existing trends. While the USA, as a sovereign state with clearly defined borders was able to adapt their concepts in a short period of time, after September 11<sup>th</sup>, the EU is still hampered by institutional inconsistencies when they have to react to crisis situations. Unlike the concepts available in the U.S., in the field of security philosophy, organization and equipment of structures, Europe still looks like a cluster of states and administrative traditions. Neither the treaties provide the harmonization of public administration in Member States nor does the European Commission have the means to impose its laws, with some exceptions in terms of fair economic competition laws.*

*Keywords: European space, risks, threats, dangers, strategic areas*

## **IDENTIFICATION AND DEFINITION OF THE MAIN TERMS**

Generally speaking, in terms of risk, one can say that it is reflected in the gap between positive expectations and negative events that may occur, and their probability of occurring. The risk is caused by indeterminacy, the impossibility to know future events, representing a potential state, which, under certain circumstances, can become effective. Sociology defines risk as an expression either of a structural indetermination of reality, or the

uncertainty of the insufficiency of our knowledge about the actual processes<sup>1</sup>. At the same time, social psychology emphasizes the subjective side of risk: a complex psychological phenomenon resulting from the relationship between the probability of success and failure of actions aimed at achieving a certain goal with individual or social significance<sup>2</sup>.

The threat, in contrast, has more concrete indicators, representing a declaration of intent to punish or injure a person, especially if it does not give a sign or warning of possible trouble, danger, etc<sup>3</sup>. Threats, according to some authors, can be defined in relation to the risks, representing the risk factors evolving towards a concept, specifically - the actual existence, and in a certain context or environment, acquiring both direction and intent. The danger could be defined as characteristic of an act or omission detrimental to the values of a society, persons or property. In case of danger, the source, purpose, objectives and effects are probable<sup>4</sup>.

From a military perspective, threat analysis may consider the ongoing process of compiling and reviewing all available information on, for example, potential terrorist activities. Such an analysis will highlight both the existence of terrorist group factors, capabilities, intentions, history and their targets and the security environment in which its own forces operate<sup>5</sup>. The more specific the threat is, the clearer the sources and targets are.

The main risks and threats of political, economic, social and military character can endanger the safety of the citizens and Romania's national security, its values and interests as a member of the European and Euro-Atlantic community. They are structured in cross-border terrorism, proliferation of mass destruction weapons, regional conflicts, transnational organized crime and ineffective government. Risk management generally involves three distinct phases: risk identification, risk analysis and risk approach / response to risk<sup>6</sup>. As a general rule, risk is the likeness that a threat may produce consequences by exploiting vulnerability.

---

<sup>1</sup> **Thomas Hobbes**, *Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil*, 1651.

<sup>2</sup> **Zamfir, V., Cătălin and Lazăr**, *Dictionary of Sociology*, Babel P.H., Bucharest, 1993, p. 516.

<sup>3</sup> **Tuciov Bogdan, Chelcea Septimiu, Golu Mihai, Golu Pantelimon, Mamali Cătălin, Pânzaru Petru**, *Dictionary of Social Psychology*, Editura Științifică și Enciclopedică, Bucharest, 1981, p. 215-216.

<sup>4</sup> **Oxford Dictionary of Current English**, Second Editura Christina Ruse, *Oxford University Press*, 1988.

<sup>5</sup> **Alexandrescu Grigore** - *Amenințări la adresa securității*, Centrul de Studii Strategice de Apărare și Securitate, Editura Universității Naționale de Apărare, București, 2004, p. 8.

<sup>6</sup> **Joint Publication 1-02**, *DOD Dictionary of Military and Associated Terms*, 23 March 2004.

Risk analysis involves estimations of the risks identified in the previous stage and their classification in more or less severe, with relevant impact or without direct action, easier or more difficult to avoid. Risk analysis is compared to existing threats and vulnerabilities. The result of risk analysis is the active support for management at all levels for the purposes of determining a feasible decision. Typology of risk analysis is multiple, given the purpose for which it serves: quantitative, qualitative, comparative, descriptive, predictive or preliminary risk analysis<sup>1</sup>.

In the socio-economic studies, the concept of risk analysis is referring to the assessment of risks that may affect the socio-economic environment. By extrapolation, risk analysis in the public order and national security field aims to identify factors that may affect national security in various forms; one of these forms is border security and social issues that may be affected by illegal migration.

The common concept of risk analysis (**CIRAM**) underlines three levels of risk analysis:

- **Strategic level** refers to the level at which the relevant decisions are taken at national or bi-national level, or at the level of the entire European Union. Strategic information has long-term targets set by the law enforcement agencies and suitable access ways to change the policies, programs and even legislation.

- **The operational level** consists of specific elements of any kind of illegal transactions. This includes information, assumptions or strengthening measures against specific crime networks, individuals or groups involved in illegal activities outside the law.

- **The tactic** that can be defined as a basic level that relates to the effective control of traffic flows in situations in progress.

In the border law enforcement, risk analysis in general, and risk analysis at the European Union external borders and the Schengen area, in particular, follows the guidelines created by the Frontex Agency. The common concept of risk analysis (**CIRAM**)<sup>2</sup> is based on the most effective practices identified in the Member States of the European Union, but not exclusively.

---

<sup>1</sup> Cornescu Victor, Martinescu Paul, Curteanu Doru, Toma Sorin, *Managementul riscului*, Editura Universității, Bucharest, 2004;

<sup>2</sup> **CIRAM** - *Common Integrated Risk Analysis Model*.

## COMPARATIVE STUDY BETWEEN THE EUROPEAN BORDERS AND THE BORDERS OF THE UNITED STATES OF AMERICA

While the USA as a sovereign national state with defined and clear borders,<sup>1</sup> were able to adapt these concepts in a short period of time due to the global challenges including here the post - September 11<sup>th</sup> 2001, the EU is still hampered by institutional inconsistencies when they are to react in crisis situations. Unlike the uniform concepts available in the U.S. philosophy in the field of security, organization and equipment of structures, Europe still looks like a patchwork of states and administrative traditions. Neither the treaties provide harmonization of public administration in the Member States, nor does the European Commission have the means to impose its laws, with some exceptions in terms of fair economic competition laws.

Moreover, border security, closely related to sovereignty and justice,<sup>2</sup> remains a difficult area to implement supranational<sup>3</sup> concepts. Thus, despite the vast influence of the European Union upon the rules governing the internal space without borders and crossing of the external borders, border control remains a prerogative of the Member States. This has caused serious concern in the period which has elapsed after the events of September 11<sup>th</sup> 2001, during which Europe has addressed the security mechanisms.

The Laeken Summit in December 2001 criticized the increasing imbalance in the financial costs of the external border. By that time the costs were covered almost equally by all Member States and especially by Germany and France, the gradual increasing of the Schengen area has

---

<sup>1</sup> **Meyers D., R. Koslowski and S. Ginsburg**, *Room for progress. Reinventing Euro-atlantic Borders for a New Strategic Environment*, MPI October 2007, p. 5, <http://www.migrationpolicy.org/pubs/EuroAtlanticBorders103107.pdf>.

<sup>2</sup> See, **Sieber, U.**, *Die Zukunft des Europäischen Strafrechts. Ein neuer Ansatz zu den Zielen und Modellen des europäischen Strafrechtssystems*. To be published at ZStW 121 (2009), pp. 1 - 63. English translation under title *The Future of EU Criminal Law. A New Approach to the Aims and Models of the European Criminal Law System* planned in **Grasso, G.** and **R. Sicurella** (eds), *Per un rilancio del progetto europeo: esigenze di tutela degli interessi comunitari e strategie di integrazione penale*, Catania, 2009, pp. 685-757.

<sup>3</sup> **Carrera, S.**, *The EU Border Management Strategy. FRONTEX and the Challenges of Irregular Immigration in the Canary Islands*. Working document No. 261. CEPS, Brussels, March 2009.



involved a change for the new partners, in particular the Baltic States, Poland, Slovakia, Hungary, and later Romania and Bulgaria<sup>1</sup>.

Although at this stage it was not the right moment to consider radical solutions such as the European Corps of Border Police<sup>2</sup> to assume full responsibility of border control and thus taking the national responsibility in favor of the Union, it was launched a process to explore options to pay Member States some debts and at the same time to ensure the increased EU influence.

While the principle that the responsibility for control and surveillance of the external borders lies with the Member States<sup>3</sup> is formally reaffirmed, institutions develop a policy which is done in small steps of gradual involvement of the European Union in a manner acceptable to the leaders of other nations.

In particular, the establishment of the Frontex agency in 2004 is an excellent example of these methods of operation: making use of encouragement and not coercion, Member States were encouraged to use the available option, namely the use of Frontex services. Among the offered services, the technical ones prevailed while any involvement in operational activities was carefully camouflaged, especially through the request of the Member States agreeing to avoid the impression that the EU would try to undermine national autonomy.

Also in some regions the European Union has maintained its requirements, the selective nature and the strict observance of the subsidiarity principle; the major decisions that have shaped the reality of the European borders directly established the European concept of Integrated Border Management (EU-IBM), IT systems such as the Schengen Information System (SIS II), the Visa Information System (VIS), Eurodac and FRONTEX.

The differences that occur in the ardent attempts to implement the transatlantic policies into action, do not surprise us any more. In contrast with the current powers of the European Union, the U.S. has launched new initiatives such as the Center for Security Initiatives (CSI) and databases of travelers (PNR) with compliance with the requirements only through the involvement of the individual capital of the Member States. What seemed pragmatic at first sight was the total impasse over negotiations that could be

---

<sup>1</sup> **Hobbing, P.**, Management of External EU Borders: Enlargement and the European Guard Issue, DCAF Conference on Managing International and Inter-Agency Cooperation at the Border, held in Geneva 13- 15 March 2003, p.6.

<sup>2</sup> As it was regarded by the Commission from May 2002 as direct response to the Laeken Summit.

<sup>3</sup> **Council Regulation (EC) Nr. 2007/2004** from 26 October 2004, L 349, 25.11.2004, p. 5.

resolved only by implication and extension of the initiative to include the Union as such.

For example, at European level, the Schengen Information System (SIS) was originally designed as a set of compensatory measures<sup>1</sup> in the Schengen Agreement from 1985 to allow the abolition of internal border controls, but as newly conceived, it does not clearly contribute with anything to correct cracks in the European system of entry or exit. Another example is the European Visa Information System, which is often seen as a duplicate of the US-VISIT,<sup>2</sup> representing the prototype of all the entry or exit systems, but in reality, things are different<sup>3</sup>. Just as SIS II, the European Visa Information System has its origins in the set of projects implemented to compensate any shortcomings in security that might arise from the abolition of the internal border controls.

The main purpose is to support the common visa policy which is an important condition for the functioning of the Schengen area. Such a transformation into an entry or exit system was proposed in the context of discussions regarding the synergy and interoperability of EU databases, but had no complete safety and practicality reasons.

This shows how far the European Union has come, and especially how far it is from the U.S. situation, characterized as an old state frontiers with structured borders and a federal administration for borders that understand its duty as a national law enforcement agency "...from coast to coast, from border to border"<sup>4</sup>.

## TRANSATLANTIC LANDMARKS IN STRUCTURING SECURITY STRATEGIES OF THE EUROPEAN BORDERS

The recent transatlantic disagreements over issues of internal and external security have diminished confidence in finding easy solutions to meet the needs and the rigors of both groups. Regarding the decision to enter or not the war in Iraq, Afghanistan or Iran, the approach of the problems created by terrorism while respecting the rights of passengers, bank

---

<sup>1</sup> Together with other complementary measures according to the Schengen Convention: introducing external border controls according to the common standards, common visa policy and police and judicial cooperation.

<sup>2</sup> **Jacksta, Robert**, *Smart Borders: The Implementation of US-VISIT* and other Biometric Control Systems, Alexandria, VA, October 26-27, 2004.

<sup>3</sup> **Hobbing, P.**, *A comparison of the now agreed VIS package and the US-VISIT system*, Briefing Paper for the European Parliament, 4 July 2007, <http://www.europarl.europa.eu/activities/committees/studies/download.do?file=17239>

<sup>4</sup> U.S. Customs recruiting message.

customers or citizens in general, each time surprisingly differ on the two shores of the Atlantic. Although it has been agreed on such issues as the need to address this issue tactfully, the proposed solutions are likely to meet the opposition of one party.

Some of the lines that divide the space between the two continents are: facing international terrorism with military forces or the police, protecting the state against the risk of violent attacks in compliance with civil liberties or considering sensitive areas as exempt from the old-fashioned procedures. This division extends to the basic control strategies even if they are limited to the time of entry, or include border and internal controls based on identity cards and checks on the labor market<sup>1</sup>. And even where mutual acceptance of the concept appears to be attractive to the government, it would be inconsistent with the historical and geographical realities.

If the European Parliament decided to initiate some cooperation projects, this must be viewed in the light of new changes in security relations between the EU and the U.S., for example, the current change of direction made by Brussels conforms more or less to the major policies related to the U.S. borders.

In the process of analyzing the options outlined by the Commission on border policy in February 2008, as in the report of the Future Group from July, there is a change as the U.S. would be characterized by concepts or methods such as ESTA - Electronic System for Travel Authorization, the entry or exit system, and automatic verification of the borders, which until now were not part of the vocabulary of the European Union.

Even virtual protection associations successfully established on the border between the U.S. and Mexico can be invoked by the new developed concept, **Eurosur** - European border monitoring system based on the use of surveillance and sensor systems such as satellites and aerial vehicles fully computerized, requiring no human presence, recommended for the external borders of the difficult areas<sup>2</sup>. Moreover, the creation of a Euro-Atlantic cooperation in the areas of freedom, security and justice is considered by the Future Group as another surprising step forward.

While the European Union is about to take long term decisions on its external border security, there is a strong tendency to follow the U.S. model,

---

<sup>1</sup> For a detailed description see **Hobbing, P.**, *Tracing Terrorists: The EU-Canada Agreement in PNR Matters*. CEPS Special Report/September 2008, [http://shop.ceps.eu/BookDetail.php?item\\_id=1704](http://shop.ceps.eu/BookDetail.php?item_id=1704), p. 25f.

<sup>2</sup> **Jeandesboz, J.**, *Reinforcing the Surveillance of EU Borders: The Future Development of FRONTEX and EUROSUR*, Challenge Research Paper, No. 11, CEPS, Brussels, August 2008.

the world's undisputed forerunner in implementing advanced technology and strict quality control procedures.

## **INFLUENCES OF THE CURRENT ECONOMIC CRISIS UPON THE DYNAMICS OF THE SECURITY AREAS**

Specialists consider that the financial crisis that began in October 2008 in the U.S. and some other countries is the most serious shock to international finances since the Great Depression from 1929-1933. The effects of the crisis are spreading beyond the financial sphere, in the world economy as a whole, affecting economic growth and employment and generating series of other related effects such as contextual implications.

The current financial and economic crisis seriously shook the economic foundation of the globalized world economy. This generates an uncertainty that influences the experts, political leaders, communities and individuals<sup>1</sup>.

The influence of this phenomenon on security in general, or border security in particular, is obvious and has direct consequences primarily reflected in the funds allotted for certain border segments with modern surveillance and monitoring devices. For *Domenico Fisichella*, crises are phases of modernization and development<sup>2</sup>.

The economic benefits of the EU integration have been overshadowed by the economic crisis as a phenomenon which is manifested at all levels, as we need to look closely at the domestic policies that should focus on eliminating undesirable effects. While politicians and economic analysts try to inform the population on the content and its characteristics, it is difficult to assume correctly that they appreciate the evolving and the duration of the crisis. The impact on the Romanian security can be guessed when we take a brief look on how the privatization was done in Romania<sup>3</sup>.

The global crisis is due to a failure of the system. This system created a toxic combination of unethical behavior of some companies and poor

---

<sup>1</sup> **Pavel Dan**, *Preliminarii epistemologice la teoria crizei*, Sfera Politicii, no. 133, Anul XVII, 2009.

<sup>2</sup> **Fisichella Domenico**, *Știința Politică, probleme, concepte, teorii*, Editura Polirom, București, 2007, p. 114.

<sup>3</sup> **Șandru Dumitru**, *Criza din 1929-1933 și criza actuală*, Sfera Politicii, no. 133, Anul XVII, 2009.

<sup>3</sup> See **Gurría**, OECD president, *Business ethics and OECD principles: What can be done to avoid another crisis*, <http://www.oecd.org>, 24.04.2010, 11<sup>00</sup>.

regulation and supervision of their activity. The crisis has revealed also the shortcomings of the international institutions<sup>1</sup>.

The new European strategy called Europe 2020 for the next 10 years is intended as a way out of crisis through community-level action leading to the transformation of EU into an economy of the 21st century, intelligent, sustainable and inclusive, leading to growth in the labor market, productivity and economic, social and territorial cohesion.

## STRATEGIC PARTNERSHIP PROSPECTS OF THE EUROPEAN UNION

The European Union has successfully created formal and informal authority structures, has led states to identify positively with each other in terms of security, and act as a socializing agent for the Member States both for those aspiring or non-members in the region, encouraging normative notions of good and democratic governance<sup>2</sup>.

The European Council is working on a plan of how cooperation with Eastern Partnership countries can be developed, including aspects related to freedom, security and justice in the Eastern Partnership, and the chapters on freedom, security and justice of the PEV Action Plans of the countries concerned. The plan should also list the progressive stages to full liberalization of the visa system, long-term objectives for the individual partner countries on a case-by-case basis, and describes the conditions for a safe and properly managed mobility mentioned in the Joint Declaration at the summit on the Eastern Partnership in Prague.

The European Council will review the plan before the end of 2012 and in particular, it will assess its impact. The Union is stepping up its efforts to support stability and security in the Black Sea region as a whole, and to further strengthen regional cooperation initiative of the Black Sea Synergy. The activities must focus especially on border management, the management of migration, on customs cooperation and the rule of law and combating cross-border crime.

Regarding the Union for the Mediterranean, it will be necessary to consolidate the work started in the context of the Barcelona and Euro-

---

<sup>1</sup> **Emil Kirchner**, *The Challenge of European Union Security Governance*, Journal of Common Market Studies 44 (2006), p. 951,

<http://www3.interscience.wiley.com/journal/118594281/abstract>, 15.05.2010, 12<sup>00</sup>.

<sup>2</sup> **Mueller (G.O.W)**, *Globalizare a vieții pe Pământ, a crimei și a prevenirii crimei: Un eseu despre cum să procedăm cu criminalii majori care amenință existența continuă a omenirii* in ESSER (A.) și LAGODNY (P.), *Principii și proceduri pentru o nouă lege criminală transnațională*, Friesburg in Breisgau, 1997, p. 351-358.

Mediterranean Partnership, particularly with regard to maritime migration, border control, preventing and combating drug trafficking, civil protection, compliance with law enforcement and judicial cooperation. The European Council invites the Commission in cooperation with the High Representative of Foreign Affairs and Security Policy, to submit such a plan this year, and invites Coreper to prepare as soon as possible decisions to be taken by the Council.

The European Council will review the plan before the end of 2012 and in particular will assess its impact. In other countries and regions, the Union will cooperate at regional or bilateral level, as appropriate. With the countries of South America and Caribbean the dialogue on migration, drug trafficking and money laundering and other areas of mutual interest would be continued at the regional (EU-ALC) and the GAFI level. We should also take efforts to strengthen cooperation with Afghanistan on drugs, including the implementation of an action-oriented document on drug trafficking, and with Afghanistan and Pakistan on issues related to terrorism and immigration.

Regarding Afghanistan and Iraq it should be maintained that it is necessary to focus on effective response to the situation of refugees through a comprehensive approach. Efforts should be made to address the flow of illegal immigration and readmission agreements with these countries and with Bangladesh.

## CONCLUSIONS

World is thus characterized by the internationalization of communication and trade. We can no longer speak just about a local problem without linking it to a more general situation, as the whole local situation belongs to a broader, even global system. This phenomenon is called by Mueller as globalization of life on Earth<sup>1</sup>.

In the Western Balkans, the stabilization and association Agreements are enforced progressively and are characterized by significant progress in the field of visa policy, the agreements on visa facilitation and readmission agreements and an extensive dialogue on visa liberalization already established in some countries and still in training for others. Further efforts are needed, including the use of financial instruments to combat organized crime and corruption to secure rights and fundamental freedoms and in building up administrative capacity in border management.

---

<sup>1</sup> **Stockholm Programme**, CO EUR-PREP 2, JAI 81, POLGEN 8, 5731/10, Bruxelles, 3 March 2010.

The Union and Turkey have agreed to intensify cooperation to answer the challenge of common management of migration flows and to address illegal immigration in particular. This cooperation should focus on shared responsibility, solidarity, cooperation with all the Member States and common understanding, taking into account the fact that Turkey is bordered by the Union's external borders, the process of negotiation and its current financial assistance Union in relevant areas, including border control. Completion of negotiations on readmission agreement with Turkey is a priority. Until then, the existing bilateral agreements should be implemented properly.

The European Council is aware of the Joint Strategy EU - Africa 2007 and the action plan defining the scope of cooperation in combating terrorism, transnational crime and drug trafficking. Both in the EU-Africa partnership on mobility, migration and employment (MME) and the Global Approach to migration and the follow-up conferences in Rabat, Paris and Tripoli, would be deepened and intensified the dialogue about migration with African partners, focusing on the countries along the routes of irregular migration to Europe to assist these countries in their efforts to develop migration policies and to address the issue of illegal immigration at sea and the borders.

#### REFERENCES:

1. **Alexandrescu, Grigore** - *Amenințări la adresa securității*, Centrul de Studii Strategice de Apărare și Securitate, Editura Universității Naționale de Apărare, Bucharest, 2004.
2. **Bedford Tim, Cooke Roger**, *Probabilistic Risk Analysis: Foundations and Methods*, Editura Cambridge University Press, 2001.
3. **Carrera, S.**, *The EU Border Management Strategy. FRONTEX and the Challenges of Irregular Immigration in the Canary Islands*. Working document No. 261. CEPS, Brussels, March 2009.
4. **Convenției Schengen** from 1990: *introducing border controls at the external border according to the common standards (see 1.1.1 și 1.1.4), common visa policy ( see 1.1.3) and police and judicial cooperation*.
5. **Cornescu Victor, Martinescu Paul, Curteanu Doru, Toma Sorin**, *Managementul riscului*, Editura Universității, Bucharest, 2004.
6. **Council Regulation (EC) No. 2007/2004** from 26 October 2004, L 349, 25.11.2004.
7. **Emil Kirchner**, *The Challenge of European Union Security Governance*, Journal of Common Market Studies 44 (2006).
8. **Fisichella Domenico**, *Știința Politică, probleme, concepte, teorii*, Editura Polirom, Bucharest, 2007.
9. **Gurría**, OECD president, *Business ethics and OECD principles: What can be done to avoid another crisis*.

10. **Hobbing, P.**, *Tracing Terrorists: The EU-Canada Agreement in PNR Matters*. CEPS Special Report/September 2008.
11. **Hobbing, P.**, *A comparison of the now agreed VIS package and the US-VISIT system*, Briefing Paper for the European Parliament, 4 July 2007.
12. **Hobbing, P.**, *Management of External EU Borders: Enlargement and the European Guard Issue*, DCAF Conference on *Managing International and Inter-Agency Cooperation at the Border*, held in Geneva 13- 15 March 2003.
13. **Jacksta, Robert**, *Smart Borders: The Implementation of US-VISIT and other Biometric Control Systems*, Alexandria, VA, October 26-27, 2004.
14. **Jeandesboz, J.**, *Reinforcing the Surveillance of EU Borders: The Future Development of FRONTEX and EUROSUR*, Challenge Research Paper, No. 11, CEPS, Brussels, August 2008.
15. **Joint Publication 1-02**, *DOD Dictionary of Military and Associated Terms*, 23 March 2004.
16. **Meyers D., R. Koslowski and S. Ginsburg**, *Room for progress. Reinventing Euro-atlantic Borders for a New Strategic Environment*, MPI October 2007.
17. **Mueller (G.O.W)**, *Globalizare a vieții pe Pământ, a crimei și a prevenirii crimei: Un eseu despre cum să procedăm cu criminalii majori care amenință existența continuă a omenirii* in ESSER (A.) și LAGODNY (P.), *Principii și proceduri pentru o nouă lege criminală transnațională*, Friesburg in Breisgau, 1997.
18. **Oxford Dictionary of Current English**, Second Editura Christina Ruse, Oxford University Press, 1988.
19. **Pavel Dan**, *Preliminarii epistemologice la teoria crizei*, Sfera Politicii, no. 133, Year XVII, 2009.
20. **Șandru Dumitru**, *Criza din 1929-1933 și criza actuală*, Sfera Politicii, no. 133, Anul XVII, 2009.
21. **Sieber, U.**, *Die Zukunft des Europäischen Strafrechts. Ein neuer Ansatz zu den Zielen und Modellen des europäischen Strafrechtssystems*. To be published at ZStW 121 (2009), pp. 1 - 63. English translation under title *The Future of European Criminal Law. A New Approach to the Aims and Models of the European Criminal Law System* planned in **Grasso, G. and R. Sicurella** (eds), *Per un rilancia del progetto europeo: esigenze di tutela degli interessi comunitari e strategie di integrazione penale*, Catania, 2009.
22. **The Stockholm Programme** - CO EUR-PREP 2, JAI 81, POLGEN 8, 5731/10, Bruxelles, 3 March 2010.
23. **Thomas Hobbes**, *Leviathan or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil*, 1651.
24. **Tucicov Bogdan, Chelcea Septimiu, Golu Mihai, Golu Pantelimon, Mamali Cătălin, Pânzaru Petru**, *Dicționar de psihologie socială*, Editura Științifică și Enciclopedică, Bucharest, 1981.
25. **Vlăsceanu Zamfir, Cătălin și Lazăr**, *Dicționar de sociologie*, Editura Babel, Bucharest, 1993.



**Aleksandar Doncev, PhD**

*Faculty for Detectives and Security- FON University-Skopje*

*email: [alekdoncev@yahoo.com](mailto:alekdoncev@yahoo.com)*

## **MAINTAINING PEACE AND STABILITY ON THE BALKANS**

### **ABSTRACT**

*Security is characterized by dynamic development of the countries that are making efforts to find their place in the new order, in which course of events the international community and its institutions are facing an ongoing and undesired military, non-military and other risks and menaces. The main feature of the European security development is providing of security environment based on cooperative relations and mutually coordinated activities in the field of security, sustainable stability, prevention and settlement of crisis, expressed and conducted primarily through the leading role of NATO in the creation of the security policy.*

*The member countries of the Partnership for Peace (PfP) and the Euro-Atlantic Partnership Council (EAPC), by the means of mechanisms led by NATO, make continuous actions for expanding the zone of democracy and stability in Europe. The Republic of Macedonia is an active participant and member of these relations which are strongly supported by this country. The development of the European security and defense identity and policy, complemented and based on the permanent cooperation with NATO, share the same goal. This is also supported by OSCE, which has focused its work to a great extent in the field of human and minority rights, democracy development and rule of law.*

*The United Nations, with their reinforced role and improved mechanisms and instruments for taking actions, remain to be the widest framework and basis for acting of the countries in their international cooperation based on the international law including the right to defend the country, by the country itself and/or allied within the collective security and defense systems.*

**Key words:** *security, stability, asymmetric threats and risks, democracy, rule of law.*

### **Introduction**

Every country in the modern world makes efforts for strengthening of the democratic processes and the rule of law in the country. The last corresponds to the country's stability and the security of the international community. The strengthening of the democratic freedoms is becoming a world trend. This trend must not be an issue that the national elites should

decide upon, but it should be decided by the people on referendums or democratic elections, which are the bases for establishing the fact that the people are void democratically. Should there be a success in accomplishing the values of freedom, rule of law, human rights and open society, then the national interest of a country is achieved and security has been established, both inside and outside the country.

The Western countries prefer security policy that is aiming primarily at dealing with prevention against these threats, wherever the threats originate from, and preventing from overspill outside the crisis regions as a consequence of the conflicts. The western preventive strategy mainly consists of promotion of democracy, human rights and market economy in the post-communist countries. In this direction, SEE countries prepare themselves for accession to NATO and EU by pursuing reforms in compliance with strictly determined accession criteria which are guidelines and motivation for setting the course towards true democratization. Mature democracies do not war among each other. The democratic elections, democratic institutions and the unrestricted right to speech and expression will improve the stability throughout the world and reduce the risk of wars. However, while these claims have firm grounds that give us the right to accept such paradigm, on the other hand, one should be cautious when mentioning democratization, i.e. transition of certain countries towards democratization.

Namely, the practice shows that the transitional countries are much more engaged in armed clashes than the other countries. Such thing is evident in SEE, where the past decade was marked by an increasing number of conflicts and wars. The armed actions in the Region, and even wider, have shown that the violence is a quicker way for accomplishing certain objectives rather than negotiating. The moral that the international community should learn from the past, is that unless certain groups do not completely give up on the military option, there will be no place for a political option. The political process may occur in stable environment only, where every group is aware that there is no option other than compromise and coexistence. The instability and conflicts in SEE are carefully observed by the countries from the West, as serious threats for their “security community”.

### **Security Threats and Risks**

Although by the end of the 80s of XX century there was a prevailing opinion that a period of more relaxed world order will come, the fall of the totalitarian communist system has prompted major political, social and economic transformations. The Balkans and the situation in it, even twenty

years after the beginning of the crisis and the military actions, still remains a highly instable region. The political changes, especially those in the Southeast Europe, have redefined the contemporary geopolitical and strategic situation, announcing the beginning of one contradictory millennium.

In spite of the civilization principles for initiating global process for establishing new world order based on democracy, free market, peace and disarmament, as well as respect of the human rights, we have rounded up XX century in the reversed direction. The civilization is marked by a constant force multiplication which still appears as the ultimate arbiter in resolving issues among countries, while crisis as a phenomenon is constantly present; without stopping whatsoever.

Terrorism, drug trafficking, organized crime, the lack of goods of vital interest and the migration movements, are all sources of new threats. They are a threat for the security by creating problems that can be resolved only by the means of internationally coordinated policy. This is because the problems almost inevitably expand beyond the national borders, while their volume is greater than the power of each nation dealing with them individually.

Nowadays, we live in an era of changes that was manifested by the entry of mankind into a new phase of development which is characterized by strengthening of the social process, spreading new technology, tendency for international cooperation and bringing nations together, rapid evolution of political events and constant increase of the number of new dangers and menaces. The latest is a serious problem both for the national security and the international stability.

Each country can be exposed to various risks and threats which are largely caused by the weak economic, political, social and ethnic situation in the country. Even the military and politically strong countries can be targets of threats and assaults, which serves as a turning point for crises and wars. The data collected from the conflicts after the Cold War from the Journal of Peace Research from 1995, show a total of 94 existing military conflicts<sup>1</sup> in the period between 1989 and 1994, 4 of which were classified as international. The primate for most disturbing and most problematic part of

---

<sup>1</sup> Within the past few years, we have witnessed the terrifying intensity and duration of conflicts that are claiming increasing numbers of innocent, civil victims. The reality of the contemporary military statistics show that 90% of the victims are civilians intentionally being transformed in military targets. It shows great contradiction with the statistical data from World War I, in which only 5% of the victims were civilians.

the European continent in the past two centuries goes to South East Europe<sup>1</sup>.

### **New security epoch**

The fall of the Berlin Wall marked the start of a new era in the international relations. This was followed by the disintegration of the Soviet Union, the dissolution of the Warsaw Pact, the disintegrations of former Yugoslavia and the split of the Czech Republic and Slovakia. The disintegration of the former socialistic federative countries resulted from the incompatibility of the idea for communist internationalism and self-affiliation of the nations, and the lack of democratic institutions capable of absorbing the social conflicts and articulating the needs and demands of different social strata. On the other side, there was the reunification of Germany, the enlargement of the European Union (EU) and the promotion of its common foreign and security policy, the reactivation of the West European Union (WEU), opened gates by the North Atlantic Treaty Organization (NATO) for accession of new member countries and the restoration of the initiative Partnership for Peace (PfP).

The collapse of the old international relation system based on contradictions of two military-political blocks substantially amended the conflicts character. The demarcation line between the stability and instability has been substantially moved and the violence has become transnational. In military terms, it would be fair to say that the traditional type of enemy is disappearing, but paradoxically enough, the world has come across turbulence greater than ever. The nature of the modern conflict has led to interstate rather than international conflicts, and especially to more ethnic conflicts that proved to be more irresolvable than handling and resolving. Due to the fact that the nature of the conflict has been substantially changed, the international community is forced to come out with more efficient and sustainable procedures and reaction models. The peace operations are a response to the challenges of the security in the modern world. Actually, the notion being used by the French army for “civil-military actions” is the most suitable for the task of the troops and the specific features of the activities being carried out for resolving crisis.

It is evident that the new world processes, the globalization and the new technologies have substantially altered the reality of the world and have established new values and standards. As a result from this new surrounding, there are significant transformations in all aspects of life. Thus, the security today is a completely different category than what it used to represent. The war - the traditionally greatest danger or threat for the security - is no longer

---

<sup>1</sup> Henry Kissinger , Diplomacy, New York, 1994, p.807.

present in its classic form, and the way of warfare has been radically changed as well. The classic form of warfare has been replaced by asymmetric threats for the security, i.e. by global terrorism and weapons of mass destruction. It is required a lot of knowledge, wisdom, tremendous desire, courage and determination for these new dangerous traps to be avoided, and all dangerous security and political challenges to be eliminated.

Nowadays, the national security of the Republic of Macedonia is facing new challenges: continuous wave of everyday security incidents discontent from the implementation of the decisions of the Ohrid Framework Agreement, enormous quantities of weaponry, ammunition and explosives in the Republic of Macedonia, foreign dirty scenarios and a number of geopolitical and geostrategic games, combinations and other threats. This range of threats increases the danger and the risk for the national security in the following 5 to 10 years, as well as the possibility for restoring the conflict that still smolders. Within the last decade, the European security and the European partnership that the security was based upon underwent a number of serious changes. Today, on the threshold of the new millennium, widely speaking and including the frame for the above mentioned security concern - there is a benefit from the security of Europe as a whole. It suggests possibilities for cooperation and development of common goals, which could not be seen a decade earlier.

The Cold War and the politic and military rivalry between the East and the West had positive and negative consequences over security.

For the East Europe and its south part, the positive changes consist of the following:

- diminishing the threat from nuclear, chemical and biologic weapon, as well as the conventional warfare in Central, East and South-East Europe;
- diminishing some elements of warfare power in the Region, such as: human warfare power, arsenals of heavy weapon, military industrial production, arms trading;
- retreating the soviet troops from the region;
- general democratization of the politic order and civilian-military relations in the region;
- progress in numerous conflict issues settlements in the region in relation to the disputable borders, national, ethnic and religious minorities;
- state's increased regional participation in cooperative and military activities in South-East Europe and other parts of the world.

On the other hand, the tectonic geopolitical changes from the late 80s, led to numerous negative phenomena:

- appearance of nationalism, xenophobia, impatience, as well as of the previously suppressed breakings and conflicts;
- appearance of mass armed violence;
- mass repressions, exiles and banishment of the national, ethnic and religious minorities;
- several millions of refugees and displaced persons;
- mass destruction of household goods, economic resources, cultural monuments, public institutions etc;
- disruption of the economic relations in and between the states and introduction of international sanctions to several states;
- significant, drastic declines of the industrial production level, interregional trade, high increase of the unemployment and poverty as a result of the systematic changes, disintegration of some previously existing models of the economic cooperation in the frameworks of the East communist block and in former SSSR;
- intensifying several types of nonmilitary violence of the national and regional security (corruption, organized crime, illegal arms trade, drug and human trafficking).

In the period after the Cold War, when the number of the risks that provoke crisis is increased, the need of military approach toward the security through international harmony and cooperation has also increased by reaffirming the old ideas for peace and security. Traditional concepts such as abstraction, crisis management and maintaining the peace - got a new meaning. International community has presented series of new concepts: preventive diplomacy, peacekeeping, peace enforcement, humanitarian aid, humanitarian intervention and post conflict peace building, democracy and human and humanitarian dimensions. All efforts are in direction "...to maintain peace that will provide the nations safety domiciles inside their own countries and reassure them that everyone can live their own lives without fear or distress".<sup>1</sup>

Southeast Europe, in spite of its progress in the security situation, remains a region of existing threats for the security, deeply rooted in the

---

<sup>1</sup> Roosevelt D. Franclin and Winston S. Churchill, The Atlantic Charter, Argentia Bay, Newfoundland, July 14, 1941. (Atlantic Charter was later incorporated in the Declaration of the United States)

political extremism, extreme nationalism, religious and racial intolerance, which along with the existence of weak state institutions and absence of rule of law in certain countries and regions as well as the transnational dangers, are basis for a high level of risk for the Republic of Macedonia and the countries in the region and Europe. The enormous amounts of illegal weaponry are a special threat and source of instability, and the Republic of Macedonia is not immune to this phenomenon. The security condition is characterized by dynamic development of the countries and their adjustment to the new conditions and responses to the challenge of finding their place in the new order, during which course of events, the international community and its institutions are sometimes faced with real problems, and sometimes there are present and undesired military, nonmilitary and other risks and threats.

The new phase of change in the relations both on global and regional level comes at the end of XX century and is characterized by new rearrangement of forces and relations, prompted by the disintegration of USSR and the Warsaw Pact and the post-cold-war period. "In this period, there are tectonic impairments of the forces and relations on political, military and economic plan", which were prompted by:

- the disintegration of USSR, Yugoslavia, Czechoslovakia;
- the disintegration of the Warsaw Pact as one of the actors in the Cold War and the race for armament;
- the reunification of Germany;
- the changes in the political and economic systems of the new countries in Europe;
- the dissolution of the socialistic model of government;
- opening new crisis regions, especially in the region of former Yugoslavia which created conditions for new constellation of the relations of the Balkans;
- overcoming the ethnic problems and minority issues; and
- organized crime, especially in the newly established countries.

These events determine the period we are living in as unpredictably instable and risky, especially for the transitional countries. The international relations are characterized with presence of international processes on one hand, and crisis and instability, on the other hand. The uncertainty in this millennium and the possibility of new crises and instability will be shown especially by several phenomena that are inherited from the XX century, namely, by means of:

- continuation of the tendency for unification of the political systems as grounds for the new world order;
- continuation of the process of economic globalization; and

- religious intolerance and extremism.

These are potential generators of new crises. However, in spite of the new rearrangement of forces and the newly emerged conditions, still there is a need of peace preservation. The preservation of peace on the threshold of XXI century brings us to the initiative for a new system of values in the world. In this context, the syntagma “new world order” incorporates the “rule of law and the peaceful overcoming of the disputes, firm democracy and solidarity against aggression, reduction and control of the military arsenals, strengthening of UN and equal treatment of all people, as basis for permanent peace and security.”<sup>1</sup> The growing hostility and violent conflicts undoubtedly underlined the need for development of instruments and structures for protection and reconciliation. “There are many structures for collective defense among the countries, different disarmament contracts and studies, many conferences, reports, programs and methods for reduction and settlement of conflicts.”<sup>2</sup> Is the preservation of peace one of the most efficient tools for maintaining regional security? We would certainly find the answer in meeting the global security challenges.<sup>3</sup>

The jeopardy of peace and security has amended its priorities, so the conflicts have become the most serious topics in analyses in the contemporary international relations. This also emphasizes the fact that the line between the so-called internal conflict and international conflict is disappearing, especially if we put them in correlation with the issue of peace and security. The same may be equally jeopardized both from conflict and war. That is why the distinction of conflict forces, which emerged at the end of XX century, represents a significant challenge, and it is obtaining different techniques for peacemaking that will be applicable on the future conflicts. As grounds for solution of the abovementioned challenge, we can come to several conclusions:<sup>4</sup>

- ❖ violent conflicts of various kind will continue appearing in the following period;

---

<sup>1</sup> Sloan, R.S. “The Us role in a new world order: Prospects George Bush’s Global Vision”, Congressional Research Service, Washington D.C., 1991.

<sup>2</sup> Shaw, M.T., and MacLean, J.S., *The Emergence of Regional Civil Society: Contribution to a New Human Security Agenda*, in Ho-Won Jeong, *The New Agenda for Peace Research*, (Brookfield :Ashgate Publishing Ltd, 1999), p.23.

<sup>3</sup> Dončev, A., and Kuzmanovski, S., *Peacekeeping and Regional Security, Defense and Security Sector Governance and Reform in South East Europe: Insights and Perspectives, A Self-Assessment Study*, Vol.2, Geneva, 2003.p.143.

<sup>4</sup> Klare, M., *Peace and World Security Studies, A Curriculum Guide*, sixth ed., London: Boulder, 1994, p.97



- ❖ no center of major forces will be able to impose hegemony, but on the contrary, we will be facing highly separated world with spheres of chronic instability and violence;
- ❖ the risk of a global world war cannot be denied but we will be more directed towards global proliferation of local wars, civil wars, uprising conflicts and ethnic/religious divisions. This situation is named - World War IV.
- ❖ nuclear or chemical weapons may be used in the future local and internal conflicts; and
- ❖ not even a single institution or entity is able to take the responsibility for a global peacemaking.

The experience of the Balkan countries, especially the Republic of Macedonia, can be correlated with the regional safety and peace preservation. The results from the conducted missions in the region still show emptiness in the regional connection in the field of security. The Region, which the Republic Macedonia also belongs to, called “an apple of the discord” or “powder keg”, is a special field of interest for the international community. The modern countries are forced to accept and obey the laws of coexistence, which implies to their alignment in a universal world organization with well-defined mandatory rights of behavior in the international relations. Thus, there is an increasing number of UN member states in which it is created “special international legal order, which is not only obligatory for the member states, but “sometimes” for the nonmember states”. The main feature of development of the European security is forming a security environment based on co-operative relations and mutually coordinated activities in the field of security, stability maintenance, and prevention and settlement of crisis in the political, economic and other fields. The new system of relations should function in direction of changes of the global security system. The system should:<sup>1</sup>

- ❖ provide anti-aggression guarantees for each of the states;
- ❖ codify and establish instruments for protection of the right of the minorities and the ethnic groups in the states;
- ❖ create a mechanism for resolving the regional conflicts without unilateral action by the great forces;
- ❖ oblige the great forces to cease providing support for one of the sides involved in the conflict;

---

<sup>1</sup> Mc Namara, R.S. The Changing Nature of Global Security and 1<sup>st</sup> Impact on South Asia, Washington Council on Non Proliferation: Washington DC, p.3, 1992.

- ❖ increase the scientific and technical support for the developing countries;
- ❖ protect the environment.

If a certain country does not want to be isolated and boycotted by the international community, then it must follow the legal principles and rules of behavior contained in the Charter of the United Nations, as well as in many other international legal acts. That is why an appropriate correlation is required between the international and the national law, i.e. harmonization of the internal positive legal system with the norms of international law. Article 51 from the Charter of the United Nations forbids the war and the use of force and proclaims and guarantees the inherent right of every country to defend. Article 1 of the Charter states that the basic purpose of UN is to maintain international peace and security, and to that end: to take effective collective measures for prevention and removal of threats on peace, and for suppression of acts of aggression or other breaches of peace. The same article enlists the other UN purposes: developing of friendly relations among the nations and achieving international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms. Successful preservation of peace in the new order suggests the following factors:

- ❖ appropriate political context;
- ❖ constant and all-inclusive political, diplomatic, military and financial support for operation;
- ❖ significance of forces;
- ❖ transparent mandates;
- ❖ cooperation of the disputed parties;
- ❖ skills and sense during forces management;
- ❖ quality command and troop discipline;
- ❖ not imposing external wishes and solutions.

Article 2 from the Charter contains the basic principles according to which the UN is conducting the implementation of its basic goals;

- ❖ the principle for ban of utilization of force;
- ❖ the principle for peaceful resolving of international disputes;
- ❖ the principle for conscientious facing with responsibilities taken in compliance with the Charter; and
- ❖ the principle for ban for intervention in the internal affairs of the states.

## **Conclusion**

Out of these reasons, there is a recommendation for “sustainable cooperation among the states in one or more fields which contributes to greater harmonization of the interests, and forces each country to give its own contribution to the cooperation” This is a way for regional security strengthening and peace preservation. The clash among civilizations and the restricted natural resources is re-underlined. The model for cooperative security is a strategic system which develops around the nucleus of the liberal-democratic states mutually connected in a network of formal and informal members and institutions characterized by common values and practical and transparent economic, political and defensive cooperation. In the system for cooperative security, the purposes of the state’s national security are connected with four rings which are mutually enhancing: individual security; collective security; collective defense; and promoting stability.

Every country in the modern world makes efforts to strengthen the democratic processes and the rule of law in the country. The last corresponds to the country’s stability and the security of the international community. The strengthening of democratic freedoms is becoming a world trend. This trend must not be an issue that the national elites should decide upon, but it should be decided by the people on referendums or democratic elections, which are the bases for establishing the fact that the people are void democratically. Should there be a success in accomplishing the values of freedom, rule of law, human rights and open society, then the national interest of a country is achieved and security has been established, both inside and outside the country.

## **B I B L I O G R A P H Y**

1. An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping, Report of the Secretary-General, 1992
2. Barash D., "Approaches to Peace (A reader in peace studies), Oxford , University Press, 2000.
3. Consequences of the Madrid Summit on Security and Stability in Europe, NATO Defence College, Rome, 19998.
4. Divided Macedonia (The Next Balkan conflict?), Strateg's Comments, The International Institute for Strategic Studies, Vol. 5 Issue 5, June 1999.
5. Dončev A., "Crisis and Crisis Management", Defence and Security Sector Reform in South East Europe: Insights and Perspectives, Volume II, Macedonia, Moldova, Romania, A Self - Assessment Study, DCAF - Geneva, Geneva, 2003.

6. EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management, ICG Issues Report No. 2, Brussels, June 2001.
7. Houska, R., Verifiable Security: The Key to Protecting Our Critical Infrastructures, Syber Security and Contigency Planning: Threats and Infrastructure Protection, Zurich, September 2003
8. International Civil Emergency Planning in the NATO/EAPC countries, Handbook, 2002.
9. Kissinger, H., Diplomacy, New York, 1994.

**Ferdinand Odzakov, MSc**  
Ministry of defence of the Republic of Macedonia  
email: odzakov@hotmail.com

## **ASYMMETRICAL THREATS AS NEW CHALLENGES FOR SECURITY AND INTELLIGENCE COMMUNITY OF THE BALKAN COUNTRIES**

### **ABSTRACT**

*The last decade of the 20<sup>th</sup> century brought a definite termination to the existence of the Yugoslav federation, so turbulences of the “powder keg” reached its climax and ended in NATO operation against Yugoslavia at that time and, the still unexplained from scientific aspect, conflict in Macedonia in 2001.*

*The above mentioned overlaps with disintegration of the Soviet Union and the Warsaw Treaty significantly reduced, at least in the near future, the probability of a war outbreak of the conventional type.*

*Key actors opposing the states are no more (other) states, but it is rather the “non-state actors” embodied in the activities of various terrorist and criminal groups, and the Balkans itself is not immune to it.*

*Intelligence and security services of the Balkan countries, as all the other similar services in the world, more and more recognize their direct competitors or enemies in terrorist and criminal organizations in attempts to support national security.*

**Key words:** *Security – intelligence services, asymmetrical threats, terrorism, terrorist groups, organized crime, criminal groups*

Intelligence is a profession that has always been considered as one of the most stressful. Everyone dealing with this profession knows in advance that becoming intelligence officer - he puts his life in jeopardy twenty-four hour a day.

In the past times, when wars were a dominant tool for solving disputes between countries, intelligence officers were sent in the enemy background in order to collect information on their number, power, morale and nation support. This information has always been considered as the most valuable and sometimes paid in gold in quantity equal to the body weight of the information provider.

From early times, people - first of all state leaders (and most of all generals) found out that precise and prompt information in many cases can

solve the outcome of the war, in such a measure that overnight - one of the warring parties can transform from losers into winners.

Intelligence officers with their information have many times helped political or military leaders in policy making decisions important for the destiny of their country or in winning the battlefield.

In the past, when wars were the biggest threats for the existence of states, for intelligence officers and warriors generally it was much easier to perform their tasks than it is today. Simply, they knew that the enemy was represented by its armed forces, and in return they should mobilize their army and send it to defend from the threat or to war with the enemy army. Intelligence officers knew where the threat was coming from (enemy army), and that is why they were directing all their efforts for obtaining (intelligence) information regarding the enemy army.

But, times have changed nowadays, and also have threats. We mentioned natural disasters, diseases... We listed wars.

Cold war, as a state of strained relations and permanent tenseness in the relations between two superpowers (USA and USSR) - led political and military blocks, was at the level of its own culmination (it was in the time of the war in Vietnam and the USSR intervention in Czechoslovakia), when the US President Richard Nixon in 1971 raised existence of a new threat that seriously threatened the normal functioning not only of USA but of all the other countries in the world-organized crime. And furthermore, in the same occasion President Nixon openly declared war against organized crime.<sup>1</sup>

Almost at the same time terrorism reaches its "golden years". In the period of the seventies, the terrorist attack of the Palestinian "Black September" against Israeli sport team took place at the Olympic Games in Munich in 1972.

These were years of maximum activity not only of Palestinian terrorist groups, but also of different extremely left terrorist groups and groupings, especially in Italy and Germany. These were also years when the Italian Prime Minister at that time Aldo Moro, tragically lost his life, being previously kidnapped by one of the "Red Brigades" fractions.

And it is not that the nature is still inactive nowadays, nor have conventional wars fully stopped.

But, organized crime and terrorism are the two sides of the same medal, their causes and consequences are connected as day and night; they represent two threats that mankind is trembling of.

---

<sup>1</sup> Dr Mustafa Alani, Organized Criminal Groups and Terrorist Groups (The New Phenomenon of "Narcopolterrorism"), преземено од [www.grc.ae](http://www.grc.ae) на 12.октомври 2009 година

Undisputedly, terrorism is a kind of organized crime. There are many causes for this predication. At least, it has most of those characteristics specific for groups involved in organized crime. Let us remind ourselves of the following: participation of more than two individuals where each one has its role that act in longer or non-determined time period, act on international level, use violence to gain power - all these are characteristics specific for groups that deal with organized crime. But, what is more interesting - these are characteristics that to a great extent count for terrorist groups and organizations.

We already concluded that terrorists are at the same time criminals, not ordinary criminals but criminals at the level of those outlaw, as the criminal networks “Cosa Nostra”, “Ndrageta”, Kamora. Can we say the same in reverse direction, that is, in other words, can we claim that the ones involved in organized crime are terrorists?

For terrorism we said that it is meant to cause fear (extreme), which is directed to a wider objective than the immediate victims of the attack and includes attacks against random or symbolic objectives, including civilians.

People deeply involved in organized crime (regardless who commanded it), killed a few years ago the Serbian Prime Minister Djindjic. The message was sent.

Whether the motive was preventing or slowing down the delivering of some individuals suspected for military crimes in front of the Tribunal in Hague, whether it was associated with solving Kosovo status or announced fight against organized crime, it is not of any importance. A message was sent in order to cause fear among the wider audience.

Is there a more efficient way to spread fear within a nation, than to kill its president or prime minister? Of course, there is not.

The second element also fully overlaps. Was the assassination of the Serbian prime minister supposed to accomplish its objective, by murdering Djindjic? Once more categorical NO! His murder was a message sent to the whole nation, to everyone even thinking of opposing the criminals, a message of possible same destiny. What should an ordinary man think? If this happened to the nation's first man that is under 24-hours protection, what could “ordinary mortal” hope for?

Finally, in armed showdown of criminal gangs, among themselves or against the police, often there are innocent civilian victims. That is why we will inclusively conclude that terrorism is a kind of organized crime, and that organized crime - to a lesser or greater extent - is a form of terrorism. The difference being that compared to terrorism, it is manifested in much more sophisticated form.

For intelligence officers it is more difficult to perform their tasks in combating terrorism and organized crime, compared to the role they have in

the war of conventional type. There are many reasons. First, in the conventional type of war, according to the uniforms, we know who the enemy is. That is not the case with terrorism and organized crime. Everyone can be a terrorist or a criminal, regardless of the age, sex, nationality or religion.

Terrorists and criminals are human beings. It can be each of us. The next door neighbour, colleague from work, a man that we every day meet in the nearest shop.

The problem that is imposed is how to enter into terrorists' mind, how to anticipate their action, how to explain causes and motives that influenced someone to become a terrorist or a criminal.<sup>1</sup>

In order to be efficient in countering both evils (terrorism and organized crime), intelligence authorities should explain to their subordinates that it is necessary to understand and respect culture and ideology practiced by terrorists, i.e. to find out motives for starting criminal activities. Additional mitigating circumstance is that often, motives of terrorists and criminals entirely or largely overlap.

The disease is not cured by symptoms but removal of reasons that caused the disease. Hence, terrorism and crime are not prevented by arrestment or physical liquidation of terrorists, but by eradication of causes that made them terrorists or criminals.

In this globalization era in which we cannot say for any phenomenon that it is global or regional, and not at the same time global, intelligence services are bound to cooperate. In the world, there are no limits in terms of terrorists and criminals.

“Al Qaeda” and “Hezbollah” are not a problem only on the Asian continent, they are everywhere: Europe, Africa, North and South America. Hence, fighting against structures of these terrorist groupings in Asia, at the same time - a blow will be set to their cells in South America. The same applies to the criminals; their cooperatives in South America and/or Near East would suffer losses.<sup>2</sup>

There is no longer combating terrorism and organized crime only at a local level. These whole phenomena become a global problem. If terrorist and criminals can easily cooperate, then why should not intelligence services and law enforcement agencies, both on national, regional and global level, of course?

---

<sup>1</sup> Malcolm W. Nance, *The Terrorist Recognition Handbook: A Practitioner's Manual for Predicting and Identifying Terrorist Activities*, Second Edition, стр.10-11.

<sup>2</sup> *A Global Overview Of Narcotics-Funded Terrorist And Other Extremist Groups*, Library of Congress under an Interagency Agreement with the Department of Defense, Washington, May 2002



The hoop around terrorists and criminals is tightening and they are aware of it. That is why their organizations are closed systems, and because they are closed and unconfident, the intelligence finds it difficult to penetrate into them.

How to make an intelligence breakthrough in a terrorist or criminal group or organization if you are not a friend or relative of some of the group's leaders? Even relatives relations or strong recommendations of some of the group's members cannot be a guarantee to gain their confidence and become part of them.

That is why we should not be surprised by the initiative arising from recent international conference on Afghanistan held in London, where it was suggested to offer to moderate Taliban much better conditions for living, as a compensation for their renunciation of violence, surrender of weapons and returning to normal civil life. Even, it was mentioned that the international community would spend \$140 million, for this purpose. This kind of solving the situation in Afghanistan is based on the experience from 1987, when in a similar manner, the Afghan government at that time convinced mujahidin to join governmental forces.

At the same time, NATO generals expressed satisfaction of the newest offensive that international forces started in Afghanistan, especially attack on the town Mardza, important stronghold of Taliban in South Afghanistan. This operation, as stated by NATO officials, is not directed only against terrorists, but it is also created against the opium production in this country.<sup>1</sup> Three things are proved by it:

- “That there is a significant connection between the terrorist and criminal structures in such frames that it is absolutely impossible to make a clear distinction of what terrorism and what organized crime is, and that it is even more difficult to determine who is a terrorist and who a criminal;
- One important fact is proven: the fight against terrorism is also a fight against organized crime;
- In the fight against terrorism and organized crime not only intelligence services and law enforcement agencies are

---

<sup>1</sup> [www.ceap-montenegro.com](http://www.ceap-montenegro.com)

involved, but also significant capacities of armed forces (to clarify: armies) from the countries worldwide”<sup>1</sup>

The best proof that cooperation between intelligence services and law enforcement agencies is absolutely justified when talking about organized crime are operations “Balkan warrior” (From mid-October 2009), where thanks to cooperation between American DEA, Uruguay police and Serbian BIA, a drug smuggling channel of more than 2.5 tons of cocaine from South America was cut in Europe (case that we have elaborated in details in this paper). Another example is a joint action of Macedonian and German police, where with a certain woman from Skopje they found a greater quantity of branded expensive clothes from boutiques around Europe, and cocaine worth about 200.000 EU.

With these two cases we proved two things that among the others, were meant research and proof in this paper:

**Firstly**, that cooperation and exchange of information between the intelligence services and the law enforcement agencies is essential, not only at national, but also at regional and global level, for successful combat of terrorism and organized crime, and

**Secondly**, that crime as terrorism is a global phenomenon, and criminals, in order to “facilitate their job”, cooperate among themselves even at a local level. In that way they create stronger organizations capable of “multi-dimensional operations” (common organization and realization of criminal acts by criminal groups from many countries) that would include robbery in one country on the Balkans, while another Balkan country would face trafficking of narcotics.

State authorities worldwide have long time ago recognized threats coming from terrorism and organized crime. Lead by this, countries are more organized not only at regional but also at a global level in order to be more efficient in combating these two contemporary evils against humanity. That is why we should not be surprised by the fact that countries join themselves in different multinational initiatives, where as a specific example we would mention the official cooperation between ministries of interior from SEU. As an example is the cooperation that in the Republic of Macedonia and all the other SEU countries was supported by specific national laws.

Intelligence services are institutions where in many (maybe in all) countries in the world, the legislator gave an important role, competences

---

<sup>1</sup> [www.voanews.com/serbian/archive/2007-09/2007-09-30-voa15.cfm](http://www.voanews.com/serbian/archive/2007-09/2007-09-30-voa15.cfm), downloaded from internet on 01.11.2009

and authorities (in some countries smaller and in others larger) regarding fight against terrorism and organized crime.

In some countries, this role is more a kind of support through collection of quality and timely intelligence information for the needs of military capacities of the country or law enforcement agencies, and sometime intelligence officers are the ones that carry out terrorists to justice.

What I primarily expect and desire to be the main benefit of this thesis are the indications in details explained and conclusions derived from them, to contribute to improving the quality of work of the intelligence and the security community in the Republic of Macedonia in the fight against terrorism and organized crime.

#### **BIBLIOGRAPHY:**

1. Dr Mustafa Alani, Organized Criminal Groups and Terrorist Groups (The New Phenomen of “Narcopolterrorism”), преземено од [www.grc.ae](http://www.grc.ae) на 12.октомври 2009 година
2. Malcolm W. Nance, The Terrorist Recognition Handbook: A Practitioner's Manual for Predicting and Identifying Terrorist Activities, Second Edition, стр.10-11.
3. A Global Overview Of Narcotics-Funded Terrorist And Other Extremist Groups, Library of Congress under an Interagency Agreement with the Department of Defense, Washington, May 2002
4. [www.ceap-montenegro.com](http://www.ceap-montenegro.com)
5. [www.voanews.com/serbian/archive/2007-09/2007-09-30-voa15.cfm](http://www.voanews.com/serbian/archive/2007-09/2007-09-30-voa15.cfm), преземено од интернет на 01.11.2009 година

**Svetlana Nikoloska, PhD**

Faculty of Security Skopje

[svetlananikoloska@fb.uklo.edu.mk](mailto:svetlananikoloska@fb.uklo.edu.mk)

**INVESTIGATIONS OF ORGANIZED ECONOMIC-FINANCIAL CRIME THROUGH THE APPLICATION OF CONCEPT AND METHOD OF TEAMWORK OF DIRECT AND INDIRECT COMPETENT INSTITUTIONS IN THE REPUBLIC OF MACEDONIA**

***Abstract***

*The organized economic - financial crime is becoming more and more serious danger in the society in Republic of Macedonia which makes direct damages on the budget of the state and the citizens are indirect victims of this crime. The forms in which it acts are diverse and they are manifested as a misuse of the official function, misuse of workers rights, tax frauds, corruption, money laundering, etc. The crime committers seem connected and organized and their goal is to get to a huge wealth, not to get caught and nothing of their criminal contributions to be confiscated. The organization of the criminals depends on their need to be involved in the criminal network of crime committers who have professional knowledge. They are in very high positions in the authority and they have power in the state. That is their guarantee that they will not get caught for economic-financial deeds which do harm on the budget of the state. For the research of the organized economic- financial crime according the criminal law, there are many state authorities who have police accreditation: Public Prosecutor, Ministry of Internal affairs, Ministry of Finance by the Financial Police and Customs. But the complicity of these problems imposes the need of inclusion of other state authorities and institutions which will be indirectly included in the investigating process (Labor Inspection, the market inspectorate, tax inspection) and the newly formed state authorities for financial Intelligence FIU, by the principle of "case studies" or complete clarification and prove of criminal - legal event. Research process involves the application of appropriate legal methods, application of measures and actions in the criminal investigation in order to provide evidence of the crime committed and illegally acquired proceeds and further through the concept of financial investigation to provide information and data on concealment of criminal proceeds and their transformation in new forms of wealth - the purchase of movable and immovable property and transfer money abroad. The purpose of the financial investigation is the identification and provision of criminal proceeds illegally obtained through a measure of freezing and confiscation by enabling the enactment of a final court ruling. The research process is the responsibility of the Basic Public Prosecutor for Organized Crime and*

*Corruption, in cooperation with directly and indirectly relevant state bodies and institutions in carrying out a particular criminal case should act planning, coordinating and exchanging information to facilitate the provision of all information and evidence of committed crimes, their committers and the type and amount of criminal proceeds.*

*Keywords: Organised economic - financial crime, crime investigation, financial investigation, directly relevant institutions, confiscation of property.*

## **INTRODUCTION**

Economic - financial crime is not a new criminal phenomenon, “it can certainly be argued that there is no period, and there is no stage or stage of development of human society in which this crime wasn’t present, whether class or classless society.”<sup>1</sup> Criminal behavior is always directed towards the acquisition of criminal proceeds where the victim is usually the state, actually its budget. Criminal emergence shapes and forms are numerous, but they are mainly aimed at respecting the legislation in the sphere of public finance, payment and economy, abuse of office, violation of workers' rights, abuses in the legal traffic and so on and they are manifested through various forms of frauds and financial mismanagements.

The functioning of the state is conditioned by finances; the better the financial policy, the safer and more democratic state. This is an unwritten rule that is confirmed daily in world practice, where rich countries are the leaders of world politics. In the Republic of Macedonia we keep asking the same question for two decades: "How to become rich?" And only a small part has the answer, and they have already received the epithet of oligarchic layer in the State. But who are these people, how did they get rich, and did they respect the law? These are the countless issues in which the citizens are looking for responses on a daily basis, but they did not succeed. These are questions which should be answered by the competent state institutions whose authorities are the researches of organized economic - financial crime through the application of regulations, authority and legal methods. Economic - financial crime is a major problem in the modern world and as a particularly sensitive issue is elaborated in numerous professional and political gatherings and it is a lasting challenge for the security and stability of national economies, on international and global level.

---

<sup>1</sup> Arnaudovski Lj, Nanev L. And Nikoloska S. , Economic Crime in the Republic MRKPK no. 1, Skopje, 2009, pg. 175.

## NOTION AND FORMS OF APPEARANCE OF ORGANIZED ECONOMIC – FINANCIAL CRIME

Organized economic - financial crime is a complex phenomenon for which there are several definitions, but there isn't a single definition which is accepted. As there is no single definition, so there are different terms for this type of criminality, such as corporate criminality, corruption, criminality of "white collars" and so on. The definition of this phenomenon should include more items such as the shapes, the personality and relationship of the committers, the manner of execution, method of concealment of criminal behavior and the damage and structure and the organization of the committers. Despite these elements, the relationship of interaction between the three structures: the society, economic power and institutional control by the state, is very important. How difficult it is to establish the optimal balance between these factors, says the experience of the states that determine for the policy of deregulation and "soft" attitude towards the economy, which soon become vulnerable in terms of growth of various abuses. But on the other hand, in countries where there is strong state intervention, such abuses involve and infect the state structure, for which there is a typical example of transition states in which, by nature of things, the state (government) has stepped up interventions in the process of privatization and restructuring of the economy.<sup>1</sup> Economic - financial crime is one of the most complex forms of criminality that is reflected not only in the manner of implementation, but in the manner of its interweaving with other forms of criminality.<sup>2</sup> This crime, which basically embeds the constant economic and financial system, is ran in an organized manner and with the involvement of the structures of power, and it gives a quality of organization that simultaneously enables it to conceal, and the perpetrators cannot be detected and sanctioned. The roots of the economic - financial crimes are recorded in the first definitions of crime, "white collar crime" of Edwin Sutherland, Chairman of the American Sociological Association, stated in his address in 1939, in front of the Association. Namely, it defines the economic crime that occurs in economic operations, whose forms are often manifested in politics on the purchase of various actions, false advertising of goods, misrepresentation of financial condition and performance of individual corporations, bribery of business partners, direct or indirect bribery of public officials, in order to ensure a favorable business

---

<sup>1</sup>Kambovski V., ,, Changes in the Criminal Code aimed at preventing economic crime, MRKPK no. 2-3, Skopje, 2008, pg. 497.

<sup>2</sup> Arnaudovski V., ,, Criminology, 2nd August, Stip, 2007. Pg.355.

arrangement, fraud, unintended spending, tax secrets and so on. Later Sutherland, gave a new definition of the crime, white collars, defining it as "crime which within its frames of its professional activity, is performed by people with high social prestige".<sup>1</sup> Because of the fact that this economic crime is with characteristics of the crime of the white collars, but also that the crime is between legal and illegal, a criminality that is not only in penal law but also in other laws, complicate the identification of the crimes that come within the definition of economic crime. In contemporary society, we can no longer talk just about economic crime, but organized economic - financial crime, which penetrates into all spheres of life and social structure: in the sphere of economy, especially in the most profitable industries in which earnings and the acquisition of profits are highest . Penetrating in political spheres to avoid state control, to avoid paying taxes, to legalize illegally acquired wealth through the numerous abuses of power and protect the perpetrators from prosecution. Therefore, Elliot M. says, "the success of organized crime is based on the alleged collaboration with the political state instrument that causes these to fail to appear before the court. Organized crime is a deliberate social disorder phenomenon in which a group has the power instead to apply the laws, to cooperate in breaking the law. Organized crime represents, business, or a way of gaining money by participating in activities which the law expressly prohibits."<sup>2</sup> The analyzed definitions in the scientific literature on the concept of economic financial crime operates in terms of economic crime, but there are covered and listed criminal behaviors and elements of financial crimes such as crimes against public finances, payment operations and displaying false economy and financial situation in order to produce fraudulent bankruptcy, insurance and "credit-seeking" frauds, money laundering and proceeds of crime, abuse of European funds and so on. That all financial crimes are covered in terms of economic crime can be seen from Recommendation num.(81) 12 Council of Europe in 1981 which contains a list of sixteen works that are considered economic crime and also financial crimes are covered. These are: acts of cartels and other fraudulent acts of abuse of the economic situation of multinational companies, fraudulent procurement or abuse of national and international grants, computer crime, fake companies, fake accounts and accounting records, fraud in relation to the companies' capital , violations of the companies standards for safety and health protection of employees, fraud of

---

<sup>1</sup> Banović B. „Preservation of evidence in crime scene processing criminal acts of economic crime, Belgrade, 2002, pg. 15 – 16.

<sup>2</sup> More details, Elliott M., crime in modern society, Sarajevo, 1962, pg. 113-116 and Arnaudovski Lj. , Is the issue here is organized crime?, securities no. 3, Skopje, 1994, pg. 424-425.

creditors (fraudulent bankruptcy, industrial property, etc..) consumer fraud (false declarations about the quality of goods, etc..) unfair competition (using bribery of other companies) and the wrong consulting, fiscal crimes and tax evasion, customs acts, acts that violate the rules of the cash market and the value of money, stock and banking crimes and crimes against the environment.<sup>1</sup>

Towards defining the economic - financial crime, there are two approaches<sup>2</sup>:

1. Criminal - legal access and
2. Criminological approach.

Most acceptable definition of the economic - financial crime under criminal - legal approach, in which starting from the object of protection are systematized the acts against public finances, the payment market and the economy works against the office, anti-labor relations works as well as crimes against property with specific elements of types of bankruptcy fraud and crimes. But you should always bear in mind that this crime is most amenable to changes, dynamic, capable of adapting to changes in economic and financial performance as well as the rules of that operation, so this list of crimes should always be analyzed and corrected with the criteria that comprise this special and current criminality. Criminological approach starts from the forms that appear to criminal behavior and their adaptability to the economic - financial system as its essential feature to built in the system of the areas where in the shortest time you can get the highest earnings, while hiding, disguised in economic and state institutions, it's the line between legal and illegal, in so-called "Gray zone", as a result of the condition called criminalization of politics, politicization of crime. One of the most suitable definitions of organized crime that has elements of the economic - financial crime in terms of the characteristics of perpetrators and the way that they practice with abuse of power is that it is: "crime which practices punishable works by criminal association for profit and (or) power, using violence or using special position in society, by reducing the risk by engaging in legal economic, political and other activities in advance and created a system of protection from prosecution. <sup>3</sup> Regarding the manner of execution with elements of violence are more thoughts of violence and psychological pressure on the performance of individuals who have the proper position or

---

<sup>1</sup> Gruevska-Drakulevski A., Recidivism among economic crime in the Republic MRKPK; no. 2-3, Skopje, 2008. p.617.

<sup>2</sup> Ibid, pg. 616.

<sup>3</sup> Kambovski V. , State law and organized crime, Scientific Project - Constitution of the Republic of Macedonia as a modern constitutional state, Faculty of Law, Skopje, 1996, pg. 12th



profession with a goal that they are involved in the crime situation in the active or passive way of abuse of their official function. Using the special position in society suggests that these works are non-violent aspect of the use of physical force and violence, and the reducing of the risk is through the feeding and bonding with the criminal activity with the legal sphere of business, finance, banking, politics, the functions of state organs and other social spheres is the most efficient way of eliminating the risk of detection and prosecution, because the general confusion of permitted and forbidden leads to blinding and blocking of the sensor power of the criminal legislation and criminal justice. While the formal system of care consists of helping or granting of criminal activities by state bodies or bodies in blocking the enforcement of penal and criminal justice by way of corruption in order to prevent or tolerate the crime because the expected economic or political benefit, and informal system is a form of self-organization of the criminal underworld against the system of criminal justice.

The elements of organization are observed in the preparation, implementation and connection to the perpetrators of which they have the control - supervisory function of their work or with persons who on behalf of government are responsible for detecting, enlightening, proving of the crime and prosecute the perpetrators of these crimes .

Organized economic - financial crime in terms of economic - financial and political system of the Republic of Macedonia would have defined him as "socially - negative and non-violent criminal phenomenon that is carried out by the structured and organized criminal organization or group in which are involved perpetrators who have certain quantum of knowledge in law, economics and finance, payment and economy and that in a criminal manner by utilizing, overdraft or breaching of entrusted powers and positions are acquired by criminal proceeds, thereby causing damage to the state budget and citizens whole.

## **INVESTIGATION OF ECONOMIC - FINANCIAL CRIME**

In recent years, economic - financial crime has become a serious reality related to our senior officials in the structure of government, revealing criminal cases of criminal networks in the area of denationalization, bankruptcy, public procurement and many other areas where law enforcement authorities clashed with numerous difficulties in the process the clarification and providing evidence for successful criminal proceedings and sanctioning of perpetrators.

The motive of the economic - financial crime in most cases is the acquisition of criminal proceeds, and as direct victim is the State, and indirectly all citizens who satisfied the individual criminal appetites of

people who abuse their position or power to enrich , which every day stay face to face with poverty and subsistence issues. In addition to this latest report of the Ministry of Interior<sup>1</sup> about the enlightened cases of economic and financial crimes, in which commonly referred people in 2010, are: executives, managers, judges, doctors, trustees, mayors and others. They are reported for criminal acts with elements of abuse of power, tax evasion, specific types of fraud and violations of rights to social security of workers, money laundering and so on. Acquired criminal proceeds in the amount of 3,615,042,866 Euros, or 1,755,249,206 denars, and discovered and enlightened crime is on the territory of the Republic of Macedonia, and in most cases the damage is inflicted on the State Budget. For a small country such as the Republic of Macedonia these indicators have troubling character, and if no action is taken for the "damages", the victims of carried out-crimes, then a message is sent to the perpetrators that " crime is worthwhile", and prison is not such a bad solution, if it is known that criminal money and property will remain.

The situation with the economic - financial crime in Macedonia last year was analyzed by statistical data on the scope, structure and dynamics of these crimes in total crime in the territory of the Republic of Macedonia and by monitoring cases of criminal charges - reported perpetrators, then accused and convicted perpetrators of these crimes. Namely, from the actual research data statistics show that the structure of economic - financial crimes committed in Macedonia in the period 1997 - 2006, the criminal acts with elements of abuse of power are represented by 48.5%, and reported for these perpetrators' crimes by 48.4%, while crimes against the public finance payments and the economy are represented with 40.2% and in terms of reported perpetrators of 39.9%. Or 48.7% of crimes committed by these two areas, and the other 11.3% were crimes against labor, against property and against justice. <sup>2</sup> Also specifically are analyzed the abuses of office duty for the same period, <sup>3</sup> and the data shows that only 53.2% of the accused perpetrators were convicted and from the number of applicants that percentage is only 12.7%, which indicates the fact that a small number of reported perpetrators of abuse are condemned. From the research made on the condition of economic crime in the Republic of Macedonia for the period 1995 - 2007<sup>4</sup> the data shows that the organization in carrying out criminal

---

<sup>1</sup> Report on Economic Crime Ministry of Interior of RM for 2010.

<sup>2</sup> Dzukleski G. i Nikoloska S. "Economic Criminology, - second edition, Grafik Mak Print, Skopje, 2008. Pg.159-161.

<sup>3</sup> Nikoloska S. , Crimes against the duty, Grafotrans, Skopje, 2008. Pg.79.

<sup>4</sup> Arnaudovski Lj., Nanev L. and Nikoloska S. , Economic Crime in the Republic MRKPK no. 1, Skopje, 2009, pg. 205-208.

acts in this area is the reality that as perpetrators and accomplices in one crime - legal event occur more perpetrators, accomplices who committed more crimes. Sentences are imposed in most cases or in the interval of the lowest percentage with 22.80% in 2007 to 87.6% in 2003, and conditional sentences are also represented at an interval of 45.60% in 2007 to 57.9% in 2005. These data indicate the seriousness of the problem, especially in terms of providing relevant evidence during the investigation of what in the future more attention should be paid and greater involvement of the competent state bodies and institutions in the process of planning, organization, coordination cooperation, exchange of information and of course keeping and taking legal measures and activities in the process of providing evidence. Serious and organized approach to the research process and providence of evidence on which offenders will be sanctioned, a process which will undertake all legal measures in a full process of investigation by the principle of „ case studies,, in which measures will be taken parallel and actions to provide evidence of the committed first instance economic - financial crime and taking action for financial intelligence in order to identify and provide criminal proceeds.

Crime is a business for criminals and business can have a degree of low and high risk. Criminals are investigating criminal business environment and adapt to social situations and they act criminal in those areas where crime is the least revealed or at least they can provide evidence. Economic - financial crime is "invisible" to find it out, and to prove and enlighten it you need expert knowledge, but besides that, the good political climate and will, have a major impact on its full research and on the providing of evidence.

Investigation of economic - financial crime is a complex process that starts from, "known perpetrator", and continues with providing evidence of all perpetrators involved in the criminal event, specifying the particular executed crimes, involved offenders under their office duty, workplace or any other professional capacity, but should not end with the confiscation of criminal proceeds and assets acquired and a sending of a clear message that crime is "high risk business", and it's not worth the try.

Research should focus on criminal behaviors with which criminals avoid completely or partially to obey or follow laws on taxes, fees and other taxes that must be paid in the state budget, and also on criminal behavior which is aimed at unlawful spending of budget money, or directing them toward personal enrichment and the acquisition of personal wealth.

In the Republic of Macedonia, this issue is governed by more directly relevant institutions - the Public Prosecutor's Office, the police, the financial police and customs, which are authorized by law for disclosure, clarification, proving and preventing economic - financial crime, but also by more "indirectly responsible for inspection services" which by law are authorized

to perform audits of legal entities and the application of relevant legal regulations, these are: labor inspection, market inspection, the state auditor, the State Foreign Exchange Inspectorate and so on. Last decade in Macedonia many other authorities came to function and they also have responsibility for initiating procedures for investigating criminal cases with elements of corruption - State Anti-Corruption Commission and national authority for financial intelligence as the Office for Prevention of Money Laundering and Financing terrorism.

Inter - Institutional cooperation in the national framework is implemented through two concepts of running the investigation, including:

1. The concept of teamwork in which in a complex criminal - legal event with elements of organized economic - financial crime, an investigation team is made which is managed by the Public Prosecutor as competent authority for prosecution of perpetrators of crimes which are prosecuted by official duty, and in the team officials from the police are engaged, the financial police and, if necessary, the customs administration to act on the directions of the prosecutor and they will take operational tactical measures in the planning and coordination, investigation and if it is not possible these measures to provide relevant evidence, special investigative measures are applied. This team also proposes implementation of required inspection, usually its tax, labor inspection and the marketplace, but they initiate an implementation of a parallel financial investigation which is responsibility of the national agency for financial intelligence, in Macedonia it is the Office for Prevention of Money Laundering and financing terrorism - FIU.
2. The concept piece by piece is similar to the previous concept, with that the cooperation and coordination are planned and organized at the level of local cooperation directly and indirectly responsible authorities, and this concept is applied in cases with an international character.

Inter - institutional cooperation in the conduct of investigations is stressed or it is the central role of the Public Prosecutor's Office in cooperation and coordination, actually the prosecution has the role of management in conducting investigations and providing evidence of predicate offenses, and also for the existence of money laundering through the process of legalization of criminal proceeds. Public Prosecutor's Office

has a central role in the research and in the proving of the crime, but when it comes to cases with elements of organized economic - financial crime, and then the case is the responsibility of the primary prosecutor for prosecution of organized crime and corruption. Namely, at the request of the Attorney General, state organs, institutions exercising public powers or other legal entities shall submit information that is requested of them. Public Prosecutor of these authorities can initiate control operations of a legal person and the suspension pending to a final verdict of money, securities, objects and documents that can serve as evidence to seek execution of tax control and a specific data to be served, that can be considered as evidence for a crime or proceeds of a criminal offense carrying out inspection control and request notifications of data on unusual and suspicious financial transactions. The public prosecutor has the right to seek data and information, documents, writings, items, bank accounts and other legal entities from other citizens who may reasonably be considered that they have such data and information. It also has the right to require the cooperation of the competent state bodies and institutions for cooperation in dealing with research on criminal behavior, and he can take concrete police powers provided by the law. Insights into the bank accounts are not considered as damage of banking secrecy. <sup>1</sup> "The essential measure when conducting investigations on economic - financial crime is, in the presence of an official and responsible person to perform the examination or inspection of certain facilities and premises of state bodies, institutions that perform public authorities and other entities and to achieve insight into their specific documentation. <sup>2</sup> This measure is taken in combination with other legal measures and activities, as relevant evidence is considered the expert on economic - financial documentation on the orders of an investigating judge, and it is conducted by authorized bodies for forensic analysis.

Perpetrators of organized economic - financial crime through execution of numerous criminal acts acquire immense wealth, which are kept on their behalf, but in some cases, the wealth is on the name of their close relatives or friends or entirely other people that are connected to them in some legal or financial terms - lawyers, responsible persons of legal entities whose founders are the doers and so on. The research process is consisted of all involved persons and analysis of the entire property and its origin by applying several methods of separation of illegally obtained proceeds of all movable and immovable property of the perpetrators. These are the

---

<sup>1</sup> Article 297 the propose of new Law on Criminal Procedure, MRKPK, no. 1, 2009. pg .462.

<sup>2</sup> Art. 144 pg. 2 t. 6 of the Law on Criminal Procedure, Official Journal, 15/2005.

following methods<sup>1</sup>: **(1) Methods that prove the income**, that are used in cases where the individual or the entity: doesn't report the overall income taxation; false or misleading displays costs; reports false procurement of goods, falsely showing tax credits, exemptions or preferences, doesn't record sales of goods, services and assets, doesn't record production; fictitious or suspicious signs agreements for salaries, commissions and dividends; conceal profits from sale of property, from rents or fees; misuses budget funds, funds from public funds, government loans or procurement abused performing public powers or matters of public interest or with money laundering it legalizes income from crime. The methods that prove the income also apply to taxpayers who own property or have assets greater than taxed or own property and assets derived from earnings that have not been established or the sufficient tax is not established or other taxes in accordance with law. **(2). The method of net worth (value)** is based on data which addresses the financial transactions of suspected person. It is applied when the taxpayer: doesn't lead business books and other records which are required by law; leading business books and records, but they are not complete and not guided by law, records of the taxpayer is destroyed or not available; taxpayer refuses to show business books and records or the taxpayer (individual) has no obligation to keep business books or records. Net value of the taxpayer is the difference between its assets and its obligations at the end of the tax year. The net value is calculated for several consecutive years, and the increasing or decreasing of the net value determined in each subsequent year, to which are added expenses incurred during each year, such as living expenses, taxes paid, given gifts, paid premiums for life insurance, losses from sales of own funds, part of the capital loss that is not deducted from the tax base and other expenses in accordance with law.

The resulting amount is the total increase of the net value for that year. Of the total increase of the net worth known sources of income are deducted, such as: applicable gifts, inheritance, pensions and salaries, interest that is exempt from tax, other tax relief legislation, dividend, income from life insurance, net operating losses carried authorized transfers capital losses, back taxes and other revenues in accordance with law. From the total net increase of the value, known sources of income are deducted and the resulting difference is the undeclared income from unknown sources. By comparing the obtained amount of undeclared income from unknown sources and the income reported on tax returns. The method of proof based on the net value implies the need for the application of mathematical

---

<sup>1</sup> Law on Financial Police, Official Journal, no. 55/07.

operations with a formula to calculate the net value. The formula is as follows: total assets and money (VIP) minus statutory income (SI) equals criminal proceeds (CP). This formula is applied for each year individually and then analyze is made for a specific period of time in which criminal acquired wealth is investigated. (3) **Cost method** is applied in order to determine whether there is coverage of expenses, if they exceed the declared income if there are clues to the disproportion of costs and profits of subjects. The formula for calculating the costs method is as follows: The total assets and money to the suspect, minus the total legal income (TLI) and minus the actual cost of family (AC). Often the suspects have the excuse that all they earned they also invested, without taking in consideration their statements that to live normal and have realistic living costs or the more known, "consumption basket" in terms of family members and their apparent standard of living. (4) **The method of bank deposits** is used for determining undeclared income subject to taxation by analyzing the total deposits of all bank accounts, cash and other transactions. The method of bank deposits can be applied if the books and records of the suspect are not available, the records of a suspect does not fully reflect his taxable income. (5) **The method of percentage margin** is applied to calculate the measurements of certain business relationships with certain standards for those business relationships through the use of standard percentages and ratios of the same or similar business operations in order to expose crimes of money laundering. The method of percentage margin is commonly applied to natural and legal persons engaged in retail, where there is information about the initial state of stowed goods in warehouses, goods that are in circulation and end stock, compared with non-standard percentage margin. (6) **The method of special items** is used to determine that certain transactions carried out by the taxpayer during the year are not shown fully or partially shown in his tax return.

## INSTEAD OF CONCLUSION

The motive of the perpetrators of organized economic - financial crime is the acquisition of criminal proceeds; the crime is a parallel business that unless revealed, is a business that brings huge earnings and the acquisition of wealth, and also a business that is not paying taxes. If the state does not reveal it, this crime allows criminals to develop their business crime and enjoy its "rich fruits". This enjoying of "the fruits of crime", should be enough to start the process of research of the directly conducted crime by providing concrete evidence of committed crimes, but also initiating and conducting financial investigations and determining of "the flow of the money and their location", all with the purpose of conducting a policy of full

clarification and proof of criminal cases and confiscation of criminal proceeds and assets acquired. The message clearly sent to criminals that “the authorities confiscate property and money”, is the best prevention that the crime is not a profitable business, actually, the business crime is with a high risk. The completely solved criminal events, convicted offenders and confiscated property are the best deterrent for the offenders that are not detected or future perpetrators.

## REFERENCES

1. Arnaudovski LJ, Nanev L. and Nikoloska S, Economic Crime in the Republic Macedonia, no. 1, Skopje, 2009.
2. Arnaudovski LJ, Crimionology, 2 – nd , August, Stip, 2007,
3. Arnaudovski LJ. , Is the issue here is organized crime, Securities, no.3, Skopje, 1994.
4. Banović B. , Preservation of evidence in crime scene processing criminal acts of economic crime, Belgrade, 2002,
5. Gruevska – Drakulevski V., Recidivism amond economic crime in the Republic Macedonia, MRKPK, no. 2-3, Skopje
6. Elliott M. , Crime in modern society, Sarajevo, 1962.
7. Kambovski V. , Changes in the Criminal Code at preventing economic crime, MRKPK, no. 2-3, Skopje, 2008.
8. Kambovski V. , State low and organized crime, Scientific Project – Constitutional state, faculty of low, Skopje, 1996.
9. Nikoloska S. , Crimes against the duty, Grafotrans, Skopje, 2008.
10. Džukleski G. and Nikoloska S., Economic criminology, - second edition, Grafic Mak Print, 2008.
11. Low on Financial Police, Official Journal, no. 55/07.
12. Low on Criminal Procedure, Official Journal, no. 15/05.
13. Proposal of new Low on Criminal Procedure, MRKPK, no.1, Skopje, 2009.



**Oliver Bakreski, PhD**

*Faculty of Philosophy, Institute of Security, defense and peace studies –  
Skopje*

*e-mail: oliverbakreski@yahoo.com*

**Tanja Milosevska, MSc**

*Faculty of Philosophy, Institute of Security, defense and peace studies –  
Skopje*

*e-mail: tmilosevska@gmail.com*

## **THE ROLE OF NON-STATE ACTORS IN SECURITY**

*Abstract: The public debates of the security challenges the countries face with, are reflection with dramatizing the subject, as it is the absolute priority. By designating this as a priority issue, we take the liberty to conclude that nowadays, countries face numerous security challenges to which even the most developed countries had not found the correct answers for their efficient management. Opposite to some optimistic forecasts, that with the collapse of the Warsaw pact, Soviet Union and the whole bipolar system the security will be conditioned and the main preoccupation of the states will be focused toward building a system of universal security, the increased number, the content and the diversity of the security challenges and threats imposed the need of intensifying the debate for finding new solutions in coping with the potential security challenges.*

*Key words: Security, security challenges, risks and threats, security priorities, the Balkan.*

### **INTRODUCTION:**

Nowadays, it seems that the non-state actors have the primate as players in the international politics and actually it looks like they are focused on tearing and destroying the state structures. Thereby, the efforts are now focused toward strengthening of the national capacities in the need to enable the fundamental tasks of the national capacities.

The challenge is to help strengthen the concept of building strong institutions that will mean helping to establish the links prescribed with contiguity and complementarity, presenting the most important fundamental needs for progress in every society. The increased awareness for restoration should lead to shearing the responsibilities, better cooperation and

coordination. This should enable the state actors to also focus on defining the rules for behavior and cooperation, permitting differences in the approach and decreasing the overvalued politics. This also means that there will be no additional fields of functioning of the marked institutions, but instead, the responsibilities will be broadened, increased, layered and comprehensive, stimulating the initiatives that will come both from horizontal and vertical level.

It is considered that the biggest factor of instability is still related to the fragmentation of the systems, which in some ways reflects the existing assumption that the increased variety of human conditions leads to a non-concise antagonism.

Thus, in absence of pragmatic solutions, a lot of states agreed on the dilemma between institutional reform and anxiety outside the institutions. Still, despite those assumptions, the increased awareness of strengthening the national politics is a precondition for increased welfare and eventual prosperity, which is the right meaning of the much misused concept of “strong institutions”. The transparency of communications all over the world will gradually reduce the protective role of the state; it will have to be compensated with more cohesive international solidarity.

The collapse of the Berlin Wall and the subsequent disintegration of the Soviet Union have created an opportunity for a new set of studies on the international security stage. Whereas previous scholarly attention had mostly been devoted to nuclear deterrence and issues stemming from realist ideology, a new subset of research has since shone to equal status.<sup>1</sup> The role that non-state actors play in the international security field has come to the attention of many, especially since the attacks of September 11<sup>th</sup> 2001. Non-state actors come in various shapes and sizes and include non-governmental organizations (NGOs), private military corporations (PMCs), criminal and terror networks, multinational corporations. Nevertheless, all the constituents of this diverse assortment of non-state entities play a unique role in the ever-changing realm of international security. Certainly, the deleterious effects of criminal and terror networks often act to undermine the fabric of international security. Meanwhile, the role of private security is getting firmer and their influence on international security is a point of appreciable contention.

The influence of non-state actors in this globalized world is unquestionably stronger than at any point since the Westphalia system of state sovereignty was established in 1648. Whether non-state actors play a

---

<sup>1</sup> Caldwell, Dan & Williams, Robert, *Seeking Security in an Insecure World*, New York, NY: Rowman and Littlefield, 2006.

positive or negative role in efforts to resolve international security stems, for the most part, depends on the resulting mixture of their intentions, capabilities, and the inevitable side effects of their actions.

## **THE BIG ACTORS AND INTERNATIONAL AFFAIRS**

The world has never been so complex, heterogeneous, antithetic, inter-dependable and dynamic, so every order that prefers to comprehend it, to embrace and to arrange the world, should not only have it in mind as a challenge, but also as premises, all of the noted marks. Because of this reason, not any world problem should be set and scoped just through one point of view, through unconditioned antagonism, through preferring only one principle or one interest.

The existing condition in international relations does not correspond to the smaller states, and the trend of its worsening even corresponds less, for the reason that in the disadvantaged global movements they see the endangerment of conserving or even degrading its own international position. That is why the idea of building new international order meets its first constructive and consistent proponents exactly in the least developed states – their internal condition and international position comprise a solid ground and realistic foundation and impulse for restructuring of the contemporary world.

The leading actors of the world, trying to scope the common frame for finding a solution for the crucial problems of development that the world faces, precisely, trying to define these problems, have noticed major divergences which further reflect also on the ways and methods for their resolving.

Basically, it is about a collision of different concepts, different politics, and above all, different interests.

The real chance for providing a sustainable international system should be searched in the awareness for constant establishing, exploring and broadening of the fields for common interests among all the countries in the world on one hand, and on the other - in the development of awareness for mutuality, cooperation and belonging to undivided international community.

## **THE NATURE AND IMPACT OF NON-STATE ACTORS**

The international order and international laws are the states. Only the states have the power to use force in order to express their interests. But, the situation today is completely different. In recent times, more and more non-state elements which want to enforce their power have been identified. Many non-state elements act like states. They enforce their decisions above

governmental decisions and become quite important factor in resolving certain questions. It seems like there are new instruments for the new players in the international order (multinational corporations, media, organized crime, terrorism, private security and military companies etc.). A question is raised how to cope with the new instruments, and how to manage the new challenges of large scales.

One of the most prominent features of the global political system in the second half of the twentieth century is the significant variation in numbers and importance of non-state entities. With the growth of interdependence and communication between societies, a great variety of new organizational structures operating on a regional and global basis, have been established. The rise of these transnationally organized non-state actors and their growing involvement in the world politics, challenge the assumptions of the traditional approaches to international relations which assume that states are the only important units of the international system.

Complicating the picture is the fact that many transnational issues are driven by non-state actors, such as international criminals, terrorists, or alien smugglers, who have little concern about international governance or legal norms. In fact, many of these non-state actors spend a great deal of energy simply trying to elude or evade government officials altogether, thus making traditional face-to-face negotiations or admonitions virtually impossible.<sup>1</sup>

### **The role of media and multinational companies as non-state actors**

World polarization of the wealth will show impregnability. Post-state organizations from criminal empires to international media will stop the integrity and place of states. Non-state elements develop more forms, from media conglomerates that decide what the world should see or know, to many peace multinational corporations and networks of transatlantic criminal extensions.

Often a question is raised “What kind of information does the media select and how is the information presented?” The analysis of “values of news” shows that the chosen information is not just a random choice of events. There is a clear pattern that prescribes hierarchy of events and people that seem important. Elites, nations and individuals, as well as dramatic events dominate the news. So, the value of news and the judgment in news that determine the contents of the media, not only focus our consideration toward specific fields which medias determine as “important”, but on the

---

<sup>1</sup> Oliver Bakreski, Tanja Miloševska, “*Actual and potential transnational security threats and challenges*”, Criminalistic-Police Academy, Serbia, Belgrade, 2008.

contrary, they distract our attention away from other “not important” events. In this way they contribute to our mental images about the world.<sup>1</sup>

Unlike the media, multinational companies intend to unite complement companies regarding the deficit of resources but aggressive and protective activities, altogether with the need for their show-off, have to be limited in the same time. Furthermore, since nations function in the frame of the international system of other states and numerous other non-governmental actors, multinational corporations must incorporate the interactions between different national states which search safety in bigger regional and international economies as their integral part.<sup>2</sup> Many of the largest multinational companies have assets and budgets that exceed the economies of the countries themselves. Large multinational corporations can have a powerful influence on the international relations and the policies of national governments, given extensive financial resources available for the purpose of public relations and political lobbying. This investment has helped many new emerging economies grow well beyond what they could have achieved through their own indigenous assets alone. However, these practices can also fuel negative trends such as degradation of natural resources, global warming, and socioeconomic and human rights violations in the developing world.<sup>3</sup>

Multinational corporations (MNCs) operating in conflict zones are non-state actors whose potential exists for fostering conflict prevention and generating wider respect for human security. It is now generally recognized that management decisions of corporations at the headquarters and local levels can have an important impact on the course and duration of violent conflicts. In situations of political and social chaos, legitimate business operations can become unintentional parties to the political or military activities of national governments, local warlords or rebel groups, and coincidentally (or even cynically in some instances) feed war economies.

In most of the conflict zones of the present time, there are multinationals with business interests. Thus, MNCs are increasingly caught in situations where state authority is diminished or absent altogether and where control over economic resources is a primary objective of the disputing parties. Warring groups, no longer necessarily the direct or indirect ideological clients of one superpower or another, now often finance their activities through the control of local economic resources and the profiteering of scarce goods. This means that MNCs as producers or dealers

---

<sup>1</sup> Ralph Negrine, *Politics and the Mass Media in Britain*, Routledge, 1996, p.4.

<sup>2</sup> *Handbook of Defense Economics*, Volume I, Elsevier, 1995, pp.15-16.

<sup>3</sup> Stanley Foundation, “Nonstate Actors and the New Global Reality”, <http://risingpowers.stanleyfoundation.org>.

of these goods become implicit, if unwilling, accomplices in prolonging the conflict. Most acutely implicated by this problem, of course, are those MNCs involved in the extraction of natural resources such as oil, natural gas, timber, rubber, and precious metals and gems.

For MNCs, the dilemmas posed by operating in conflict zones can be complex and of unforeseeable negative consequences for which they are ill prepared. None the less, the risk of local, international and, most importantly, investor backlash makes these consequences too significant for them to ignore. Multinational corporations are facing three issues: continuation of partnerships with repressive and corrupted host regimes or other non-state actors that violate human rights and humanitarian principles; decisions whether or not to use their occasionally significant local influence to reduce tension; and determination if and when to abandon operations. Apart from a few well-publicized exceptions, however, it is not corporations' general absence of concern that leads them to make choices with negative repercussions for human security. It is rather the lack of information and of understanding of humanitarian and human rights principles and MNC's own responsibilities as participants in the conflict, to uphold them.<sup>1</sup>

The intensive process of development and spreading of economical, technological, cultural, political and military changes, usually identified as globalization, triggered a boomerang effect on the security challenges both at national and international level. Therefore, states solely can no longer successfully cope with all the security challenges, but rather they can better fulfill their security needs in regional or even international frameworks of cooperation. Post-international politics,<sup>2</sup> besides the more acute old global security challenges, brought new ones such as international terrorism, drug and human trafficking, massive human rights violation, civil wars, radicalization of religious movements and transnational criminality, and all of them basically resulted from the dismantling of the bipolar system.

### **The organized crime as a non-traditional security threat and challenge for the (Western) Balkans**

The Balkans is a region fairly exposed to the globalization threats that were already registered in other parts of the world. At the beginning of the 21<sup>st</sup> century the interdependence between “old” and “new” security threats was no more a novelty, and today, the emphasis is no more on the

---

<sup>1</sup> Claude Bruderlein. “The role of non-state actors in building human security”; The case of armed groups in intra-state wars, Geneva, Centre for humanitarian dialogue, May 2000, p.4.

<sup>2</sup> James Rosenau, Turbulence in World Politics, a Theory of Change and Continuity, New York, Harvester Wheatsheaf, 1990.

military (“hard”) security challenges but on the non-military (“soft”) security challenges.

In the past, non-state actors had played a positive, constructive role on the international arena. Nowadays, they overtly support organized crime and international terrorism and therefore do not want to change the current order of the system, as it favors their actions. Yet, apart from the globalization process, the powerful emergence and influence of non-state actors shaped a new strategic environment. As a consequence, the new types of challenges are less visible and less predictable.

Since the beginning of the 1990s, the Western Balkans has witnessed conflicts and political instability, poverty, weak institutions of democracy, permeable borders; many countries even further continue to witness an abundance of corruption in state institutions and agencies such as the police, customs and the judiciary. The region has proved to be a fertile soil for organized criminal activities, especially drug trafficking.<sup>1</sup>

The dominant ethno-nationalistic agenda was used in order to create a better image for the arms business. Thus the rise of nationalism and outbreak of violent conflicts on the territory of former Yugoslavia provided a ‘golden opportunity’ for the Balkan mafia networks. The numerous ‘fronts’ could easily absorb the weapons and even asked for more. Paradoxically enough, at the expense of the nationalist fever and murderous politics of the leaders, the mafias could cooperate perfectly well without any nationalistic bias and with a great profit.<sup>2</sup> Revenues generated by organized crime are used directly to undermine the state society, political institutions and economy in the period of post-conflict transition.<sup>3</sup> The end of the war precipitated global integration of these networks in a quest for a new source of income. In this context, the Balkans assumed several roles. It established itself as a transit route, as a destination, but also, due to impoverishment and insecurity, as a source of illicit commodities.<sup>4</sup>

As Williams indicates, "criminal organizations provoke turbulence in domestic politics and challenge the normal functioning of government and law. They are also linked in complex ways to the growth of the black

---

<sup>1</sup> Baghdoyan, S, “Drug trafficking in South-East Europe”, United Nations Office on Drug and Crime (UNODC), Vienna, www.unodc.org.

<sup>2</sup> Biljana Vankovska, “*The Impact of Conflict and Corruption on Macedonia's Civil-Military Relations*”, in the Born Hans, Ed, “Civil-Military Relations in Europe: Learning from Crisis and Institutional Change”, (Routledge, Taylor & Francis Group, UK, 2006).

<sup>3</sup> Alessandro Politi, “The Threat of Organized Crime in the Balkans”, *Southeast European and Black Sea Studies*, Vol. 1, No. 2, May 2001, pp. 39-63.

<sup>4</sup> Patrick Moore, “Shifting Responsibility in the Balkans: The EU Takes the Lead”, *the International Spectator*, 3/ 2002, pp. 83-90.

market."<sup>1</sup> Many would dispute that these are the only threats to global security in the future. Indeed, there are many challenges to peace and security today that are both military and non-military in character, but they do not touch on either of the above.

Nevertheless, this is not solely extending of the existent activities of organized crime, but also a process of a step by step changing, process of globalization and gradual penetration of crime that gives a totally different form of the underground world on the Planet Earth. Even the gangs from the smallest streets are now part of the global network; they raise the demand for drugs and consequently, its production on the other side of the world. Those drugs are smuggled through multifunctional tours across the borders where illegal immigrants pay their suppliers in cash for stolen or not duty-charged commodity and soon that amount is laundered through virtual economy of the international financial transfers, which certainly means that almost every form of organized crime so far, is strictly transnational.<sup>2</sup> But even if transnational criminal organizations and the new competitiveness of black markets are not the only future threats to global security, they are certainly two of the most pervasive. This happens because of the far-reaching destabilizing effects they create. For an instance, there is no proportionality in the way these threats affect governments and societies: the most convenient environment in which these threats operate and where the greatest amount of damage can be caused, is that of transitional systems.

First and foremost, transnational organized crime could threaten the sovereignty of a nation-state. In the international politics, nation-states are separated by frontiers and borders, which not only divide territories but also mark out different political and legal systems, levels of economic development and political cultures. The transnational organized crime, due to its illicit and transnational nature, ignores the sovereignty of states and has no respect for borders as far as their illicit criminal activities are concerned.

Secondly, in extreme cases, transnational organized crime poses a threat and subsequently challenges the political power of the state itself. For example, in order to maintain their illicit activities, some transnational organized crime groups are willing to use force against the state and its law enforcement agencies, which clearly undermines the state political power and monopoly on the use of force.

From the security point of view, these illegal organizations pose a direct challenge to the judiciary and law enforcement capacity of all states. Indirectly, they generate a corrupting influence, eroding the effective

---

<sup>1</sup> Phil Williams, "Transnational Criminal Organizations", *Society under Siege*, pp. 11-41.

<sup>2</sup> Bunker R.J., *Non-State Threats and Future Wars*, Frank Cass & Co.Ltd, 2003, p. 29.



functioning and the integrity of state institutions. But, in states in transition, these indirect threats include stopping the establishment of a legitimate state apparatus which is essential for responsible governance. According to Williams, transnational criminal organizations are "the HIV virus of the modern state breaking down the immune system which allows the spread of infection into law enforcement agencies and other state institutions."<sup>1</sup> Apart from violence, transnational organized crime elements are also engaged in large-scale corruption and money laundering in order to sustain their illicit activities. This could consequently threaten and undermine the stability of their host and home states, which in turn would threaten the national security. Corruption among state officials and judicial members such as judges and lawyers would definitely weaken the state politically, economically and socially, and this would severely threaten the national security, because it affects the effective functioning of the society in that state. Thus, it can be seen that violence and corruption could undermine political stability and hence pose threats to national security.

The incapacity to control the importation of arms, people and drugs into their territory would cause the state to lose much of its significance. These threats and challenges clearly undermine state sovereignty in terms of their absolute control over their territory and these can be considered as threats to national security.

For all of these reasons, the context in which transnational criminal organizations operate must ultimately be seen as a direct challenge to the capacity of the states, firstly to govern themselves, and secondly to participate in multinational governance initiatives. In short, the complexity of transnational organized crime activities not only undermines national security but also the international state system.

### **The changing nature of terrorism**

In present times, apart from the organized crime, terrorism is also a global threat. Threats from terrorism are consistent, and numerous states in the world are affected. Terrorism today takes global scales, and consequently, the war against it should take global dimensions. This requires facing the institutions for resolving the upcoming challenges.

The Security Council Resolution 1373 highlights the nature of the threat and intends to tackle it. It says that there is "a close connection between international terrorism and transnational crime, illicit drugs, money

---

<sup>1</sup> Ibid. p. 36.

laundering and illegal movement of nuclear, chemical, biological and other deadly materials."<sup>1</sup>

The threat that transnational terrorism poses to the nation-state is fairly direct. Terrorists may target key infrastructures within nations, and their attacks might prompt a breakdown in civil order (even in those areas far beyond the target of the attack). If terrorists attack a financial target, it could spark financial panic which, depending on where the attack occurred, could on the other hand spread overseas and disrupt international markets. The range of biological or chemical weapons being used in terrorist attacks substantially raises the possibility of widespread human and social destruction.<sup>2</sup>

Terrorist activities generate political challenges and instability and undermine the trust of societies in their governments. This can be aggravated by links between local extremists and international terrorist and radical fundamentalist groups, and attempts to use the region as a transit corridor for missions in third countries, as well as expansion of links with organized crime as a significant funding source.

Although the Balkans, compared to the Middle East or South Asia, is not regarded as a key region in harboring or fostering terrorists with funds, the area could play a secondary role, as a transit zone for terrorists as well as for the establishment of pocket zones for training or for repose and recovery.

Countries in the region find themselves at different economic, political and social levels. Weak political and law enforcement institutions and political instability and poverty offer a fertile ground for terrorist groups. Furthermore, some of the countries are plagued by pervasive organized crime, making them vulnerable and confining the extent of force intervention at state level.

### **Privatization of security**

In recent years, the wave of internal conflicts brought about a new phenomenon known as privatization of the security functions. Private security is a result of numerous ideas, concepts, historical circumstances and social situations, and today it is a component of everyday functioning of the institutions, business community, and industry as well as of organizing of the

---

<sup>1</sup> Security Council Resolution 1373 (September 28, 2001), in Strategic Analysis. December 2001, 25 (9) 1149.

<sup>2</sup> Oliver Bakreski, Tanja Miloševska, "Actual and potential transnational security threats and challenges", Criminalistic-Police Academy, Serbia, Belgrade, 2008.

society in general. Basically, the private security sector is consisted of companies which give security favors and / or produce decreased security.

There is a tendency in the world for increasing of privatization in the security sector. There are only a few states in which this process of privatization does not occur.

The increasing of the number and significance of the private companies with military characteristics, which are of service in the area of general security or physical technical security, represents a global phenomenon at the end of the 20<sup>th</sup> and the beginning of the 21<sup>st</sup> century. It may be said that after four hundred years, the state and its institutions are not the only subjects that take care for the external and internal security of their citizens.

Today, however, this Westphalian world of the nation-state as the unchallenged pillar of international order - with defence against any threats from outside as the primary mission of its armed forces - has been superseded by a much more complex reality that has brought back the privatization of war and conflict.<sup>1</sup>

The commodification of violence and the privatization of security are accepted more widely today than at any other time in the history of the modern nation-state. The internationally growing trend towards the privatisation of security and the outsourcing of state functions typifies the steady erosion of the state monopoly over all forms of organised violence. States, businesses, international organisations, non-governmental organisations, individuals, and communities have all turned to the private sector for their security needs.<sup>2</sup>

## **REFLECTION ON CONTEMPORARY SECURITY CHALLENGES**

The security challenges of the present tend to be more diffuse, less predictable, and more multidimensional than those of the Cold War era. Unlike traditional threats emanating from an adversary, they are better understood as shared risks and vulnerabilities. Threats always require immediate addressing; challenges can be managed over a period of time. Opportunities for effectuating national interests and conducting transformation of relations in the international politics do not come often; therefore, they require immediate attention of the policy-makers. The

---

<sup>1</sup> Schreier, F. and M. Caparini, *Privatizing Security: Law, Practice and Governance of Private Military and Security Companies*, Geneva, DCAF, 2005, p. 1.

<sup>2</sup> Small, M., *Privatization of Security and Military Functions and the Demise of the Modern Nation-state in Africa*. Durban, African Centre for the Constructive Resolution of Disputes, 2006, p. 4.

continuous erosion of state monopoly above all kind of organized violence is evoked, beside the inability of the state to respond traditionally on the contemporary challenges, risks and treats that emerged after the termination of the Cold War.

The world community is getting increasingly concerned about the threats from the nonstate actors, particularly the terrorists having capabilities of carrying on transnational operations. The emergence of an international alliance against terrorism is the newest feature of the international security system, but it is not without complications. It has several implications for the security systems, both at regional and global level.

The rise of this kind of non-state threats is a big problem for the states and their governments, because they are de facto not legally prepared to stand against this kind of threat. Nowadays, we are witnesses that the world is breaking and governments lose their control over citizens' behavior, the states or their power and resources are getting weaker, and while they are afraid of metastasis - it is more imposed, globalizing the state.

## CONCLUSION

The new actors and new conditions do not deliver a good political message nor do they suggest alternative approaches toward resolving the security problems - as a result of the gap in national societies. The illegal trade and international organized crime are a big challenge for the states. The terrorism that is fed by them is a political but not a strategic or ideologically powerful tactic. Unlike the state actors, these non state elements do not contribute in the constitution of strong instruments that can be utilized in managing with these threats. The traditional meaning of the political diplomacy and security, and the legal, financial, cultural or communicational compulsion, leaves the legal and judicial system alone, and they can hardly have a determined impact over non state actors. Not even the emphasizing of a certain superiority manifested through different shapes of power seems capable to influence the non-state security actors. It is considered that in long terms, instead of showing power, the better option would be consistency and political silence for these non-state elements.

Accepting this reality of the national security, the states from the Balkans must adjust to the new circumstances in the region and the close surrounding for protection of the national strategic interests and establishing of efficient security institutions. In discovering optimal models for accomplishing the security priorities, it is necessary to start with the scoping of the actual solutions that the states from the Balkans are implementing, as well as accepting the reforms in the security sector as an important precondition for integrating in the European and Euro-Atlantic structures.

The reforms in the security sector allowed a new approach in defining the concept of national security and adapting of the organization of security institutions, transparency in their working, efficient democratic control and enforcing the laws and ethical principles as a major priority in functioning and strengthening the professionalism of the subjects of these structures.

## **Bibliography**

1. Baghdoyan S., "Drug trafficking in South-East Europe", United Nations Office on Drug and Crime (UNODC), Vienna, [www.unodc.org](http://www.unodc.org).
2. Bakreski O and Milošević M., *Sovremeni bezbednosni sistemi*, Autoprint i Filozofski fakultet, Skopje, 2010
3. Bakreski O and Miloševska T., "Actual and potential transnational security threats and challenges", *Criminalistic-Police Academy*, Serbia, Belgrade, 2008.
4. Bunker R.J., *Non-State Threats and Future Wars*, Frank Cass & Co. Ltd, 2003.
5. Buzan B., *People, States and Fear: An Agenda for International Security Studies in the Post Cold War Era*, Second Edition, Lynne Rienner Publishers, Boulder, Colorado, 1991.
6. *Handbook of Defense Economics*, Volume I, Elsevier, 1995.
7. Kotovčevski M., *Nacionalna bezbednost na Republika Makedonija*, prv del, Makedonska civilizacija, Skopje, 2000.
8. Mangold P., *National Security and International Relations*, Rotledge, London and New York, 1990
9. Masleša R., *Teorije i sistemi sigurnosti*, MAGISTRAT, Sarajevo, 2001.
10. Matthew A. Richard, *Dichotomy of Power, Nation versus State in World Politics*, Lexington Books, 2002
11. Moore P., "Shifting Responsibility in the Balkans: The EU Takes the Lead", *the International Spectator*, 3/ 2002.
12. Negrine, Ralph, *Politics and the Mass Media in Britain*, Routledge, 1996.
13. Politi A., "The Threat of Organized Crime in the Balkans", *Southeast European and Black Sea Studies*, Vol. 1, No. 2, May 2001.
14. Rosenau J., *Turbulence in World Politics, a Theory of Change and Continuity*, New York, Harvester Wheatsheaf, 1990.

15. Schreier, F. and M. Caparini, *Privatizing Security: Law, Practice and Governance of Private Military and Security Companies*, Geneva, DCAF, 2005.
16. Security Council Resolution 1373 (September 28, 2001), in *Strategic Analysis*. December 2001, 25 (9) 1149.
17. *Security Sector Governance in the Western Balkans 2004*, Istvan Gyarmati and Scott Vesel (eds.), Nomos Verlagsgesellschaft, Baden-Baden, 2004.
18. *Security Sector Reform: Does It Work? Problems of Civil-Military and Inter-Agency Cooperation in the Security Sector*, Fluri Philipp and Shalamanov Velizar (eds.), Geneva Centre for the Democratic Control of Armed Forces and George C. Marshall, Sofia, 2003.
19. *Security Sector Reform: Institutions, Society and Good Governance*, Bryden Alan and Fluri Philipp (eds.), Nomos Verlagsgesellschaft, Baden-Baden, 2003.
20. Small, M., *Privatization of Security and Military Functions and the Demise of the Modern Nation-state in Africa*. Durban, African Centre for the Constructive Resolution of Disputes, 2006.
21. Vankovska B., "*The Impact of conflict and Corruption on Macedonia's Civil-Military Relations*", in the Born Hans, ed, "Civil-military relations in Europe: Learning from crisis and institutional change", Routledge, Taylor & Francis Group, UK, 2006.
22. Williams O., *Transnational Criminal Organizations, Society Under Siege*.

**Žanet Ristoska, PhD**  
Ministry of Defense of the Republic of Macedonia  
[zanetristoska@yahoo.com](mailto:zanetristoska@yahoo.com)

## **THE RELATIONS BETWEEN MASS-MEDIA AND MODERN SECURITY THREATS WITHIN GLOBAL AND NATIONAL SECURITY SYSTEMS**

***Abstract:** Associating media with the modern security threats is a subject that becomes more and more relevant.*

*This especially gains seriousness in the present situation of modern threats, particularly conducted through various terrorist acts that the modern society faces with.*

*The relation between terrorism and mass-media is a security question that has to be evaluated.*

*Terrorism is a major threat and it is at the top of all national security strategies. On the other hand, mass-media is the most important new power which has influence over all the segments of social life.*

*The modern means of communication and the mass-media have a great influence on the modification of the modern way of warfare. Fast communication gives the journalists opportunities to be directly involved in the conflict and report from the actual scene, which results in an increased interest of the public view on all the aspects of modern warfare.*

*One of the most important strategies for achieving a certain goal is mobilization of the public opinion.*

*But, this way of thinking has been accepted and also used by the terrorists and their organizations. They overrun the media, they even create their own media (newspapers, TV-stations etc.) to get closer to the public and justify their goals and actions.*

*The media reports can often increase the fear of the public and intensify the meaning of the threat. By doing that, the fear spreads and the media become means for psychological influence of terrorism and terrorists.*

*Considering that terrorism and the fight against it are quite sensitive problems, this paper will try to discuss this subject as a problem to which our society is not immune.*

**Key words:** mass-media, terrorism, security, strategy, public opinion.

## INTRODUCTION

The role of news media and information is of a great importance in conflict and conflict management; today info is dynamic and placed in the context of a multilateral environment with many actors. The media, therefore, have enormous importance in conflict resolution because they are the primary, and frequently the only source of information regarding conflicts. If a situation does not make the news, it simply does not exist for the most of the people. When peaceful options such as negotiations and other collaborative problem-solving techniques are not covered, or their successes are not reported, they become invisible and are not likely to be considered or even understood as possible options in the management of a conflict.<sup>1</sup>

Any discussion of media about a conflict eventually leads to the purpose and responsibilities of journalists. The audience expects objectivity of its news reporters. While most citizens take this for granted, objective reporting has not been the historical norm. The concept of objectivity itself has often been the focus of many debates.

Terrorism as one of the most serious security problems of the modern society (understood as a means and method for achieving specific goals by different extremist groups and organizations and appearing as a direct consequence of interests of individuals) forces and structures the will to change the balance in the community or influences on the global level. The violence of terrorism has a specific goal. We say that this violence is used for the purpose of indirect communication with the public. That is the first reason why terrorism has to be covered by the media.

It is very important to know where the limit of subjectivity is, and how to deal with subjective point of reporting, especially when the event which is to be reported, is the security problem within the national borders of one country and the representatives are not in position to give the right and valid information about the nature of the security threat from the first moment of the security event.

We will try, in this short essay, to discuss some questions that refer to the role of mass media and the representatives of the government when we are dealing with the new kind of security threat, as the terrorism or ethno political-conflicts are.

---

<sup>1</sup> Dušan Reljić, The News Media and the Transformation of Ethno political Conflicts, Bergnof Research Centre for Constructive Conflict Management, pg2 <http://www.bergnof-handbook.net>



## **THE RELATIONS BETWEEN MASS MEDIA AND TERRORISM**

Nowadays, there are many theoreticians who research the relations between media and violence. Two of them, Alex Schmid and Janny de Graaf, during their research period (the last two decades of the previous century, starting from 1982) gave a great number of theoretical analyses in this field of researching. They have noticed that marginalization of the role of the media in respect of terrorism results from deficiency of science studies dealing with this problem. They have started their research in hope to prove the relations between terrorism, western media and political factors. The main point of their study are the modern means of communication and the mass-media which have a great influence on the modification of the modern way of warfare. Quick communication gives reporters a chance to be directly involved in the conflict and report from the scene, which results in increased interest of the public view on all aspects of modern warfare. One of the most important strategies for achieving one's goal is mobilization of the public opinion.

Conflict attracts viewers, listeners, and readers to the media; the greater the conflict the greater the audience, and large audiences are imperative to the financial success of media outlets. Therefore, it is often in media's duties not only to report conflict, but to play it up, making it seem more intense than it really is.

The media, always hungry for new sensations, found the terrorism as a new kind of security threat, symbiosis of all the things that one good journalistic story should have. The dramatics of terrorism is a great opportunity to attract public's attention. Therefore it is important to maintain an objective control over the information that is presented by the media.

On the other side, terrorism, by definition strives to attract public's attention and at that point the media perfectly fits in the plans of terrorists and their organizations.

This way of thinking has as well been accepted and used by terrorists. They overrun the public opinion, they even create their own media (newspapers, TV-stations etc.) in goal to be closer to the public and justify their goals and actions.

Every terrorist act that has become a subject of media reporting, especially if the act is in progress, causes tensions and reactions in the institutions of security. This fact must be understood because we all know what consequences can emerge from the unprofessional reporting by some of the media, that are on the scene only a few minutes after the terrorist act had happened and for the sake of sensationalism and glory, often give their

personal point of view for the situation and predictions for the event without consulting the authorities.

The press and the other media for decades fight their battle for independence and freedom of speech but relying only on the motto for freedom the journalists can sometimes unintentionally become an ally to the terrorists and help them reach their goal.

The media reports can often increase the fear of the public and intensify the meaning of the threat. By doing that, the fear spreads and the media can become a means of psychological influence on terrorism and terrorists.

One of the theories for the relationship between terrorism and media holds a belief that terrorism, which the media inform about, causes even more terrorism, in other words through the media it becomes conveyable. This point of view has its followers, commonly among the police<sup>1</sup>.

Still, we can say that the media can not be fully controlled neither by the terrorists nor by the government, because their role is sometimes completely individual and can be expressed in the different consequences of the reports for terrorism. More kinds of influence on the public on the part of the media are possible when reporting on some terrorist act. The media prompt by the will to report exclusively can sometimes manipulate the public, so if they qualify some act as a terrorist, the public will accept it as such, even though it is not necessarily of that kind.

The media can overstate some terrorist act but they can marginalize it too, or even justify it.

So, in this modern time characterized by multitude of events that have influence on the changes of the security surrounding, the media coverage of these kind of events plays a great role within one country, region or globally.

## **THE CENSORSHIP**

If the media do not adhere to the codex of truth and neutrality during reporting, serious consequences that can cause a lot of misfortunes are possible. This imposes the issue of censorship upon reporting about events like this.

The word censorship certainly sounds terrible and creates an image of a totalitarian society that is under government control as the “big brother”, and even thoughts are a subject to the so called “thought control”.

---

<sup>1</sup>Jonathan White, Terorizam, Alexandria Press, Beograd,2004,pg. 317

The censorship is the most contradictory part of media relations. In theory there are three points of view in relation to censorship when reporting about terrorist acts. Some theoreticians recommend setting up a kind of control over the media by the government. Other theoreticians support the opinion that media should establish internal control in relation to the rules of their reporting.

There is a third opinion that disproves this suggest, claiming that the internal control would subordinate itself to the government, and it will lose objectivity.

The government and its representatives who are authorized to make decisions in relation to random terrorist acts are not always prepared to subject themselves to arbitrage by the public. This can sometimes lead to certain intolerance between the media and the authorized body. That is why we should not be surprised by the frequent critique and denial of journalistic reports by people working for the police or for the army. This leads to intolerance between the media and the authorized body.<sup>1</sup>

No matter how justified and supported by facts, most of these theoreticians forget that the media should be a neutral weapon and that media's autonomy is included as one part in the Convention on Human Rights.

### **THE ROLE OF THE MEDIA DURING THE CONFLICT IN THE REPUBLIC OF MACEDONIA**

In ethnically diverse communities, as we are, the media often serves to reinforce existing differences and thus accelerate a disintegrating effect on the homogeneity of population.

Ethno-political conflicts differ from other forms of political conflicts in several crucial ways. The fundamental distinction is that the conflict parties often resort to violence because they see this as the only means of resolving their grievances with ethnic communities.<sup>2</sup>

The media played a great role during the Conflict in the Republic of Macedonia in 2001. We do not have enough space in this paper to discuss some quantitative results connected to that issue, but we will conclude that in the Macedonian approach, the media had been divided on ethnal base before, during and after the whole period of conflict.

---

<sup>1</sup> Jonathan White, *Terorizam*, Alexandria Press, Beograd, 2004, pg. 317

<sup>2</sup> Dušan Reljić, *The News Media and the Transformation of Ethno-political Conflicts*, Bergnof Research Centre for Constructive Conflict Management, pg2 <http://www.brgnof-handbook.net>

We all know that the conflict in the Republic of Macedonia officially begun at the moment when we saw on TV a reportage for kidnapping of some TV reporters. Exactly, the conflict obviously started from the moment of kidnapping of the TV reporters by the Albanian extremists in Tanusevci on 16<sup>th</sup> February 2001.

During the whole period of the war activities, we can find many examples when media gave its subjective interpretation of the battlefield situation. Even in the news, media reported about some unverified facts that made a lot of tensions between Macedonians and Albanians. For example, the A1 TV station on 23<sup>rd</sup> March 2001 reported that there are a lot of terrorists dressed in their civil clothes, walking free among the citizens of Tetovo and Gostivar. We can only suppose what was the reaction of the public on that kind of news and how much this report has increased the fear of the public. In another occasion, the daily newspaper “Dnevnik” on 8<sup>th</sup> May 2001 informed that ONA offers a reward (200 000 DM) for each person who would catch an elite forces soldier of ARM units (Volci) and etc.<sup>1</sup>

Also, we can find a lot of examples of ethnical and religious disagreements that were supported by the media at that period (and unfortunately, maybe we still have those kinds of problems of reporting from different points of view by the different kinds of media based on some ethnical or religious differences).

If the reports about the tension and conflict are presented in a genuinely free and independent manner and a fair and balanced way, they can indeed help to overcome the conflict in that they will serve to educate the public, allowing their audience to form independent opinions. On the other hand, biased and manipulative reports can all too easily accelerate and intensify the crisis.<sup>2</sup>

After all this happened during the Conflict and after, we can suggest that the media may well be the most powerful means available for resolution of future conflicts or even for prevention of wars, if it is objective and constructive within its role in our society.

---

<sup>1</sup> Chronology of the Events of the Conflict 2001, prepared by Jasmina Najdovska, Foundation Open Society Institute of Macedonia,

<sup>2</sup> Dušan Reljić, The News Media and the Transformation of Ethno-political Conflicts, Bergnof Research Centre for Constructive Conflict Management, pg2 <http://www.brgnof-handbook.net>

## CONCLUSION

We can conclude that there are high expectations placed upon the role of the media within global and national framework.

These include the proposition that journalists reporting on conflict should be trained in the techniques of resolving conflict, and should always aim at acquiring an impeccable reputation as promoters of peace.

Considering that terrorism and the fight against it is a very subtle security problem, we will point on some conclusions on this relation.

Consider the presence of journalists in situations like these as a tactical question. The collaboration of the representatives of the media and the government must exist, and it is important for preventing and eliminating terrorism as the greatest evil in today's world.

What is the practical advice that the media should follow if they want to contribute to this battle and not to become propagators of the government?

During the incident, the media should be called up by the institution in charge of handling the incident and give them information that is precise and true, but it is also important to make an arrangement with the journalists that significant tactical details will not be used until their release will no more represent danger for the measures and the activities overtaken, and it will not be dangerous for the public. The presence of the journalists must not represent danger for the lives of the police or the soldiers, or create a possibility for their kidnapping or being held as hostages.

In cases like these, above all it is important to establish mutual trust and respect between the journalists and the authorities. So, the journalists should be convinced in the correctness of the voluntary collaboration of the authorities.

Also there are some special situations, as it is the hostage situation, when the police have the right to put restrictions on news media to report for the purpose of better security of the hostages.

All of this means that there are high expectations placed upon the role of the journalists in our society.

And finally, we will conclude that in an ideal world, the role of media should be only to report towards the creation of peace; until then, we still have to pay attention and discuss about this kind of relations and problems.

## BIBLIOGRAPHY

1. Hronologija na nastanite za konfliktot 2001, podgotvil Jasmina Najdovska, Fondacija otvoreno opstestvo, 2009.

2. Reljić Dušan, The News Media and the Transformation of Ethnopolitical Conflicts, Berghof Research Center for Constructive Conflict Management, edited version Aug. 2004

3. Schmid Alex and Janny F.A. de Graaf, Violence as Communication, Sage Publication, London, 1982.

4. White Jonathan R., Terorizam, Aleksandria Press, Beograd, 2004;

## **ОДНОСИТЕ ПОМЕЃУ МЕДИУМИТЕ И СОВРЕМНИТЕ БЕЗБЕДНОСНИ ЗАКАНИ ВО ГЛОБАЛНИ И НАЦИОНАЛНИ**

***Резиме:** Поврзаноста на медиумите со современите безбедносни закани е прашање кое сè повеќе станува актуелно.*

*Ова особено се однесува на загрижувачката состојба во врска со современите безбедносни закани, меѓу коишто предничат најразличните терористички активности со кои светот денес секојдневно се соочува.*

*Релацијата помеѓу тероризмот и медиумите е безбедносно прашање кое треба да биде разгледувано и евалуирано.*

*Тероризмот претставува сериозна безбедносна закана и се наоѓа на врвот на сите национални и меѓународни безбедносните агенди. Од друга страна пак, медиумите се најважната нова светска сила чиешто влијание се чувствува во секој сегмент на општествениот живот.*

*Современото значење на комуникацијата и медиумите во безбедносната сфера се огледа и во огромното влијание коешто медиумите го имаат дури и во однос на модифицирањето на начинот на војувањето во современи услови. Брзата комуникација им дава можност на новинарите директно да се вклучат во конфликтот и од лице место да известуваат, со што рапидно се зголемува и интересот на јавноста за сите аспекти на модерното војување.*

*Всушност, една од најважните стратегии за постигнување на определена цел е токму мобилизирањето на јавноста преку медиумите за сопствени цели.*

*Но, овој начин на размислување сè повеќе почнаа да го практикуваат и терористите и нивните организации. Тие ги користат медиумите, дури и создаваат свои сопствени средства за комуницирање со јавноста (весници ТВ станици и сл.), со цел што повеќе да се доближат до јавноста и да ги оправдаат своите цели и активности.*

*Медиумските известувања често, свесно или несвесно, можат да влијаат да порасне стравот од заканата во јавноста, односно може да ја предимензионираат опасноста и слично. На тој начин стравот се зголемува и медиумите стануваат средство за психолошко влијание на тероризмот и терористите.*

*Имајќи предвид дека тероризмот и борбата против него претставуваат мошне сензитивно прашање, во овој есеј ќе се обидеме да дадеме кус осврт на некои проблеми поврзани со овој современ безбедносен проблем од којшто не е имуно и нашето општество.*

***Клучни зборови:** медиуми, тероризам, безбедност, стратегија, јавност.*

**Vladimir Urosevic, PhD**  
Ministry of Interior, the Republic of Serbia  
[vurosevic@gmail.com](mailto:vurosevic@gmail.com)

**Sergej Uljanov**  
Ministry of Interior, the Republic of Serbia  
Research fellow at the Institute of Comparative Law in Belgrade  
[sputnik970@gmail.com](mailto:sputnik970@gmail.com)

## **ANALYSIS OF CRIMINAL ACTIVITIES OF CYBER CRIMINALS IN THE ONLINE ENVIRONMENT**

**Abstract:** *Measuring by illicit profit that offenders receive on an annual basis, cybercrime is now, in addition to financial crime, estimated as the most dangerous form of criminal activity. Identity theft and misuse of identity allow the perpetrators of these crimes very effective preserving of anonymity during committing cyber crimes in the online environment. The development of new IT resources (such as cloud computing) is becoming increasingly convenient for hiding the identity and organized crime groups will use it very often. Monitoring of criminal activities is very important for cyber crime detection, especially when it comes to online space. The police services around the world have difficult task of applying information technology in fight against cyber crime for analyzing criminal activities of the perpetrators in online environment, discovering their true identity, criminal activity and intent, and then to collected clues and evidences of the crime in the online environment. Authors of this paper present the existing forms of analysis such as "data mining" and "text mining" and indicate their applicability in online space, especially in cloud computing environment, as new emerging trend.*

**Key words:** *cyber crime, data mining, text mining, cloud computing*

### **INTRODUCTION**

Crime prevention is a primary concern of law enforcement agencies. Central role of those agencies is protection of lives and property of citizens. A major challenge facing all law-enforcement and intelligence-gathering organizations is accurately and efficiently analyzing the growing volumes of crime data. Detecting cybercrime can likewise be difficult because busy network traffic and frequent online transactions generate large amounts of data, only a small portion of which relates to illegal activities. Crime analysis

is a critical component of modern policing, and law enforcement agencies are increasingly using computerized analysis tools.

Data mining is a powerful tool that enables criminal investigators who may lack extensive training as data analysts to explore large databases quickly and efficiently.<sup>1</sup> Computers can process thousands of instructions in seconds, saving precious time. In addition, installing and running software often costs less than hiring and training personnel. Computers are also less prone to errors than human investigators, especially those who work long hours. The development of new intelligent tools for automated data mining and knowledge discovery has led to the design and construction of successful systems that promise in their ability to scale up to the handling of voluminous data sets.<sup>2</sup>

Many cyber crime shapes such as Internet fraud, credit card and advance fee fraud, fraudulent Web sites, illegal online gambling and trading, network intrusion and hacking, virus spreading, cyber piracy, cyber terrorism, distributing child pornography and identity theft are now a new kinds of crimes and there is a clear need for law enforcement agencies to accurately and efficiently analyze the growing volumes of crime data related to those specific shapes.

A computer's operating system, applications and data are typically installed and stored in the 'traditional' computing environment. In a cloud computing environment, individuals and businesses work with applications and data stored and/or maintained on shared machines in a web-based environment rather than physically located in the home of a user or a corporate environment. New emerging trend such as Cloud computing are a new problem for such analyses in online environment. Cloud computing provides a scalable online environment which facilitates the ability to handle an increased volume of work without impacting on the performance of the system. Cloud computing also offers significant computing capability and economy of scale that might not otherwise be affordable to businesses, especially small and medium enterprises that may not have the financial and human resources to invest in IT infrastructure.

---

<sup>1</sup> U.M. Fayyad and R. Uthurusamy, "Evolving Data Mining into Solutions for Insights," *Comm. ACM*, Aug. 2002, pp. 28-31.

<sup>2</sup> Okwangale Fredrick R., Patrick O.: „Survey of Data Mining Methods for Crime Analysis and Visualization“, Special topics in computing and ICT research - Advances in Systems Modelling and ICT Applications, Volume II Fountain publishers, Uganda, 2006, pp.221-226.



## **DATA MINING AND TEXT MINING METHODS FOR CYBER CRIME DETECTION IN ONLINE SPACE**

Data mining is defined as the discovery of interesting structure in data, where structure designates patterns, statistical or predictive models of the data, and relationships among parts of the data.<sup>1</sup> These tools can include statistical models, mathematical algorithms, and machine learning methods (algorithms that improve their performance automatically through experience, such as neural networks or decision trees). Consequently, data mining consists of more than collecting and managing data, it also includes analysis and prediction. The large amount of cyber space activities and their anonymous nature make cybercrime investigation extremely difficult. Conventional ways to deal with this problem rely on a manual effort, which is largely limited by the sheer amount of messages and constantly changing author IDs.

Data mining can be performed on data represented in quantitative, textual, or multimedia forms. Data mining applications can use a variety of parameters to examine the data. They include association (patterns where one event is connected to another event, such as purchasing a pen and purchasing paper), sequence or path analysis (patterns where one event leads to another event, such as the birth of a child and purchasing diapers), classification (identification of new patterns, such as coincidences between duct tape purchases and plastic sheeting purchases), clustering (finding and visually documenting groups of previously unknown facts, such as geographic location and brand preferences), and forecasting (discovering patterns from which one can make reasonable predictions regarding future activities, such as the prediction that people who join an athletic club may take exercise classes).<sup>2</sup>

Historically, high performance data mining systems have been designed to take advantage of powerful, but shared pools of processors. Generally, data is scattered to the processors, the computation is performed using a message passing or grid services library, the results are gathered, and the process is repeated by moving new data to the processors.

Data mining applied in the context of law enforcement and intelligence analysis holds the promise of alleviating crime related problem. In this paper we use a clustering/classify based model to anticipate crime

---

<sup>1</sup> Fayyad, U.M., & Uthurusamy, R: Communications of the ACM, 45(8), 2002, pp. 28-31.

<sup>2</sup> Jeffrey W. Seifert: Data Mining: An Overview, CRS Report for Congress, Congressional Research Service, USA, The Library of Congress 2004, pp. 1-16.

trends.<sup>1</sup> Classically, the most severe and dangerous security threats to countries, organizations and individuals are considered to be physical acts of violence, such as the ones we have sadly had to observe in recent years. Consequently, besides classical police work, efforts in the online realm have concentrated strongly on finding individuals and organizations who are offering material that incites towards such acts of violence, or who are using electronic means to arrange for committing them. At the same time, however, it has become clear that the nature of the threats and the structure of organizations and individuals that deal with the threat have started to change. Firstly, the distinction between criminal activity carried out for purely financial gain and security threats motivated by political or ideological reasons is beginning to dissolve. More and more, we are seeing that the Internet is being used to provide financing for politically or ideologically motivated offences, and those techniques that up to now have been associated only with financial crime, such as *phishing*, are being used in this context.

Drying up these sources of funds through measures designed to prevent *phishing* and other financial fraud on the Internet thus becomes an important contribution not only to fighting crime in general, but also to defend against larger scales security threats. Secondly, the nature of the threats is changing dramatically. While previously, explosives or other chemical, biological or nuclear weapons were needed to seriously threaten the general public or infrastructure of a country, recent examples such as the attacks against Estonia in the spring of 2007 show that nowadays, critical infrastructures can be destabilized by entirely non-physical methods, simply by attacking country's infrastructure with suitable means. Text mining and data mining are good preventive methods for detection of various kinds of cyber crimes as well as for some of computer related crimes (such as cyber bullying, stalking, terrorism etc). Their real potential lying in analyses of social networks, chat rooms, bulletin boards and other resources over the Internet that criminals use.

It is extremely important to indicate that, while data mining products can be very powerful tools, they are not self-sufficient applications. To be successful, data mining requires skilled technical and analytical specialists who can structure the analysis and interpret the output that is created.

---

<sup>1</sup> Malathi. A, Santhosh B.: An Intelligent Analysis of Crime Data for Law Enforcement Using

Data Mining, International Journal of Data Engineering (IJDE) Volume (1): Issue (5), pp.77-83.

Consequently, the limitations of data mining are primarily data or personnel related, rather than technology-related.

Another limitation of data mining is that while it can identify connections between behaviors and/or variables, it does not necessarily identify a causal relationship. For example, an application may identify that a pattern of behavior, such as the propensity to purchase airline tickets just shortly before the flight is scheduled to depart, is related to characteristics such as income, level of education, and Internet use. However, that does not necessarily indicate that the ticket purchasing behavior is caused by one or more of these variables. In fact, the individual's behavior could be affected by some additional variable(s) such as occupation (the need to make trips on short notice), family status (a sick relative needing care), or a hobby (taking advantage of last minute discounts to visit new destinations).

The field of data mining has been growing due to its enormous success in terms of broad-ranging application achievements and scientific progress. Various data mining applications have been successfully implemented in various domains such as health care, finance, retail, telecommunication, fraud detection and risk analysis, etc. The ever increasing complexities in various fields and improvements in technology have posed new challenges to data mining; the various challenges include different data formats, data from disparate locations, advances in computation and networking resources, research and scientific fields, ever growing business challenges etc. Advancements in data mining with various integrations and implications of methods and techniques have shaped the present data mining applications to handle the various challenges the current trends of data mining applications are:

1. Mining the Heterogeneous data that includes:
  - Hypertext / Hypermedia data mining*
  - Ubiquitous data mining*
  - Multimedia data mining*
  - Spatial data mining*
  - Time series data mining*
2. Utilizing the Computing and Networking Resources
3. Research and Scientific Computing Trends
4. Business Trends

Due to the enormous success of various application areas of data mining, the field of data mining has been establishing itself as the major discipline of computer science and has shown interest potential for the future developments. Ever increasing technology and future application areas are

always posing new challenges and opportunities for data mining. The typical future trends of data mining includes

1. Standardization of data mining languages
2. Data preprocessing
3. Complex objects of data
4. Computing resources
5. Web mining
6. Scientific Computing
7. Business data

The contemporary developments in high speed connectivity, parallel, distributed, grid and cloud computing have posed new challenges for data mining. The high speed internet connectivity has posed a great demand for novel and efficient data mining techniques to analyze the massive data which is captured of IP packets at high link speeds in order to detect the Denial of Service (DoS) and other types of attacks. Distributed data mining applications demand new alternatives in different fields, such as discovery of universal strategy to configure a distributed data mining, data placement at different locations, scheduling, resource management, and transactional systems, etc. New data mining techniques and tools are needed to facilitate seamless integration of various resources in grid based environment.<sup>1</sup>

### **DATA MINING AND TEXT MINING METHODS FOR CYBER CRIME DETECTION IN ONLINE SPACE USING CLOUD COMPUTING**

Cloud computing appeared in 2006, when Amazon's Elastic Computing Cloud (EC2) fires the world. Many information Enterprises develop their platform for cloud computing. In 2007, Dell releases his solution of cloud computing, at the same time IBM's Blue Cloud comes in (Google's MapReduce, Microsoft's Windows Azure). According to estimation, by 2012, the Cloud computing market should reach \$420 billion. All this has showed the coming of the epoch time of cloud computing. The emergence of the Cloud system has simplified the deployment of large-scale distributed systems for software vendors. The Cloud system provides a simple and unified interface between vendor and user, allowing vendors to focus more on the software itself rather than the underlying framework.

---

<sup>1</sup> Venkatadri.M, Lokanatha C. Reddy: A Review on Data mining from Past to the Future, International Journal of Computer Applications Volume 15– No.7, India, 2011 pp.19-22.

Applications on the Cloud include Software as a Service system and Multi tenant databases. The Cloud system dynamically allocates computational resources in response to customers' resource reservation requests and in accordance with customers' predesigned quality of service.<sup>1</sup>

Cloud computing is a paradigm that focuses on sharing data and computations over a scalable network of nodes. Examples of such nodes include end user computers, data centers, and Web Services. Basically cloud is a metaphor for Internet and is an abstraction for the complex infrastructure it conceals. The main idea is to use the existing infrastructure in order to bring all feasible services to the cloud and make it possible to access those services regardless of time and location. The term "cloud" is used as a metaphor for the Internet. Cloud computing allows for a variety of services, including storage capacity, processing power, and business applications. Accessing services on the cloud is not a new concept, but it was only recently that it became available as a secure and reliable infrastructure. Today, big companies such as Microsoft, Sun, IBM, Google, and Amazon are offering storage and virtual servers that can be accessed via the Internet on demand.

Whether it's called Cloud Computing or On-demand Computing, Software as a Service, or the Internet as Platform, the common element is a shift in the geography of computation. When you create a spreadsheet with the Google Docs service, major components of the software reside on unseen computers, whereabouts unknown, possibly scattered across continents. The shift from locally installed programs to cloud computing is just getting under way in earnest. ShrinkWrap software still dominates the market and is not about to disappear, but the focus of innovation indeed seems to be ascending into the clouds. Some substantial fraction of computing activity is migrating away from the desktop and the corporate server room. The change will affect all levels of the computational ecosystem, from casual user to software developer, IT manager, even hardware manufacturer.

Cloud computing is a perfect scene for the acts of cyber criminals. In fact, the cloud gathers traffic at centralized locations, allowing them to achieve critical mass for attacks. And as everybody is still figuring out how to secure cloud computing optimally, the opportunity to strike remains immense for cyber criminals and their syndicates.<sup>2</sup> This is based on the basic idea that the bigger the attacked pool, the greater the probability of

---

<sup>1</sup> Dai Yuefa, Wu Bo, Gu Yaqiang, Zhang Quan, Tang Chaojing: Data Security Model for Cloud Computing, Proceedings of the 2009 International Workshop on Information Security and Application (IWISA 2009) *China*, 2009, pp. 141-144.

<sup>2</sup> Urošević V.: Use of Crimeware as a Service for conducting cyber crime offences in the Republic of Serbia, Scientific journal Safety, Republic of Serbia, pp. 190-197.

successful attacks. Indeed, the collection of bots forms a well harvest pool of computing resource and services for cyber criminals, who then market their services as Crimeware-as-a-Service (CaaS). Software packages (e.g., “Crimeware” toolkits) are beginning to emerge as a Software-as-a-Service. The improved economies and scale for which cloud computing and SaaS brings to business also has given rise for cyber criminals which can exploit new vulnerabilities where the cyber criminal or attacker does not directly perform the activities related to data that is being compromised. This trend has provided new challenges for software security providers who provide such services.<sup>1</sup> There are numerous security issues for cloud computing as it encompasses many technologies including networks, databases, operating systems, virtualization, resource scheduling, transaction management, load balancing, concurrency control and memory management. Therefore, security issues for many of these systems and technologies are applicable to cloud computing.<sup>2</sup>

The definitive application of cloud technology is as a large-scale data storage, development and processing system, allowing big systems to master big data. The agility of cloud computing has applications beyond effective use of data. Because all data is now maintained in a centralized system, on various places there is developed and implemented centralized security policy that can be easily enforced, allowing precise and well-documented control of sensitive data. In addition, the cloud provides an environment in which to prototype, test, and deploy new applications in a fraction of the time and cost of traditional systems. The benefits continue to accrue as your “cloud” grows. As more datasets are aggregated, the cloud gains a critical mass of data across an enterprise, becoming “the place” to put data. As each dataset is added, and potentially analyzed with the other datasets, there is an exponential increase in benefit to the enterprise. Such large amount of data in the clouds could be a good opportunity for use of data-mining applications not only from local places but remotely via Internet resources.

Cloud computing offers a powerful and revolutionizing way for putting data mining models to work. It provides a new avenue for science and industry to leverage the power of predictive analytics. Cloud-based virtual machines can be launched on-demand to address the most complex computational tasks. The combination of open standards and cloud

---

<sup>1</sup> ASIS International Councils: the Information Technology Security Council and the Physical Security Council: *Cloud Computing and Software as a Service (SaaS): An Overview for Security Professionals*, ASIS International, (2010) SAD, pp. 1-49.

<sup>2</sup> Kevin H., Murat K., Latifur K., Bhavani T.: Security Issues for cloud computing, *International Journal of Information Security and Privacy*, 4(2),USA, 2010, pp. 39-51.

computing offers a true revolution in the way data mining models are approached.

Finally, cloud computing will allow us to lower the cost for data mining and provide a roadmap for predictive analytics to take their place in new applications. The cloud will become a conduit for software and service offerings, making deployment and execution faster and easier, through minimizing the common IT overhead on one side or by providing unprecedented scalability in other cases.

## **INTERPOL STANDARDS IN THE PROTECTION OF PERSONAL DATA**

The exchange of information between INTERPOL's 188 member countries is the cornerstone of INTERPOL's activities in the fight against international crime. The member countries exchange information via INTERPOL channels on a voluntary basis. It is therefore essential to maintain trust between the member countries in order to foster permanent, effective and the broadest-possible participation in the Organization's main mission, namely the development of international police co-operation. Consequently, the exchange of information via INTERPOL channels must offer legal guarantees in order to ensure quality.

The basis for the legal guarantees offered by INTERPOL is found in the Organization's Constitution, which provides that the Organization's action is taken within the limits of the laws existing in different countries and in the spirit of the Universal Declaration of Human Rights (Article 2 of INTERPOL's Constitution).

INTERPOL has adopted international data-protection principles, which are derived from the basic right to legal protection against any arbitrary interference in personal privacy. These principles are set out in the Rules on the Processing of Information for the Purposes of International Police Co-operation (RPI) and their Implementing Rules (IRRPI). Furthermore, the RPI set out the conditions and the basic procedures according to which information is processed through INTERPOL channels for the purposes of international police co-operation (Article 2 of the RPI). The RPI are a flexible tool which enables each member country to co-operate while respecting its national sovereignty and its own laws.

INTERPOL's National Central Bureaus (NCBs) provide liaison between the various departments within their countries, the other NCBs and the General Secretariat. The NCBs play a fundamental role in implementing the RPI, in particular vis-à-vis those national departments they have authorized to consult or provide information through INTERPOL channels.

The processing of information through INTERPOL channels is subject to supervision by the Commission for the Control of INTERPOL Files (CCF), which is an independent body of the Organization (Article 36 of the Constitution). The functioning of the CCF is governed by the Rules relating to the Control of Information and Access to INTERPOL Files (RCI). The CCF is also competent to receive requests from people wishing to exercise their right of access to information about them recorded in INTERPOL databases. Such right of access includes the right to have information corrected or deleted, as the case may be (Article 9 of the RCI).

The development of a suitable data-protection system is an ongoing process within INTERPOL. This process includes the revision of the RPI and of the National Central Bureau service standards. INTERPOL is also developing a policy of sustained training to ensure that the rules are known and understood by all those using INTERPOL channels.

According to INTEPROL standards following issues are determined as:

- a. Information means any item of information or set of items of information (personal or otherwise, and irrespective of the sources) pertaining to constituent elements of ordinary-law crimes, in compliance with Article 1(a) above, the investigation and prevention of such crimes, the prosecution and punishment of offences, and any information pertaining to missing persons and unidentified dead bodies.
- b. Personal information means any information relating to an identified or identifiable natural person: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his identity, or to his physiological, psychic, economic, or social characteristics.
- c. Particularly sensitive information means any personal information revealing racial or ethnic origin; political opinions; philosophical, religious or other convictions; or concerning health or sexuality.
- d. Authorized national institution means any official public national institution or any entity legally authorized to fulfill the role of a public institution in enforcing the criminal law and which has received the express authorization of its country's NCB to consult or provide information via the Organization's channels within the limits set by the said NCB.
- e. Source of information means the entity providing the information through the Organization's channels.
- f. Police information system means all the Organization's databases and networks which can be used for processing information, through its channels, for the purposes of international police co-operation.
- g. Processing of information includes any operation or set of operations (automated or manual) applied to information in any form or on any



- medium, from the moment it is accessed to the moment it is destroyed, and any exchange in between.
- h. Notices mean international INTERPOL notifications containing sets of information recorded in the police information system and circulated by the General Secretariat.
  - i. A crime analysis means the identification of and the provision of insight into the relationship between crime data or between crime data and other potentially relevant crime data with a view to prosecutorial, police and judicial practice.

Considering the processing of information for international police cooperation purpose data shall be processed by INTEROPOL or through its channels in order to prevent, investigate and prosecute ordinary-law crimes, to assist with such investigations and for the following reasons:

- a. A search for a person with a view to his arrest;
- b. To obtain information about a person who has committed or is likely to commit, or has participated or is likely to have participated (directly or indirectly) in an ordinary-law crime;
- c. To warn police authorities about a person's criminal activities;
- d. To locate a missing person;
- e. To locate a witness or victim;
- f. To identify a person or a dead body;
- g. To locate or identify objects;
- h. To describe or identify *modus operandi*, offences committed by unidentified persons, the characteristics of counterfeits or forgeries, and seizures of items connected with trafficking operations.

Information may also be processed for the purpose of identifying threats and criminal networks. The purpose for which information is processed must be stated explicitly for each database.

## CONCLUSION

The Internet continues to grow. Opportunities for committing crimes in electronic environment are evolving increasingly. Unfortunately, the opportunity for misuse comes with any new technology. There were cyber criminals before cloud computing and they were very successful in committing cyber crimes in online environment. This trend will increase volume of cyber crimes especially in occasions when users of cloud services do not have adequate knowledge when they use the computer. As Internet connectivity moves to the cell phone, smart phones etc., there are more avenues for contact and exploitation of victims become available. As more researchers enter this field, future research should attempt to be more proactive in addressing the role that newer technologies, particularly cellular

phones and peer-to peer devices, cloud computing, etc. There is a space for researchers in the fields of information retrieval, data and text mining to contribute solutions to these vexing problems.

In the modern international police cooperation information flow is of the essential importance. Among members of the different national police services personal data are exchanged rapidly and intensively. The way of data protection in these communications is of the most delicate nature. In this regard crucial personal information, such as basic identity particulars are to be confirmed to enable ordinary police quests. INTERPOL standards in the protection of personal data enhance clarification and possibilities of proving the crime, finding the perpetrators and determining their links to objects and traces of the committed crime.

Collaborations with network engineers, psychologists, sociologists, law enforcement, and communications specialists can provide new insight into understanding, detecting, and stopping cybercrime.

#### LITERATURE

1. ASIS International Councils: the Information Technology Security Council and the Physical Security Council: *Cloud Computing and Software as a Service (SaaS): An Overview for Security Professionals*, ASIS International, SAD, 2010, pp. 1-49.
2. Blashfield, J. F. Interpol, World Almanac Library, 2003
3. Venkatadri.M, Lokanatha C. Reddy: A Review on Data mining from Past to the Future, International Journal of Computer Applications Volume 15– No.7, India, 2011, pp.19-22.
4. Dai Yuefa, Wu Bo, Gu Yaqiang, Zhang Quan, Tang Chaojing: Data Security Model for Cloud Computing, Proceedings of the 2009 International Workshop on Information Security and Application (IWISA 2009) *China*, 2009, pp. 141-144.
5. Jeffrey W. Seifert: Data Mining: An Overview, CRS Report for Congress, Congressional Research Service, USA, The Library of Congress 2004, pp. 1-16.
6. Kevin H., Murat K., Latifur K., Bhavani T.: Security Issues for cloud computing, International Journal of Information Security and Privacy, 4(2), USA, 2010, pp. 39-51.
7. Malathi. A, Santhosh B.: An Intelligent Analysis of Crime Data for Law Enforcement Using Data Mining, International Journal of Data Engineering (IJDE) Volume (1): Issue (5), pp.77- 83.
8. Okwangale Fredrick R., Patrick O.: „Survey of Data Mining Methods for Crime Analysis and Visualization“, Special topics in computing and

- ICT research - Advances in Systems Modeling and ICT Applications, Volume II Fountain publishers, Uganda, 2006, pp.221-226.
9. U.M. Fayyad and R. Uthurusamy, "Evolving Data Mining into Solutions for Insights," *Comm. ACM*, 2002, pp. 28-31.
  10. Urošević V.: Use of Crimeware as a Service for conducting cyber crime offences in the Republic of Serbia, Scientific journal Safety, Republic of Serbia, pp. 190-197.
  11. Fayyad, U.M., & Uthurusamy, R: Communications of the ACM, 45(8), 2002, pp. 28-31.
  12. Fooner, M. Interpol: issues in world crime and international criminal justice, 1989. Plenum Press, Springer
  13. Couchman, I. Interpol: 75 years of international police co-operation International Criminal Police Organization, Organisation internationale de police criminelle, 1998 Kensington Publications

***Kebir Avziu, PhD***  
*Ministry of interior of the Republic. Macedonia*  
*email:volter\_777@hotmail.com*

## ***INTERNAL CONTROL OF POLICE IN MACEDONIA***

### ***Abstract***

*Macedonia is a democratic country where every individual has a certain amount of rights that are guaranteed by the constitution and law, while the task of the police is to apply it equally to all citizens who live in it. In practice such rights are often threatened exactly by the police, as a symbol of the country's most competent element to protect human rights and freedoms. We are witnessing that today more than ever we are talking about reign of law or rule of law in which the majority will protect and respect human rights and freedoms, particularly in pre-trial proceedings. So any irresponsible behaviour of the police can result in inflicting great suffering and harm to the citizens and to the country.*

*Today the concept and police function, no longer associates only with state protection. Its primary function is to protect the citizen and to perform civil service. But the practice of many countries in many obvious ways, have confirmed that police is not under strict and effective control. It can become dangerous weapon in the hands of irresponsible officials and a catalyst for unrest in the society. Because police procedure today is the largest barometer in terms of how high the level of democracy in a country is and to what extent the democratic principles are the question of its control is in the centre of attention of all democratic countries.*

*Therefore in this paper we will focus on the need of existence of the Department of Internal Control Professional Standards and whether this same organizational structure, technical equipment and materials can efficiently and effectively perform its function (protection of human rights and freedoms) which will show statistics on the work of the sector. Also in this paper we will discuss the need of existence of external control mechanisms and who would be the most rational model for RM.*

### **Introduction**

Macedonia is a democratic country where every individual has a certain amount of rights that are guaranteed by the Constitution and law adopted by the Assembly, while the task of the police is to apply them equally to all citizens who live in it. The Constitution of Republic of

Macedonia guarantees to all citizens the right to submit a complaint if they consider that their rights are threatened. Although, the Constitution in any norm, does not expressly mention the Ministry of Internal Affairs and the Police, however, it is only provisional, since much of the constitutional matter, approximately one third is dedicated to the rights of citizens that directly or indirectly are related to the police affair. Indeed, the police are located in the center of the country by its nature. It is one of the most visible and most important institutions in a society, because its work is seen closely and carefully analyzed by the citizens. According to constitutional and legal regulations, it has to ensure normal functioning of the whole society, to constantly fight against crime, but at the same time it is obliged to protect human rights effectively. In practice such rights are often threatened by police itself, which is a body that is responsible to protect those rights. Nowadays, we are witnessing more than ever the debate about the rule of the right. It is also favorite topic of many authors who constantly talk about legal state where the rights maximally will be protected and human rights and freedom will be respected, especially during police procedures. It is true when someone is in front of police officers; there is a potential danger without doubt that there is a potential danger for the threat of the rights and freedom of that person. But if there is no such danger, there is a feeling of indignation, fear, excitement, etc. The police action in its nature is most controversial of all criminal proceedings, because practice shows that it is the most critical period where you can easily threaten human dignity. No reasonable person would doubt that the detained person will be physically abused by the judge, but surely there is a suspicion with the police officer, because police procedure on its nature is a closed activity and takes place away from the public eye, where police officer is the dominant figure. So any irresponsible behavior of the police can result in inflicting of great suffering of the citizens. The practice of many countries has confirmed in a very obvious way, when the police is not under strict and effective control it turns into a dangerous weapon in the hands of irresponsible officials and a catalyst for unrest in society. Therefore, police procedures, today present a real barometer as to how high the level of democracy is in a country and to what extent the democratic principles function, and the question of its control is always at the center of attention of all democratic countries. We live at times when attitudes are radically changing towards the police, as well as the law in general. Like never before, efforts to incorporate the basic mechanisms for control of the police are made, especially when it applies force. Thus, the protection of human rights has become a favorite topic on global and regional level. In this regard, a set of rules and regulations (laws, decrees, codes, declarations) are adopted that mainly require police officers to be honest and have good behavior towards citizens, in particular they are

required not to apply unnecessary means of force. But it has been evidenced that only legal and moral norms are not a sufficient guarantee that the police will not cross the official powers, to use more force than necessary and thus violating human rights. The necessity to control the police was first provided by the Code of Conduct for persons responsible for enforcement by the UN, (1977). As a result of these efforts within the police specialized agencies were set up whose main function is to control and supervise the work of the police. Of course one of the most difficult issues is how to build an efficient control strategy of the police and now the authors are divided between whether the states should prioritize internal or external control mechanisms of the police. In our country the police began seriously to be controlled long time after independence. The long inaction and lack of adequate controls, allowed light crime (corruption) to be infiltrated inside the ranks of this very sensitive institution. Therefore, Republic of Macedonia has been highly ranked for several times by various organizations in the uncomfortable list of countries with much corruption. In each police in the world there are police abuses, corruption and unethical operations. That's why there are internal controls in each police, which have the power and capacity to fight successfully all forms of criminality in their own ranks. Control is imminent because if the police are corrupted, than freedom and life are not guaranteed in such a system, the citizen may be detained and released by the influence of certain authorities who pay the police and who are in power. Such a relationship can lead to detention of innocent people, while criminals can stay outside the bars. This is due to corrupted police which protect criminals, not innocent citizens. In the police system which lacks a control mechanism, the corrupt people are in the spotlight they are often and take important positions in the police. This condition negatively affects other police workers in the sense that "if they can then we can" and thus between corrupted cops a silent agreement is reached in order to not be chased by a co-worker. We should mention the fact that the international community has constantly noticed that the police still use banned methods, which poses a serious threat to the legal state. The police are required to behave as a professional service, not to apply unnecessary forceful means but to protect human rights in maximum. Our country has made visible changes compared to the past regarding the human rights. A large number of international documents that are directly related to the protection of human rights are ratified as well as cases of violation of human rights are reduced. In the last 30 years in Europe and the U.S., a huge interest began for control mechanism. There are numerous reasons for this. The United States discovered several illegal affairs of state institutions (Watergate, Irangate, the scandal connected to secretly arming and financing "Contras", because a legal shock incurred to citizens. Several such affairs occurred also in Europe, several investigation

were carried out with the aim of analyzing the causes that lead to these affairs and the results were always the same; affairs occur because of the weakness of the control mechanisms.

## 1. Definition, Development and Tasks of SICPS

The Internal Control and Professional Standards is an organizational unit within the Ministry, formed for the needs of the Ministry. Its activity is spread in the performance of control and supervision over the Bureau of Public Security and the Security and Intelligence, in order to detect and prevent all sorts of illegal and unprofessional conduct. There is no doubt that the emergence of these services is determined by the large number of crimes committed by the police as unprofessional conduct and violation of human rights. This type of control is an indispensable tool for ensuring legality, respect for ethical and other humanistic principles and rules by the police. It is very important, SICPS to accomplish their role, not *cosmetic* concerns, nor service which will wash "*police sins*". From this standpoint, the justification of the existence of this service is that it is responsible and empowered to take action against all employees of the police who have behaved improperly. In fact the function of this mechanism is in the fact that police force has more legitimacy and less illegality or more professional and less unprofessionalism.<sup>1</sup> In order to achieve this function, SICPS has a wide range of power and is the most important internal control mechanism of the Ministry and the Police who is responsible under the Rules:<sup>2</sup>

- To conclude appearances on the unlawful activities of **all employees** in the Ministry of Interior; overruns and abuses of official and police powers;
- Breaking the corpus of human rights and freedoms in the performance of police work; violation of prescribed procedures and standard procedures in each segment of the work of the Ministry and the police;
- Emergent forms of corruption and corrupt behavior in the police;
- Various forms of violating the police code of ethics and rules of conduct in office.
- Provides an assessment of the justification of the use of the coercive means by police officers, in cases when performed serious bodily injury or death of a person over which intervened.

---

<sup>1</sup> Milosavljević, Bogoljub. "Citizen control of the police" Center for Antiwar Action, Belgrade, 2005 p. 31.

<sup>2</sup> Zafirovski, Voislav. "Anticorruption programs in the Interior Ministry" Skopje, 2006.

- Monitor the legality and application of standards and procedures of accession of the police;
- Follow the standards of professional conduct and legal services in the Ministry and the police;
- Monitor the quality of policing through the prism of professional standards established as the standard of police work.

According to the above, one can conclude that this service really has broad statutory powers to enforce procedures and taking measures of responsibility. Yet, in practice it is often impossible to define precisely where it should extend its powers. The dilemma is whether SICPS as a service is obliged to comply with all the contradictions that may arise between police and citizens, regardless the intensity and severity of the event or it will engage only in serious cases. If we analyze the police law, (act.81 paragraph 2) which states that the grounds and justification of the use of firearms and the use of means of coercion when it caused serious bodily injury or death appearances of a person .. ..., to evaluate organizational unit of the Ministry responsible for conducting internal control and professional standards, which considers the circumstances under which it is applied to the means of coercion and, it prepares a report with an opinion which is submitted to the Minister. According to the above, can clearly see that SICPS supposed to act only in *more serious* cases and only when you use firearms and when they are causing serious bodily injury or put down a person. This in turn implies that SICPS is not engaged in any use of force, but only in cases where it caused *serious bodily injury or death*. Since this remains to conclude that in cases when it is caused an easily bodily injury, report and evaluation will be prepared by a police superior, as is prescribed by law. Yet to receive an objective answer to this question must be consulted also other legal regulations, especially rules of SICPS, under which the main task of the Department is to protect the corpus of human rights. The constitution of Republic of Macedonia and international standards, severely restrict **all** forms of torture and inhuman treatment. According to this, in the Rules (act.25) states that investigations concerning violations of human rights by an employee in the Ministry, corruption, excessive use of force, firearms and other serious cases of illegal and unprofessional conduct , will **only be lead** by investigators of SICPS. So in practice, when citizen will complain that his human rights were threatened and that power is used on him, SICPS will lead a procedure regarding these allegations. Generally, any complaint by a citizen shall be submitted to SICPS, regardless the allegations and the seriousness of the allegations, but if the Department considers that it is a work of minor importance, the investigation can be moved to the appropriate organizational unit of the appropriate field. (Act .4) In this case, the initial report is prepared by the police, (the superior authority), which report on



official duty, re-submitted to the department, which analyzes the results of the procedure. So any report on the use of force is subject to assessment under SICPS, which may not agree with the original report but remains the same material to prepare another report, which may significantly differ from the initial report prepared by the superior body or may agree with the opinion of their superior. If this report differs significantly from the report prepared by the first level of control, then automatically it stops to be valid and it enters the second level of control. In Macedonia, for the first time in 1998 by decision of the Minister within the Ministry of Interior there was established *the Internal Control Department*, responsible to carry out procedures for cases of violation of human rights and freedoms by the authorized official persons, and to determine other cases of unlawful activities<sup>1</sup>. At the outset it represented an organizational unit with a manager and three inspectors. Later the number of inspectors are dimensioned to eleven and so functioned until 2003. In 2003 the Department extended by one more units known as units for professional standards, so that today it functions as a Department for Internal Control and Professional Standards and counts around 45 employees.<sup>2</sup>

This institution (SICPS) until 2003, operated without defined rules for its operation, so for this period there are not any statistical records, and analytical reviews. At the beginning, the institution operated solely at the request of the Minister or the Director of Public Safety. That was because at that time the citizens did not know that there is a service of that kind, in fact it was not very popular, even employees themselves had not known that in MOI, there is an Internal control. Therefore citizens' complaints against police officers were addressed directly to the Minister or Director, which later were submitted to the Sector for Internal Control, which after a procedure submitted a report on the results of the investigation. But the minister had no legal obligation to act upon the proposed measures set out in the report, so in many cases there were found unlawful actions, no measures were taken as the last word always has a minister and on him depended whether to initiate proceedings to establish liability rather than SICPS. But however, by submitting a report there shall cease all further powers of

---

<sup>1</sup> Services for internal control or professional standards units as separate services, are relatively new. Those in the true sense of the word occur after the Second World War, by adopting a number of international standards that are directly related to the protection of human rights police brutality (torture). Until then, police were more inclined to protect the government rather than citizens. Such an approach continued after this period, especially in those countries where the Communist Party came to power. In these countries do not have yielded many important human rights but always had priority state institutions. Although the law was banned torture, yet she was one of the methods common especially during the interrogation of apprehended.

<sup>2</sup>Zafirovski, V, "External supervision of enforcement of the law" Skopje, 2007. p. 91

SICPS. Despite the fact that in our country the service *is not independent*<sup>1</sup>, but is under the command of the Minister, though no doubt a few years of operation has shown tremendous results in the protection of human rights and the detection and documentation of police abuses.

## 2. Organization and Structure of SICPS

SICPS is part of the Interior ministry and is positioned inside the ministry. As the authority of the ministry (administration), its work is based on the Constitution, laws and other regulations (Regulations) governing this area. According to the organizational structure, a central and highest authority has been **Assistant Minister**.<sup>2</sup> It is the highest authority because with the authority manages one person, or his superior. As a state body, SICPS located in the minister's office and works on behalf and by order of the Minister<sup>3</sup>. As an extended arm of the Minister, there emerges a *ministers' instrument* or tool with which it establishes order and discipline in the institution. In other words, it is set to help minister to successfully run and **manage** the ministry<sup>4</sup>. Department under the organizational structure is an integral part of staff of the Minister, while the structure is composed of the following organizational units:

- Department for internal control - Department for Professional Standards.

- Department for Internal Control and Professional Standards for the City of Skopje.

**2.1 Internal Control Unit** or also known as *Department of Forensic Investigations* is managed by a director who is elected by the Minister on a proposal by Assistant Secretary of SICPS. This department is responsible for enforcement proceedings (investigations), based on a complaint filed by a citizen or other legal entity<sup>5</sup>. Under the current setup this department will

---

<sup>1</sup> This conclusion is confirmed by the European Court of Human Rights. For more see the cases Yasar and Sulejmanov against Macedonia Judgment of the European Court of Human Rights, was published in [www.pravda.gov.mk](http://www.pravda.gov.mk)

<sup>2</sup> Assistant Minister is elected by the Minister, critics from the international community concerning some degree of political independence of this official.

<sup>3</sup> SICPS some years was located near the office of the Minister interior the same building, thus formally indicating that it is his right hand.

<sup>4</sup> The act of minister for systematization of jobs and organizational structure Ministry of Interior, SICPS is part of Cabinet of the minister, watch chart of the Interior Ministry.

<sup>5</sup> Under the rules of SICPS (Act 2, paragraph 1) **internal control** is defined as an activity by workers of the Department in dealing with the receipt of oral or written motion, filed by a citizen or other entity to determine the truthfulness of the allegations made and giving its proposal to initiate proceedings to establish liability for breach of working order and

conduct an investigation over all employees of the Ministry regardless the service and function which is an employee, including the Office for Security and Intelligence, which is not the practice in other democratic countries. In comparison with the previous Rules there have been made positive changes, because now the report and proposed measures are not delivered to the minister, but directly submitted to the disciplinary committees.

**2.2 Division of Professional Standards** which is still known as *the complaints department, complaints, legal action and enforcement powers*.<sup>1</sup> The chief is a head of this department. This department is responsible to carry out a procedure for evaluating the professional conduct of police officers especially in the use of force or whether the force is in accordance with the prescribed legal criteria. In practice, in almost all cases where the police will use means of coercion, there is doubt whether it is used in accordance with the rules and regulations that apply in. DPS is responsible in an objective and unambiguous way to choose whether the means of coercion are used in accordance with prescribed standards and criteria. Because members of this unit must be well acquainted to the legislation and the criteria on which you can answer whether used tool is **ESTABLISHED, JUSTIFIED and PROPER**. Such a procedure is performed in all cases by police officers or authorized officials who will use the means of force and firearms because it would cause serious bodily injury or put down a person or they will be used against several persons. If it is concluded that the force is not *established* then it is unlawful conduct. **Unlawful conduct** within the meaning of Rule SICPS<sup>2</sup> is abuse or exceeding the powers of the workers, while performing their duties, and during the prescribed standard procedures and procedures in *each segment* of the work of the Ministry and Police, which violate the corpus of human rights and freedoms and their corrupt behavior acting contrary to the provisions of the Code of Police Ethics and Guidelines for the conduct and relations of police officers in the Ministry of

---

discipline and to establish the material, professional, misdemeanor or criminal liability for workers in all cases of unlawful treatment.

<sup>1</sup> The word standard means prescribing certain norms, criteria, regulations which were valid for all analogous cases. The purpose of standards is to write basic principles that form the basis for carrying out police functions. This is not about any specific standards related to SICPS, but a matter of standards applicable to police officers, which are defined and contained in the police code. So the task of this unit is to control as they are respected by police officers or as police officers behave in accordance with those standards. But these standards are specific only to police function that is called professional standards that means it is related to the profession to which they relate.

<sup>2</sup> Act 2 of the Rules for Performing SICPS, this law was enacted in 1997 and has undergone several changes, especially in 2006. Rule does not contain provisions which can be seen that sanctions can be proposed by SICPS.

Interior and rules on the conduct of persons with specific duties and powers as well as any behavior contrary to the laws regulations. Besides these two departments in the Department there also functions the Department for Internal Control and Professional Standards for the city of Skopje, which is also managed by a chief, and unit for analysis.<sup>1</sup>

### 3. Controversy about Internal and External Control

Today, in democratic countries, the idea of the police to control themselves, without the possibility of external control, is absolutely unacceptable. In Macedonia, there are still civil authorities as formal mechanisms that will control the police, which we think is a great weakness and deficiency in the development of democracy in our country. In almost all democratic countries, civil society is an important pillar and constant observer of human rights so-called “watchdog”. The basic idea of civilian control lies in the fact that the citizens participate and are included in the process of examining complaints against the police. The essence of civil control is that citizens themselves become the subject of formal control and thus every citizen is given an opportunity to have his case examined the correct way. In states where these civic bodies are formed to control the police, this has come as a major innovation, because the citizens are directly involved in the discipline of the police and becoming a serious player to control the police. On the other side of police work becomes more transparent and accessible to the public. Controversies that do not go in favor of the internal control lie in the fact that it is formed by employees of the police, who often due to the sense of collegiality will be biased and will not conduct an objective investigation. Even in cases when the violation, the penalties are symbolic the doers are not punished because they are police officers.<sup>2</sup> Some authors<sup>3</sup> believe that control of the police only by internal mechanisms, with no possibility of control by foreign entities, means *lack of great objectivity*. Lack of external control, in internal control unit provides

---

<sup>1</sup> This unit shall prepare and file forms for all police officers who are punished by the department. It is also responsible for coordination of all complaints that come in the section on completed investigations and investigations that are ongoing, linking with the adviser who worked on the subject while allowing the provision of timely responses. The unit records lead to all investigations conducted. They also perform statistical data processing, so every three months to report on illicit and professional staff working with the police.

<sup>2</sup> See the report of CPT, stated in the project proposal mechanism of external control of the police, 2007, Skopje.

<sup>3</sup> Mirjana Najčevska, held debate on the topic “Different is the story of European Macedonia”, organized by FIOOM

May, 2008.

the ability to act arbitrarily and illegally, since there is no one to control it. There are those who believe that truly successful control of police work may be performed only outside independent commissions.<sup>1</sup> Conspirators of external control, suggest that external mechanisms directly prevent the government to use police as an instrument to realize their political goals. Then external control enables effective protection of citizens against police bad-treatment. Efficiency is found in that these investigations will be carried out objectively and no one can doubt at the material collected as evidence. Neutrality is that they are not emotionally connected with police. It will contribute to greater transparency, which certainly affects the rise of confidence against the police authorities, and thus democratic capacities.<sup>2</sup> In addition to internal control indicating that it is professional or technical service that is specialized and is able to quickly and effectively react and detect illegal and unprofessional acts. Its effectiveness is reflected in the fact that she, without major complications and without any costs for citizens, offers free legal assistance. According to their own employees, complaints about bad police behavior should be resolved internally within the police, because they alone are able enough to take care of his yard. That is why the police structures broadly defend the position that is quite enough existence of internal control and that does not need any external control. Each external control directly insults their honor, because it somehow means that society has no confidence against the police, which in practice often leads to covert sabotage against external mechanisms, which cannot happen with the internal control. So in terms of external control, it is considered that the police is not ready and would not accept foreign control because of several reasons, including: 1) Police work requires conspiracy 2) Citizens because of ignorance of the police subculture and methodology of work will not be able to assess the police work properly, 3) Citizens (which exercise control) do not reflect the opinion of the community completely, 4) Acceptance and the presence of civilian control is the possibility of penetration of certain political influences in the police organization. Police has the capacity to deal with the bad police behavior because it is most effective way for resolving the problem.<sup>3</sup> In some countries, depending on their constitutional, legal and other traditions, preference is given to internal control, while in some other

---

<sup>1</sup> For more about the independent commission to control the police read the book of James Harison and Mary Cunneen, "An independent police complaints commission, London, 2000.

<sup>2</sup> For more read the book Milosavljević, B., "Civilian Oversight of Police" and literature mentioned there, Beograd, 2005, pg. 31.

<sup>3</sup>Trpe Stojanovski,-presentation on "Types of control over the police-comparative experiences", Skopje, 2007.

countries emphasis is placed on foreign control.<sup>1</sup> But the rule is that if one of these two species is favored, then there comes the inevitable loss of control as a function in general. Therefore the best solution is that the internal and external control should operate simultaneously, but with clearly divided functions and tasks. Media control, in our opinion must always be the Department of the Ministry, who is the holder of the function of internal control, except in cases of torture and use of firearms which caused serious bodily injury or death. In such cases the investigation should jointly lead SICPS and external. We encourage the establishment of external control mechanisms of police work, a model which in our opinion should be divided into two levels: *central and local level*. At the central level there would be formed, the Central Committee that would be organizationally under the Parliament and which would be obliged by law and authorized to conduct investigations in all cases of use of deadly power and severe types of torture by the police. Independent Commission would be composed of top experts from the police and legal sciences, which would independently and objectively conduct an investigation into the legality of the use of force. This mechanism would have all necessary legal authorization for implementation of an effective investigation and by need to hire an impartial expert. Otherwise members of the commission would not have the status of an employee in commission but they would have been named persons exercise their function in parallel with other regular tasks. It is because Macedonia is a small country and it is economically viable to set up and function for a few cases a year. Within the commission there would function administrative support service. Our model despite the central mechanism, predicts a mechanism at a local level. These mechanisms for police control would be called local committees for the control of police work and would have greater powers of the central committee. These committees would function within each municipality where there is Administration (Department) of police or police stations of the first degree. Local committees would be composed of citizens who worked in law enforcement and who enjoy reputation in the area where they live and police officers who are not involved in the event apply to honest and loyal in law. Most members of local committees,  $\frac{2}{3}$  would be from among the citizens. With this practically will introduce mixed local committees which would be lead by citizens and which would have jurisdiction without the presence of members of the police to receive complaints from citizens about police ill-treatment and use of force and firearms. In lighter cases, local committees, the petition addressed to SICPS that further precede conduction in connection with allegations.

---

<sup>1</sup> Slobodan Miletić, "Police Law" pg.114.

Members of the Local Committee during the investigation could make suggestions, opinions and advice, which must also be considered by the members of SICPS. If members of the Committee agree with the final report, submitted by SICPS, the counselor can close the investigation; otherwise the investigation cannot be closed. If members of local committees have doubt of the objectivity of the investigation, then they may request to clarify the specific circumstances or to conduct their own investigation. If the local committee decides to conduct proceedings alone, then SICPS would be obliged with the overall material as an evidence relating to the event and to submit it to the Local Committee, which after completion of the procedure would bring a final decision, about allegations of the legality and professionalism of the police actions. For severe cases, especially in cases when they used deadly force, should form a mixed group of members of SICPS, Central Committee and a member of local committees, the area where the event occurred. We consider that in all cases where a person (citizen) is killed despite the local representative of the Committee, the investigation should include a member of the family of the dead. Involving citizens in the investigation will not only affect acquisition of confidence in the enforcement of the law, but this guarantees that all investigations will be conducted in accordance with the recommendation of the Council of Europe (CoE Rec (2001) 10), Manual the UN out legal, arbitrary and summary execution (Minnesota Protocol, Istanbul Protocol and others. Of course the law must detail the powers and positioning devices and method of treatment of the Independent Committee and local committees, as well as obligations towards SICPS these two organs.

#### **LITERATURE:**

1. BAČANOVIĆ, Oliver, „Police and Victims,, Skopje 1997.
2. MILOSAVLJEVIĆ, Bogoljub, „Citizen control of the police” , Center for Antiwar Action Belgrade 2004.
3. STOJANOVSKI, Trpe, „Controls upon the Police” Comparative experiences, Skopje 2007.
4. ZAFIROVSKI, Voislav ”Anticorruption programs in the Interior Ministry“ Skopje, 2006.
4. JANKULOVSKI, Zvonimir, “ The International Standards for an Appropriate Investigation of Death Cases under Suspicious Conditions” Skopje, 2007.
5. Jack R. GREEN and William V. RELFREU, The Balance Power Shift between the Police and the community, published at Security Magazine, pp. 289, nr.3, 1999, Skopje.
6. ZAFIROVSKI, V., and JANKULOVSKI, Z., “The Police Authorization and Human Rights in Macedonia” Skopje, 1999.

**Sergej Cvetkovski**

*Institute of Security, Defense and Peace Studies -Faculty of Philosophy,  
Skopje [sergej@zf.ukim.edu.mk](mailto:sergej@zf.ukim.edu.mk)*

## ***THE INSTRUMENTS OF EU ENGAGEMENT IN WESTERN BALKANS STATE***

### ***Abstract***

*This paper analyses the instruments of EU engagement in Western Balkans states in achieving their goals in the sphere of justice and internal affairs. EU is involved in the Western Balkans states with dual-track strategy. On one hand providing them with possibility of future membership, EU has incited pre-accession process which tends not only to strengthen cooperation in the sphere of justice and internal affairs but also to gradually transform those states into full-membership states capable of participating in the European sphere of freedom, security and justice. The EU foreign ruling in the frame of Stabilization and Association process is led by a strategy of transferred government based on conditionality, where network of authorities act complementarily to conditionality ruling. On the other hand, in addition, EU has deployed police missions and rule of law missions in ESDP framework in order to accomplish its internal security goals in those states of the Western Balkans where activities connected with justice and home affairs (JHA) in the Stabilization and Association were considered as insufficient (e.g. Bosnia and Herzegovina, Macedonia and Kosovo).*

**Key words:** *EU, Western Balkans, Stabilization and association process, ESDP, missions.*

### **Introduction**

Based on understanding that internal security of European Unity could be enhanced if internal security problems of EU are solved through their external origin, Western Balkans has become the prime goal of external EU action in the sphere of justice and home affairs (JHA). Western Balkan countries have a particularly close relationship with the EU, since they, in line with Turkey remaining European Union countries that provide the opportunity for eventual membership. But, beside the ambitions for membership, the countries of the region remain an area of concern for the EU. Some of those states are politically unstable and plagued with war legacies and political climate in which the organized crime, corruption, irregular migration and human trade could flourish. Solving these security challenges has become EU priority field in order to function sphere of



freedom, security and justice in to the EU frame. Presented below will elaborate relations of EU in Western Balkans in the field of internal security politics, focusing on following two questions: What does the EU wants to achieve through its cooperation in the sphere of justice and home affairs in the Western Balkans? And what are the instruments of foreign politics that EU uses to engage those countries in achieving theirs goals in the sphere of justice and home affairs?

The paper will first analyze internal security objectives in the regional environment of the Western Balkans. The main cooperation framework between EU and Western Balkans countries is Stabilization and Association Process (SAP) as the EU's pre-accession toolbox. Then will be elaborated ways of foreign rule through which the EU is trying to include this region in achieving those goals. The analyses continue with taking in to the consideration the role of other EU instruments in the region, particularly civilian crisis management operations which are conducted under ESDP. Although formally separated with EU's pillow structure, external dimension of Justice and home affairs (third pillow) and civilian crises management operations under ESDP (second pillow), they have more similarities than it seems on first sight, as is example with common *functional frame* for EU internal security protection. There is also a proposal for EU policy on justice and home affairs to be regarded as a universal policy that covers issues that deal with EU-on a level on variety of different institutional positions (such as first pillar, second pillar and parts of a third pillar) and through them all together.

### **Politics of the EU's internal security for Western Balkan**

In the early 1990s, the EU activities in crisis management and conflict prevention came up as insufficient in prevention of bursting and escalation of the wars in ex Yugoslavia. After war in Kosovo in 1999, EU has built quite ambitious strategy for Western Balkan. Those not-member states from Southeastern Europe should be supported in their transformation towards stable, self-efficient democracies, with peace in itself and with peace between them, with market economy and rule of law, to become EU members or to take the path to the membership.<sup>1</sup> In achieving those goals, EU has decided to use its most successful instrument of foreign politics-the membership inspiration. In 1999 EU has started the Stabilization and

---

<sup>1</sup> Elbasani, Arolda, 2008: *The Stabilisation and Association Process in the Balkans: Overloaded Agenda and Weak Incentives?* EUI Working Paper SPS 2008/03, Florence: European University Institute.

association process as its regional pre-accession strategy and thus has provided those countries with potential EU membership candidate status.

The politics in the field of justice and internal affairs has remarkable meaning for two reasons in the context of Stabilization and Association Agreement. First, creating effective and responsible state institutions in the sphere of politics is taken into account as a key factor in promotion of stability and prosperity in the region. Therefore the EU's interest was to help these countries by creating an institutional and legal framework in the field of asylum and migration, training of police and establishment of effective and independent judiciary.

Taking in to the consideration that first strategic interest of EU was improvement of Balkans stability, the second strategic interest refers to prevention of insecurity spillover from region. Among the largest security concerns for EU is rush of migrants from or through the region. Usually the illegal migration is led by criminal groups and organized crime. Fight against organized crime was the most notable problem in the field of justice and internal affairs in EU-Balkans relation. A particular meaning to organized crime in the region is highlighted in European Security Strategy (ESS). It stated that Balkan criminal network is responsible for trade of the largest part of heroin seized in EU and also „for some 200,000 of the 700,000 women victims of the sex trade world wide“.<sup>1</sup> Fight against arms procurement and prevention of radicalization and recruitment of terrorist activities are additional priority in the field of justice and internal affairs.

Stabilization and Association Agreement (SAA) tends to achieve triple goal of stabilization, transformation and European integration. Regional pre-accession strategy of EU is based on experience of previous enlargements, but differs in some aspects from Central and Eastern Europe. „While in the CEE the phases of stabilisation, transition and integration indeed overlapped, they did basically follow one another. In the Western Balkans, EU integration is a *condition* of stabilisation, rather than the other way round“.<sup>2</sup> European integration is one of the rarely political goals that is common for ethnically and politically lines of division and goal that helps the reform process and stabilizes the political atmosphere. However, the EU believes that in some cases pre-accession strategy is insufficient in terms of dealing with a situation of crisis and providing post-conflict stabilization.

---

<sup>1</sup> European Security Strategy, 2003: *A Secure Europe in a Better World - The European Security Strategy*. Brussels. 12 December 2003. pg 5

<sup>2</sup> Batt, Judy, 2004: Introduction: the stabilisation/integration dilemma. In: Judy Batt (ed.), *The Western Balkans: moving on*. Chaillot Paper Nr 70. Paris: Institute for Security Studies, 7-21. pg. 19

The political scene in the Balkans remains unstable and variable, regardless of the fact that most conflict is unmatched in the foreseeable future.

### **Methods of EU foreign ruling in the frame of Stabilization and Association Agreement**

The crucial instrument used by EU in order to force candidate states into accepting its rules, is the application of conditionality, which means that EU sets its rules as preconditions which the state applicant must fulfill in order to get the reward(s). Spreading the legal EU order outside institutional and territorial borders of the Community is presented as strategic try of control over political development in third countries trough process of foreign *governance*. Hence, the EU foreign governance is conducted mainly through so called soft security issues as environmental and energy politics and justice and justice and internal affairs.

Spreading the already set trans-governmental networks of EU in neighboring countries is perceived as alternative form of foreign governance, because foreign governance with conditionality supposes existing of clear over national criteria and strong external motivation of becoming part of the Community- that is two facts which are not necessarily pointed as criteria for JHA either in European Neighborhood Policy. The experience analysis of these assumptions give us right to conclude that extended network of governance could be „vehicle for policy transfer through *softer means*“.<sup>1</sup>

### **Ruling by conditionality**

Providing the countries with status of potential candidate for EU membership, EU has managed that position of each of the country in Western Balkan in the step by step process towards eventually membership in EU to be dependent of respective performance regards fulfilling criteria from Copenhagen 1993 and specific conditions in other countries. Croatia and Macedonia has managed very quickly to change their own status from potential to real membership candidate in June 2004 and December 2005, respectively. Some demands connected with JHA as are reforms in police and judicial system and fight against organized crime are listed high in EU evaluation. Each Stabilization and Association Agreement includes specific chapters for justice and internal affairs, which provides intensive cooperation about issues as counter and fight against criminal and other illegal activities,

---

<sup>1</sup> Lavenex, Sandra/Nicole Wichmann, 2009: The external governance of EU internal security. In: *Journal of European Integration*, 31, 83

migration and asylum, money laundering and illegal drugs.<sup>1</sup> Specific priorities in the areas differ, yet they are precisely defined for each country in the so-called European or Accession Partnership. The progress of states towards the implementation of short and medium term priorities of the Partnership is overseen by the European Commission, while the EU Council can provide further guidance through the EU - Western Balkans JHA Ministerial meeting, held once a year and through initiatives of the rotating presidency. In November 2002 in London the EU organized a conference on organized crime in southeastern Europe. *The London statement* was brought, a statement which establishes a common determination to defeat organized crime in Southeast Europe and pledged the Western Balkan countries to submit individual reports on achievements. In June 2003 the Thessaloniki agenda was adopted under the title *Fighting organized crime, cooperation in other areas of justice and home affairs*. It also underlines the growing importance of the activities in the JHA EU-Western Balkans.

The EU access by conditionality in the region was enhanced by motivation of free visa travel regime for countries depending on the fight against illegal migration and organized crime results.

### **Network ruling**

In position of network ruling, EU should foster operative cooperation and connections between EU and Western Balkan on the one side and to create structures of regional cooperation and network in region on the other side.

Regarding network of ruling between EU and Western Balkans, EU has focused on creating the network of information and implementation. The specialized bodies and agencies of EU as is Office of European police EUROPOL, had a responsibility to exchange and analyze information's and to ease cross-boundary cooperation between law enforcement bodies in Western Balkan and those in EU. Europol, together with the EU agency for Border Management –Frontex, also assess risks and identify ways that the risk associated research teams need to act. Information channels were further reinforced by the application of liaison officers from member states to provide information in the assessment of threats by the Europol Organized Crime in Western Balkans. Through exchange of information's and data between EUROPOL and these countries, EU has hoped that will improve its

---

<sup>1</sup> Macedonia was first country to sign that agreement in April 2001 and very soon was followed by Croatia (October 2001). The other countries signed that agreement a little later (Albania in June 2006, Monte Negro in October 2007, Serbia in April 2008 and Bosnia and Herzegovina in June 2008).

own understanding of Balkans organized crime network and to enhance the methods of fight against such network.<sup>1</sup> EUROPOL has signed an agreement for strategic cooperation with Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia and operational agreement with Croatia.

Implementation network pursue the goal of assisting the implementation of laws and standards adopted by EU.<sup>2</sup> Creation of this model of network was the part of preparations of the countries for EU membership. At each of these countries seminars and workshops for fight against organized crime have been organized, founded by Program for Technical Assistance and Information Exchange (TAEIX). This program was designed to respond to newborn problems (as increased human trade) in short term and covers some problematic areas as activities in financial crime, corruption, smuggling and money laundering.

Opposite of that, the EU *Community for reconstruction, development and stability* (CARDS) program for assistance, replaced in 2007 with *Pre-accession instrument* (IPA), was designed to support long term process of institutions building and strengthening the capabilities for law implementation. The EU pre-accession supported the launch of the twinning projects involving temporary civil servants from EU member states who will work as consultants in useful institutions for at least twelve months. Sphere of justice and internal affairs, together with economical assistance are the most important areas of EU's pre-accession founding. Of total 840 million euro intended for components of IPA transitional assistance and institutional building, 33 % were segregated to „enhance governance, encourage administrative and judicial reform, strengthen the rule of law, support the fight against corruption and organized crime, promote human rights, protect minorities and develop civil society“.<sup>3</sup>

When EU has started it's pre-accession strategy for Western Balkan, it declared that each country may enter EU on it's own merit, but the European twinning has to *hand in hand* in context of fostering the regional cooperation and reconciliation.<sup>4</sup> In the project Convention for police cooperation in South-eastern Europe, applied during first half of 2006, involved countries Albania, Bosnia and Herzegovina, Macedonia, Moldavia,

---

<sup>1</sup> Read more at Delevic, Milica, 2007: *Regional cooperation in the Western Balkans*. Chaillot Paper No 104, Paris: Institute for Security Studies, July 2007.

<sup>2</sup> Lavenex, Sandra/Nicole Wichmann, 2009: The external governance of EU internal security. In: *Journal of European Integration*, 31, 86

<sup>3</sup> Commission of the European Communities, 2008b: *Enlargement Strategy and Main Challenges 2008-2009*. Brussels. COM(2008) 674 final: (6), 5 November 2008.

<sup>4</sup> See Zagreb Summit, 2000: *The Declaration of the Zagreb Summit*. Zagreb. 24 November 2000.

Monte Negro, Romania and Serbia has adopted multilateral convention for strengthening the police cooperation in region. The official goal was adoption of Schengen standards in South-Eastern Europe through declaring multilateral convention.<sup>1</sup>

In the same way EU has supported the establishment of *Regional centre* for fight against cross-border criminal in the framework of *Initiative for cooperation in South-east Europe* (SECI), a kind of operative cooperation between custom and police bodies in region.

Also EU has supported the establishment of the Regional Centre for fight against cross-border criminal in the context of South-eastern Europe cooperation initiative (SECI), the kind of operative cooperation between custom and police bodies in the region. Situated in Bucharest, the SECI centre is designed to help the fight against trans-border criminal in the region and it is a trial of establishment a version of EUROPOL for South-east Europe. In the context of operative matters, the centre is assisted in by network of prosecutors called Advisory group of prosecutors for South-east Europe (SEEPAG), which pursue to facilitate the judicial cooperation and cross-border crime data exchange.

### **What is the role of crisis management ESDP missions?**

European security and defense politics (ESDP), built to promote the European defense integration, has developed a set of civilian instruments in addition to the military component.<sup>2</sup> Located in the second pillar of EU, the crisis management missions of ESDP are institutionally separated from EU's external action (first pillar) in the sphere of JHA (third pillar). But still, both spheres overlap in some aspects, notably regarding creation of responsible, transparent and democratically controlled institutions in third countries. For example, the conclusion from the analysis of the EU police mission in Bosnia states that the operations of EU civilian crisis management should be seen as a means to protect the internal security of the EU through the

---

<sup>1</sup> See Council of the European Union, 2006b: *Police Cooperation Convention for South East Europe*. Vienna. Press Release of the Presidency of the European Union: 3-4 May 2006.

<sup>2</sup> Based upon the experience of conflicts in the region of former Yugoslavia, EU has learned that long lasting peace and stability outside the Union need variety of instruments, including civilian ones, in managing pre-crisis, the active crisis and post-crisis situation. European Council in Fiera of June 2000 identified four civilian fields of intervention: the police, the rule of law, the civilian administration and the civil protection. The accurate goals and personal to be deployed in each of the intervention spheres was precised in the years that follow. Regarding the police for instance, the countries members of EU has pledged to make available the personnel of 5000 for international and autonomous police missions by 2003 where 1400 of them should be deployable in thirty days. (see Mitrevska, 2008).

prevention of illegal migration, trafficking and terrorism to reach the territory of Europe. By reforming the security sector in target countries, the European police mission transmitted standards of internal security that are similar to those defined at European level in the politics of justice. Hence, the police missions under ESDP and JHA external dimension are focused towards common goal outside EU, that is protection of internal security space from unsafe external environment.

In the Western Balkan, the ESDP missions of civilian crisis management were deployed in Bosnia and Herzegovina, Republic of Macedonia and Kosovo. The EU police mission (EUPOL Proxima) was deployed in Macedonia in December 2003. With 200 police officers and civilians, The Proxima was assigned to monitor, mentor and advice the local police and by that to help fight against organized crime more effectively and to consolidate public confidence in police.<sup>1</sup> Proxima remained two years in Macedonia and after that period was replaced with significant smaller EU Police Advisory Team (EUPAT), with mandate till June 2006. The police missions task was to monitor the implementation of the Ohrid Framework Agreement signed on August 13<sup>th</sup>, 2001 which put an end to the six months hostility that become almost civil war between members of National Liberation Army composed of mostly Albanian citizens from Macedonia on one side and Macedonian security forces on the other side. Soon after the security crisis in 2001, the EU has defined the reforms at justice an internal affairs sectors in Macedonia as key element for stabilization of the country and improvement of interethnic relations. EU main concern was the police transformation into a “capable, depoliticised, decentralised, community-based, multi-ethnic police service which is responsive to citizens’ needs, accountable to the rule of law and transparent“.<sup>2</sup> The EU mission Proxima was a part of double track EU’s strategy toward Macedonia, with assignment of tackling the most urgent needs in the Ministry of interior and police, while the European Commission assistance should focused on long-term structural changes in support to institutional development of the country, according to pre-accession process priorities.<sup>3</sup> With Macedonian Government as supporter of the large reform programs in Ministry of Interior and Police, the EU’s police missions were considered successful, although

---

<sup>1</sup> Council of the European Union, 2003c: *Press Briefing: Termination of the EU-led military operation Concordia. Launch of the EU police mission Proxima*. Brussels, 08 December 2003.

<sup>2</sup> Ioannides, Isabelle, 2006: EU Police Mission Proxima: testing the 'European' approach to building peace. In: Agnieszka Nowak (ed.), *Civilian crisis management: The EU way*. Chaillot Paper No. 90. Paris: Institute for Security Studies (ISS), 62 – 87, 71.

<sup>3</sup> Ibid

some social scientists has questioned sustainability of Proxima's activities, mainly as a consequence of the short dispatching time. Inside European Commission, this criticism is balanced with the argument that operation was successful only for short period of time, because of pre-accession process which includes more directed assistance under CARDS and IPA, has overtaken the post conflict stabilization.

## CONCLUSION

This paper has analyzed the EU's strategy and instruments of its external policy in engagement in the Western Balkan countries, for the purpose of achieving their goals in the spheres of justice and internal affairs, focusing on the techniques of foreign governance in the field of politics (governance by hierarchy versus network ruling) and the role of ESDP police missions.

The analyses underline that political area of justice and internal affairs has become one of the key areas of cooperation between EU and Western Balkans countries. Enhancing the law enforcement agencies and state institutions and creating the responsible and effective police, border police and judicial system, have been perceived as central for progressing in the overall prosperity and stability in the region. Moreover the EU has developed strong personal interest regarding the tackle of soft security threats that originate from the region, particular in the spheres of illegal migration and organized crime. To engage the countries of Western Balkans in achievement of their internal security goals, EU has developed the double track approach strategy. Providing those states with possibility for future membership, EU has initiated pre-accession process that aims not only at strengthening the cooperation in the sphere of JHA but also at gradual transformation of these countries into fully fledged members that are capable of participating by themselves in the European sphere of freedom, security and justice. The Stabilization and Association Process was conducted by strategy of transferred governance based on conditionality. The network ruling was the second instrument used more like complement than replacement of the EU's governance by conditionality. Moreover, EU has deployed its ESDP police missions and rule of law missions in order to achieve the goals of internal security in those Western Balkan countries where activities connected with JHA of the Stabilization and Association Process were assessed as insufficient. That was the case with Macedonia in the period of 2003-2006 regarding implementation of the Ohrid Framework Agreement articles related with police.

To sum up, speaking of the regional contexts of Western Balkan, we could bring the argument that EU cooperation in justice and internal affairs



in these countries has become one of the driving forces of overall external political engagement in the region.

### **Bibliography**

1. Batt, Judy, 2004: Introduction: the stabilisation/integration dilemma. In: Judy Batt (ed.), *The Western Balkans: moving on*. Chaillot Paper Nr 70. Paris: Institute for Security Studies, 7-21.

2. Commission of the European Communities, 2008b: *Enlargement Strategy and Main Challenges 2008-2009*. Brussels. COM(2008) 674 final: 5 November 2008.

3. Council of the European Union, 2001a: *Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement*. Brussels. Official Journal, L 81, 21 March 2001.

4. Council of the European Union, 2003c: *Press Briefing: Termination of the EU-led military operation Concordia. Launch of the EU police mission Proxima*. Brussels, 08 December 2003.

5. Council of the European Union, 2006b: *Police Cooperation Convention for South East Europe*. Vienna. Press Release of the Presidency of the European Union: 3-4 May 2006.

6. Delević, Milica, 2007: *Regional cooperation in the Western Balkans*. Chaillot Paper No 104, Paris: Institute for Security Studies, July 2007.

7. Elbasani, Arolda, 2008: *The Stabilisation and Association Process in the Balkans: Overloaded Agenda and Weak Incentives?* EUI Working Paper SPS 2008/03, Florence: European University Institute.

8. European Security Strategy, 2003: *A Secure Europe in a Better World - The European Security Strategy*. Brussels. 12 December 2003.

9. Hills, Alice, 2004: Macedonia and Albania. In: *Adelphi Papers*, 44 (371), 59-76.

10. Ioannides, Isabelle, 2006: EU Police Mission Proxima: testing the 'European' approach to building peace. In: Agnieszka Nowak (ed.), *Civilian crisis management: The EU way*. Chaillot Paper No. 90. Paris: Institute for Security Studies (ISS), 62 - 87.

11. Lavenex, Sandra, 2004: EU external governance in 'wider Europe'. In: *Journal of European Public Policy*, 11 (4), 680 - 700.

12. Lavenex, Sandra/Nicole Wichmann, 2009: The external governance of EU internal security. In: *Journal of European Integration*, 31, 83-102.

13. Mitrevska, Marina, 2008: Krizen Menaxment, Evropa 92-Ko~ani, Skopje

## ИНСТРУМЕНТИ НА ЕВРОПСКАТА УНИЈА ВО ДРЖАВА ОД ЗАПАДНИОТ БАЛКАН

### Апстракт

*Овој труд ги анализира инструментите на ЕУ за ангажирањето на државите од Западен Балкан во постигнување на нивните цели во областа на правдата и внатрешните работи. ЕУ се инволвира во државите од Западен Балкан во двонасочна стратегија. Така, од една страна обезбедувајќи ги овие држави со можноста за идно членство, ЕУ го има иницирано предпристапниот процес кој цели не само кон зајакнување на соработката во сферата на правдата и внатрешните работи туку и постепеното трансформирање на тие држави во полноправни држави членки кои се способни самите да партиципираат во Европската сфера на слобода, безбедност и правда. Надворешното управување на ЕУ во рамките на Процесот за стабилизација и асоцијација е водено од стратегијата на пренесено владеење засновано на условеност, каде што мрежа од власти делуваат како дополнување на владеењето со условеност. Згора на тоа, од друга страна ЕУ имаат распоредено полициски мисии и мисии за владеење на правото во рамките на ЕБОП со цел да ги постигне своите внатрешно безбедносни цели во оние држави од Западен Балкан каде што активностите поврзани со правдата и внатрешните работи (ПВР) од Процесот за стабилизација и асоцијација се сметаа за недоволни (како во Босна и Херцеговина, Македонија и Косово).*

*Клучни зборови: ЕУ, Западен Балкан, Процес за стабилизација и асоцијација, ЕБОП, мисии.*

**Angelina Stanojoska**

Postgraduate student at Faculty of Security – Skopje, Republic of Macedonia  
e – mail: [angelinastanojoska@yahoo.com](mailto:angelinastanojoska@yahoo.com)

**TRAFFICKING IN HUMAN BEINGS AND THE POST –  
CONFLICT BALKANS AS SUITABLE GROUNDS FOR  
CONTINUOUS CRIMINAL PROCESS**

**ABSTRACT**

*Ever since its creation, man was trying to impose his will over the will of others. Slaves have existed since the beginning of times. Human history is full of many examples of countries that were founded on slavery which believed that exploitation of these slaves is not exploitation, but that these people are inferior to others and deserve that situation. As Aristotle himself in his work "Politics" said that "it is clear that some people are born free, while others are born as slaves, and that for the latter ones their condition of slavery, is justice and profit."*

*Kevin Bales says that if we make a parallel between the slavery of the past and the present, modern slavery, the latter one is being characterized by very low cost for slaves, very high profits for traffickers, a short time relation between the slave and trafficker, a large number of potential slaves and irrelevance of ethnic differences. Attributes of modern slavery are: invisibility, mobility and the international criminal organizations.*

*Given the geographical position of the Balkan Peninsula, which forms a bridge between East and West, as well as high level of interdependence between the demand for illegal labor in the West and supply of illegal workers from the East, we must recognize the important place of this part of Europe in the process of connecting of the local with international crime markets.*

*In terms of the Balkan Peninsula and routes of transportation of victims of trafficking, it is essential to note that most Balkan countries play the role of incidental transit stations. It is clear that the destinations of victims are the member states of the European Union.*

*Republic of Macedonia as a country spending 19 years in transition didn't remain out of the situations of trafficking. At the beginning it was a transit country. However, in recent years criminal groups are increasingly focused on internal trafficking, without a need to pass borders and corrupt law enforcement officers.*

*This paper aims to show the suitability of the Balkan Peninsula as a territory for continuous functioning of the process of trafficking in human beings, especially of its first two phases. Also to the characteristics of modern slavery we encounter in these areas.*

*Key words: Balkan Peninsula, process, Republic of Macedonia, routes, trafficking in human beings.*

## INTRODUCTION

*A new curtain is falling across Eastern Europe, dividing North from South, West from East, rich from poor and the future from the past. As Hungary, Poland and the Czech Republic sprint into the future of democracy and market economics, Romania and Bulgaria slide into Balkan backwardness and second-class citizenship in the new Europe.*

R. C. Longworth, Chicago Tribune, October 1994

Since the 1500s, domination and submission have conspired to make these people ethnically and religiously fragmented, obligating them to live together in a state system that was periodically altered but without allowing them self-determination. Yet within Central and Eastern Europe, the Balkan region represents a strategic area, dividing West from East and Occidental Christian and Protestant societies from Orthodox, Slavic, and Muslim communities. The Balkans has always been at the center of international politics: regarding the Versailles accord in World War I, the Yalta division in World War II; the Iron Curtain during the communist period; and its subsequent period of political and economic transition.<sup>1</sup> The geographical and strategic point of this piece of soil gave him a role of a very important piece of the puzzle called Europe. People living here are like a bridge between two different parts of the planet. Historically nation – states were built through blood and weapons, beginning from the crucial point – self-determination.

After the fall of the Berlin Wall, the Balkans was seen as solid soil and region of poverty, misery, criminality and backwardness.

The 1990s are known as a period of disintegration of many communist societies, but especially the Balkans was affected back then. We saw civil wars between Serbs, Croats and Bosnians, wars which ended with the Dayton agreement in 1995. Four years' later Kosovo war started and continued with Macedonian Crisis from 2001.

An area weakened by the transition process, privatization, and civil wars, the Balkans represented a free zone for every kind of illegal activity by old criminals with new sophistication. Drugs, weapons, prostitution, people, cigarettes, nuclear material, and stolen cars were easily run along the so-

---

<sup>1</sup> F.G. Shanty, *Organized Crime: From Trafficking to Terrorism*. (Santa Barbara: ACB-CLIO, 2008), p.80

called Balkan Route, going from East to West European countries and passing through Macedonia, Kosovo, and Serbia. Corrupt bureaucracies, institutions, and intelligence systems helped to expedite illicit activities along these networks. Belgrade and Milosevic's establishment was at the core of this entanglement, yet he did not act alone. In Montenegro, Kosovo, Macedonia, and Albania - everywhere in the area - local criminals, who grew stronger with his black market during the communist regimes, exploited wars and sanctions to increase their activities and routes. They used their old links with politicians and intelligence agencies to infiltrate the state system, criminalizing every institution. Serbia remained as the crucial zone of power. The subsequent civil wars in Kosovo and Macedonia and the consequent political crises show how organized crime was ruling the region, while the corresponding peace agreements mindlessly replayed the peacekeeping intervention model, failing to take into account the structural problems of the region at the time.<sup>1</sup>

### **MODERN SLAVERY: A NEW WAY OF USING OLD**

From the beginning of human existence, till today's so called modern civilization, when we mention trafficking in human beings, with certainty we could speak of different kinds of slavery in different periods. It looks like slavery and society had been walking side by side through centuries.

In the past, the difference between people was based on nature. According to this criterion the conclusion was that there are many differences between people...men and women – the first are stronger, the latter are weaker. Such relations are needed between people; those who differ like the soul from body and like human from beast are by nature slaves. It is clear that some people are born as free, others as slaves, for the latter this condition is justice.<sup>2</sup> Because human nature is evil: it guaranties power! Those races which can't accept this rule are doomed to failure; those who can, are destined to be rulers.

Modern slavery has been among us for many years. From the beginning of XX century, international community is doing everything do define what is happening. Through years, many names were changed before we get what we use today. It started with selling "white" slaves, then women and children, and ended with today's term trafficking in human beings.

---

<sup>1</sup> F.G. Shanty, *Organized Crime: From Trafficking to Terrorism*. (Santa Barbara: ACB-CLIO, 2008), p.80

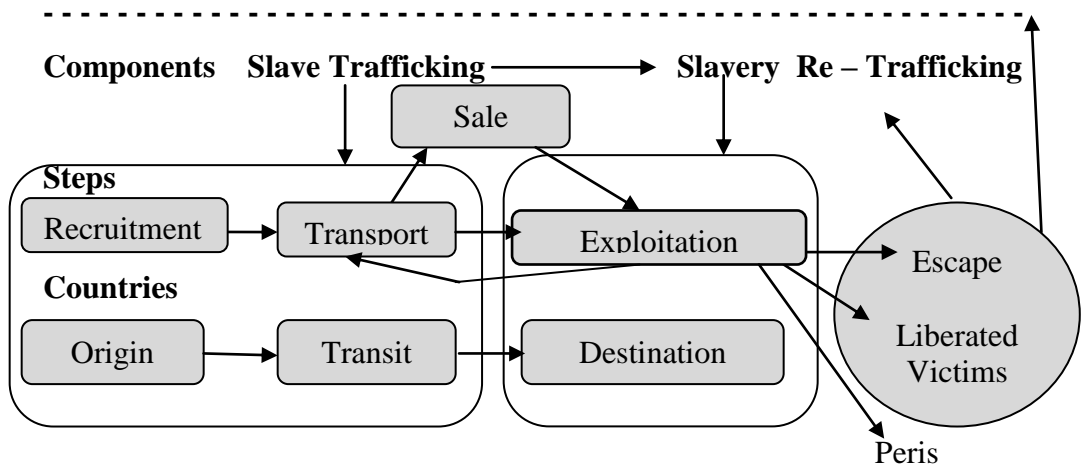
<sup>2</sup> Ибид, стр.15

The last and today's accepted definition is the one from the Protocol of Palermo (Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children) brought in 2000 together with the Convention against Transnational Organized Crime and the other Protocol dedicated to smuggling in migrants, by the United Nations.

Namely in the Article 3<sup>1</sup>, paragraph (a) of the Protocol, trafficking in human beings is defined as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Defined like this, the process of trafficking in human beings looks like this:



It is a complex crime, a puzzle of three steps and three kinds of countries. At the beginning of this century, Balkan countries were countries of transit and in some cases of destination. But these last years Balkans get

<sup>1</sup> Article 3 from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, available at [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/covention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/covention_%20traff_eng.pdf)

another role in the process of trafficking, they are countries of origin and we can find internal trafficking on our grounds.

## **BALKANS AND TRAFFICKING IN HUMAN BEINGS: BROTHERS IN MONEY AND PAIN**

Trafficking in human beings from always has been related with migration. Migration takes place from rural to municipal territories, from poorer to wealthier, from less developed and developing to developed and stable countries. Balkans through history was known as problematic, poorer, back warded and conflicted place. Having a role as bridge between two worlds, so different in every societal area, in the migration process, Balkans was and is, a place of origin, transit and less of destination.

Migration has always been very close with the theory of “push” and “pull” factors. It’s a theory that relates trafficking in human beings and migration. There is a theory that tries to find the roots of the problem, the reasons of its existence.

“Push” factors include political, social, economic and other conditions in the countries of origin and are:

- \* Inadequate employment opportunities, combined with poor living conditions, a lack of basic education and poor health services;
- \* Political and economic insecurity, which may be caused by mismanagement, nepotism or political corruption, conflict, environmental disaster, or structural adjustment policies resulting in the rising cost of living, in higher unemployment. and a lack of public services;
- \* Discrimination (ethnic, gender, or caste) excluding certain persons from the employment sector ; and
- \* Dissolution of the family (possibly as the result of sickness, HIV/AIDS, the death of one or both parents) which may compel the remaining family member(s) to migrate or send children away to work and help support the family.<sup>1</sup>

It looks like Balkans is fulfilling the above mentioned requirements.

Opposite of this are the “pull” factors that speak for and are conditions and possibilities that can be found in the countries of destination:

- ✓ Increased ease of travel (cheaper and faster travel opportunities, easier access to passports);

---

<sup>1</sup> Alexis A. Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings*. (Westport – London: Praeger, 2009), p.11

- ✓ Higher salaries and standard of living in larger cities and countries abroad (greater possibilities for acquiring new skills and education, increased job opportunity, and mobility);
- ✓ Established migration routes and ethnic, national communities in destination countries;
- ✓ Active demand for migrant workers in destination countries combined with the existence of recruitment agencies and persons willing to facilitate jobs and travel; and
- ✓ High expectations of opportunities in other countries boosted by global media and Internet access, and stories of returning migrants or those whose families have gained from the remittances.<sup>1</sup>

The civil conflict and subsequent instability in the Balkans in the 1990s resulted in large numbers of vulnerable women. Female victims were often those whose families had died or women seized as part of blood revenge by one family against another. The women had already been traumatized by the violence of war or that of internecine feuds among families and clans. Balkan traffickers operate within family groups. Therefore, although the organizations are controlled by men, there are cases in which operations in a particular country or region are controlled by female family members or by outsiders.<sup>2</sup>

The exploitation of the victims trafficked on these territory from always has been connected with the sex industry and with the prostitution. After the end of the wars between the countries of ex Yugoslavia, as a result of the signing of the Dayton Peace Agreement in 1995, in accordance with Annex 1 of the peace accord, 76,000 peacekeepers were stationed in Bosnia and Herzegovina, as well as numerous staff of other international organizations and agencies. Through years the number has been decreased, however, the placing of peacekeeping forces on the Balkans in generally encouraged the sex industry, especially in the early years after the conflicts.

The sex industry appeared to be a good business, especially in a country such as Bosnia and Herzegovina - a country that was one of less developed republics in the former Yugoslavia - whose manufacturing industries were destroyed during the war and in which the production of goods was stopped. In the period after the war, it was crucial to maintain peace and to eliminate the possibility of a new outbreak of conflict. In the meantime, traffickers of human beings smoothly captured individuals from all segments of Bosnia and Herzegovina society. At this time, the so-called

---

<sup>1</sup> Alexis A. Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings*. (Westport – London: Praeger, 2009), p.12

<sup>2</sup> Ibid



night bars were the most common places to find forced prostitution. Such bars were arising literally every day along separation lines and roads and in cities and villages. These new business opportunities arose rapidly in the war-torn society, in which the legal economy was replaced with supplies - and suppliers - of illegal goods. Even people without a criminal history who had only good business opportunities in mind owned the nightclubs. As a result, the women involved became very attractive “commodities” for international clients located in Bosnia and Herzegovina. A lack of state responsibility concerning the involvement of members of the peacekeeping force in trafficking doubtlessly contributed to the problem.<sup>1</sup>

The obvious question in relation to the prostitution of trafficked or local women and girls by peacekeepers is ‘Whose peace are they keeping?’, because though they may prevent some kinds of violence, they institute an abusive régime for many women. In conflict zones women and girls become vulnerable to prostitution as a result of being separated from families and being reduced to penury by displacement and destruction of subsistence. This vulnerability is easily exploited by ‘peacekeepers’ to add a new dimension of harm through sexual exploitation in return for survival. In some cases these gatherings of men create prostitution industries in areas where they have been barely in existence before their arrival, such as in Bosnia-Herzegovina and Kosovo. In other cases where some form of prostitution industry already existed they have transformed this local practice into large-scale industries which require the trafficking of girls and women to provide supply. In some cases the peacekeepers, as in the Balkans, have been involved in trafficking themselves.<sup>2</sup> Torn between wars, Balkans entered from one dark period to another. In 1999 the Kosovo war started. Enormous number of fugitives entered in Macedonia, and in that road became “sack of money” for traffickers. Again the Western Macedonia continued with business, the supply was on high level, of course helped by the demand side of new international soldiers stationed in Kosovo.

Trafficking dynamics are very simple – women are trafficked from states in transition or developing states to developed countries where the money to be made from prostitution is considerable. This has now been extended into countries and localities in the Balkans and some African countries, where the developed states, acting through the aid and donor

---

<sup>1</sup> Obbi Ebbe N.I., and Dilip K.Das. *Global trafficking in women and children*. (Boca Raton: CRC Press, 2008), p.115

<sup>2</sup> Sheilla Jeffreys, *The industrial vagina: The political economy of the global sex trade*. (New York: Routledge, 2009), p.121

communities as well as peacekeeping forces, have established developed world enclaves that have become major destinations for trafficked women.<sup>1</sup>

The routes of trafficking in human beings through the European continent are many, but four of them are well known and mostly used. Those are the Balkan road, Central – European route, East route and East – Mediterranean route.

The Balkan road is used for trafficking victims from Turkey, some of the countries of the Asian continent, from the Arabian countries or Africa, to West Europe and some countries of Central Europe. Through the territories of the countries from ex Yugoslavia, victims are trafficked to Greece and from there to other countries of the European Union, or to Hungary and from there to EU, or to Slovenia and from there to other EU members.

The routes through Albania end in four ways. The first, to Greece after illegally crossing of the mountain border, the second to Macedonia, third to Kosovo, then Serbia, Croatia or Bosnia and Herzegovina to the EU members, and the fourth path to Italy after illegal crossing of the Adriatic Sea.<sup>2</sup>

From Bulgaria, the victims are trafficked in Macedonia, to Greece and then other EU countries, or in Romania, Hungary and West Europe.

Here we must mention that till the integration of Romania and Bulgaria in the European Union, the ex Yugoslav Republics were used as transit countries to the EU members, but after 2007, the roads are changed and most of them go through Romania and up to the West of the European continent.

---

<sup>1</sup> Sally Cameron, and Edward Newman. *Trafficking in humans – Social, political and cultural dimensions*. (Hong Kong: United Nations University Press, 2008), p.131

<sup>2</sup> Sanja Čopić, “Putevi trgovine ljudime u Evropi” *Spisanie Temida*, br.4 (2008): 55



Picture N.1

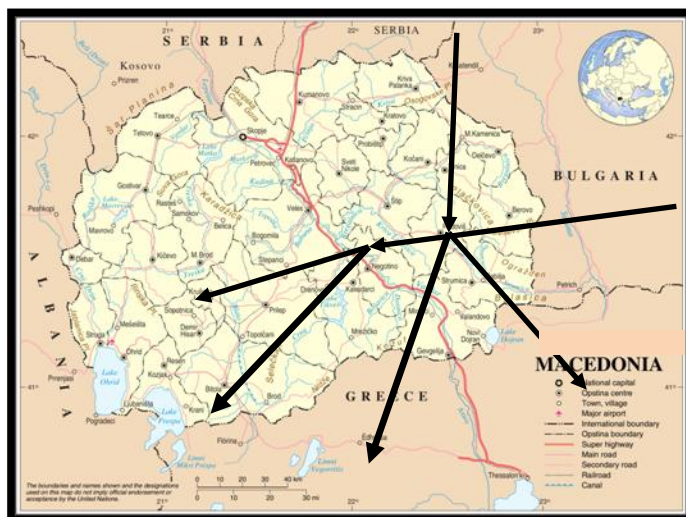
*The routes of transport of the victims of trafficking in human beings on the territory of the Balkan Peninsula to the European Union members<sup>1</sup>*

Republic of Macedonia is part of the so called “Balkan road” through which victims of trafficking in human beings are being trafficked through the territory of the Balkan Peninsula to the EU countries. This road is divided in two corridors:

- ✓ North → South (Romania, Moldavia, Bulgaria) → Macedonia → Greece → West Europe (EU members); and
- ✓ East → West (Asian countries) → Macedonia → Albania → Italy → other EU members.

---

<sup>1</sup> The map of the Balkan Peninsula was downloaded from <http://www.balkanpoliticalclub.net/map.php> [24.06.2010]



*Picture N.2  
Transport routes through the territory of Macedonia  
(so called “Balkan Road”)<sup>1</sup>*

Today, taking advantages of the past and of the today’s political and economic situation, organized crime groups continue with this very profitable business. Balkan crime groups do not traffic laborers, although they traffic drugs and arms along the same routes and sometimes move all of these commodities simultaneously. Their human victims are large numbers of women from Balkan states, as well as women from the former Soviet Union and Eastern Europe sold to Balkan crime groups. They developed extensive international networks, running an integrated business by controlling the women from the time of “acquisition” in the Balkans through their exploitation in the brothels of Western Europe. This is an opportunistic model in both the source and recipient countries.<sup>2</sup>

The deep involvement of those entrusted to uphold state security reveals the depth of corruption and explains the concomitant incapacity of many Balkan states to combat trafficking. The profits of these groups are large because they exploit women in some of the most active and lucrative markets in the world. Their expenses were particularly low in the 1990s, as they controlled the street walkers and did not need to spend much on rent or facilities for the women. They did link with the legitimate economy

---

<sup>1</sup> The map of the Republic of Macedonia was downloaded from [http://commons.wikimedia.org/wiki/File:Macedonia\\_Map.png](http://commons.wikimedia.org/wiki/File:Macedonia_Map.png) [24.06.2010]

<sup>2</sup> Louise Shelley, *Human Trafficking – A Global Perspective*. (Cambridge: Cambridge University Press, 2010), p.121

as they interacted with transport companies and financial institutions. The transport company allowed them to move women to Western Europe and the banks and wire transfer businesses such as Western Union allowed them to repatriate assets. Traffickers' handsome profits are transferred to their families or clans either through wire transfers as mentioned or through cash couriers.<sup>1</sup> Sources go out with hundreds of women trafficked from Soviet countries, they are promised jobs, but get only suffering.

Authors still can't find make a consensus either on the size and structure of the criminal groups. According to some, the structure and modus operandi of Balkan criminal groups is influenced by the Italian mafia. Not so much like the hierarchical and complex structure of the Sicilian Cosa Nostra, but like the more flexible organization of the Apulian mafia and some pseudo - mafia criminal groups, such as the Sacra Corona Unita and gangs of the Lecce provinces.

In fact, Apulian criminal groups have been closely cooperating with Albanian criminals since the early 1990s, smuggling drugs, migrants and arms into Italy. Apulian beaches are the closest landing point for motorboats coming from the other side of the Adriatic Sea – at the narrowest point, only 41 nautical miles separate Otranto from Albania. To run their businesses more successfully or avoid Italian prosecution, several Apulian gangsters have also sojourned in Albania and the neighboring region of Montenegro.<sup>2</sup>

It is important to mention the role that Balkans play in the global trafficking in human beings, especially in the sex trafficking. And again we must mention the flourishing of internal trafficking in human beings, as a new, safer way of victim's exploitation.

## **MACEDONIA: THE MOST WANTED PIECE OF THE PUZZLE**

Through the years of development and conflicts, Macedonia hasn't been left out of the modern slavery. On the contrary, we were witnesses of cruel trafficking through its territory, and cruel exploitation in its hidden places.

The criminal solution of trafficking in human beings in the Criminal Code of the Republic of Macedonia is explained in the Article 418-a. It was first incriminated in 2002, with changes in the next years. In 2008, the Criminal Code got another incrimination in the Article 418-g "Trafficking with minors".

---

<sup>1</sup> Ibid, p.122

<sup>2</sup> Cyrille Fijnaut, and Letizia Paoli. *Organized Crime in Europe: Concepts, Patterns and Control Policies in the European Union and Beyond*. (Dordrecht: Springer, 2004), p.545

Before we continue with some of the characteristics of this phenomenon on the Macedonian soil, we will give clearer picture for the moment situation by giving some important numbers. Namely, in the period 2004 – 2010, the number and dynamics of the “Trafficking in human beings” from Article 418-a is:

*Table N.1<sup>1</sup>*

*Number of trafficking in human beings  
Cases in the period 2004-2010 in RM*

Year	Article 418-a of the Criminal Code of the RM	
	Crimes	Perpetrator
2004	19	42
2005	4	6
2006	3	4
2007	3	4
2008	1	4
2009	1	1
2010	/	/
Total	31	61

Numbers in the Table N.1 give us information about the size of the problem in this area and about the dynamics of the crime forbidden under the Article 418 – a from the Criminal Code of the Republic of Macedonia. From it we can conclude that from 2004 till 2009, the number of crimes decreased, and that in 2010 there is no revealed crime from this article. Also the number of

perpetrators through the years has been decreased.

Till 2008, trafficking in minors was part from the article 418-a “trafficking in human beings”, but with the changes of the Criminal Code, a new incrimination has been made – article 418-g.

*Table N.2<sup>2</sup>*

*Number of trafficking in minors  
Cases in the period 2008-2010 in RM*

Year	Article 418-g	
	Crimes	Perpetrators
2008	9	21
2009	7	15
2010	3	12
Total	19	48

Same as the main crime, trafficking in human beings under age of 18, starts with 9 cases, what is a big number of cases for such a small country and ends with 3, but in a year in which traffickers trafficked

only minors. And this is the point in which we must stop and think a little. Starting from 2004 till 2010, it’s obvious that traffickers are changing “products”. They are now trafficking “the future”, it’s easier for them, and

---

<sup>1</sup> Source: Sector for analytics, research and documenting in the Ministry of Interior of the Republic of Macedonia

<sup>2</sup> Source: Sector for analytics, research and documenting in the Ministry of Interior of the Republic of Macedonia

minors are physically and psychologically indifferent from them and more demanded product on the market of human dignity these days.

The perpetrators are well organized, most of them are in the entertaining industry, they own restaurants, hotels, night bars etc. All of them are Macedonian citizens, but most of them ethnically are Albanians. They are around 26 – 45 years of age, and mostly men, but with 8.2% for the opposite sex (women). Also some of the cases show that many of the perpetrators were in close relationship with the victims. Some of them are members of victim's closest family or close friends. Even there is a case where a mother decides to sell her 7 months old daughter.

Opposite the traffickers, the victims of trafficking are women. In this period there is only one case where the victim is male. The surprising fact is that last years the victims are with Macedonian origin, from the country where are trafficked. It is an indicator for the successful development and usage of the internal trafficking, without necessity of crossing borders and putting the organized group in danger to be revealed. Also at the beginning of the period some of the victims were from post – Soviet countries. The age of minor victims is between 14 – 17 years, which still goes in step with the main rules of global trafficking.

## **CONCLUSION**

Our aim with this paper was to show to the readers how much trafficking of human beings has been and still is every day problem on Balkan territory. The change of social regimes, long time of transition, never ending war conflicts, corrupted officials, stationed peacekeepers, are only few of the conditions that helped the continuous trafficking process.

Signing and ratification of the Protocol of Palermo by every Balkan country is just a small step in the long way in combating modern slavery. More proactive working, mutual cooperation, decreasing of demand (here international organizations whose peacekeepers are stationed on this soil must be included), decreasing of supply, more information for “future” victims, border control, border cooperation, combating corruption. Also it will be good for the other part of Europe, to stop see this piece of soil only as conflict ground and to try to “kill” modern slavery together with us. About the countries and nations here, more effective work, less nationalism. If we want to be part of modern Europe, we must learn to be Europe and to avoid to be seen as the useless and problematic Balkans.

At the end, we should write few words for Macedonia, showing that a small country can fight trafficking in human beings. The downwards trends are consequence of the long and hard work of Macedonian authorities. But

we can't stop here. Modern slavery always finds new ways of existence, just like it was born from the ashes of the old one, like a new way to use the old.

## **BIBLIOGRAPHY**

1. Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings*. Westport – London: Praeger, 2009;
2. Cameron, Sally, and Edward Newman. *Trafficking in humans – Social, political and cultural dimensions*. Hong Kong: United Nations University Press, 2008;
3. Copic, Sanja. “Putevi trgovine ljudime u Evropi” *Spisanie Temida, br.4 (2008)*: 49 – 68;
4. Cullen – DuPont, Kathryn. *Human trafficking – Global Issues*. New York: Facts on file, 2009;
5. Ebbe N.I., Obbi, and Dilip K.Das. *Global trafficking in women and children*. Boca Raton: CRC Press, 2008;
6. Fijnaut, Cyrille, and Letizia Paoli. *Organized Crime in Europe: Concepts, Patterns and Control Policies in the European Union and Beyond*. Dordrecht: Springer, 2004;
7. Jeffreys, Sheilla. *The industrial vagina: The political economy of the global sex trade*. New York: Routledge, 2009;
8. Kara, Siddharth. *Sex Trafficking: Inside the Business of Modern Slavery*. New York – Chichester: Columbia University Press, 2009;
9. Shanty, F.G. *Organized Crime: From Trafficking to Terrorism*. Santa Barbara: ACB-CLIO, 2008;
10. Shelley, Louise. *Human Trafficking – A Global Perspective*. Cambridge: Cambridge University Press, 2010;
11. United Nations. *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, supplementing the United Nations Convention against Transnational Organized Crime, 2000, available at <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> [23.02.2010].



**Aleksandra Dimitrovska**

psychologist, postgraduate student at the Faculty of Security - Skopje

email: [sandrapsiho@yahoo.com](mailto:sandrapsiho@yahoo.com)

## **DETERMINATION OF PERSONALITY PROFILE - LIFE STYLE – OF “NORMAL” HOMICIDES IN ORDER TO SUCCESSFULLY SUPPRESS THIS TYPE OF CRIME**

### Abstract

*Personality and conation functioning are important factors which effect the decision for making a criminal act. The aim of this research is to establish a personality profile of homicides by measuring the type and general extent of the defense mechanisms (DM) being used, and to detect characteristic emotions, diagnostic categories and personal dispositions.*

*The sample is composed of two groups of 33 male examinees: 1. Persons convicted for homicide, imprisoned at the biggest Macedonian prison “KPD Idrizovo”, as experimental group, and 2. Persons who are not convicted, as control group. As an instrument we used Henry Kellerman’s personality test The Life Style Index, based on Plutchik’s psycho-evolution theory and psychoanalysis.*

*The results show that the most common DM for homicides are intellectualization and denial, and intellectualization and projection for control group. Denial only is statistically significantly more prevalent for persons convicted for homicides as opposite to non-convicted people, whose DM is a base for dominant emotion “receiving” and hysterical personal disposition. Homicides don’t use DMs in a significant higher level than not convicted people. The factorial analysis indicated the existence of latent pathological dimensions of homicide’s personality.*

*The results will be helpful for efficient re-educational treatment and can also be used to answer some questions from the etiology of this type of crime, in order to achieve its successful suppression.*

*Keywords: homicide, defense mechanisms, the life style index, personality profile, criminal suppression*

### **INTRODUCTION**

Homicides are one of the most dangerous crimes in all societies, and worldwide. The most severe penalties are predicted for them. In the social system homicide is seen as a multidimensional phenomenon. In general, it is the outcome of interaction between the victim and the social reality, which as a phenomenon represents a serious social issue. The greatest part of the

scientific explanation is related to this type of crime which speaks of the complexity of the issue and the inability to explain it with a single theoretical concept. The complexity and seriousness of the issue, supported by limited number of scientific information on this crime, significantly increases the need for scientific researches. Therefore, it is necessary to approach this phenomenon in a holistic way, which shows the necessity of making strategy which will be realized through its definition as a complex human, social and interpersonal phenomenon, that occurs under circumstances of a particular situation. One of the ways that open possibilities for prevention and reduction of homicides is through exploration of the factors for this type of crime. While the homicide is present as an issue in several scientific fields, in this article is considered in terms of criminal psychology that examines aspects of personality, as possible factors for this type of crime.

The definition of the criminal act homicide is taken from the Criminal Law, and it is accepted in criminology, so according to it homicide is "an act of unlawful deprivation of life of another person"<sup>1</sup>. In the Criminal Law of the Republic of Macedonia, the homicides are in the fourteenth chapter: crimes against life and body, art.123-1292, which covers the homicide as a primary offence, its qualified and privileged forms, homicide by negligence, as well as the act of indicating in doing homicide and assistance in suicide.

Defense mechanisms (DM). The question why some people commit criminal acts, and others don't, can be answered by analyzing the criminal motivation. In order to commit a criminal act, it is necessary to possess an internal impulse or desire, but not every desire ends with committing a criminal act, which, among other things, depends on the system of moral norms, emotional stability, intellectual, social and emotional maturity of the individual<sup>3</sup>. Conscience and the system of moral norms in non-delinquents will not allow the realization of some socially prohibited desires because of care of conscience and fear of punishment. Emotional stability and common sense prevent emotions to prevail over reason and unable them to fulfill certain forbidden desire, as a criminal act. However, society often doesn't allow the individual even to satisfy its homeostatic motives or blocks the normative channels for their satisfaction. Pursuit to re-establishing the

---

<sup>1</sup> Simeunović-Patić, B. (2003). *Ubistva u Beogradu*. Beograd: Institut za kriminološka i sociološka istraživanja, pp.8

<sup>2</sup> Kambovski, V. (2003). *Kazneno pravo, poseben del*. Скопје: Просветно дело АД, pp. 19-71

<sup>3</sup> Алексовски, С. (2005). *Психологија со криминалистичка психологија*. Радовиш: Трекс, pp. 223-224

homeostatic balance forces the individual to direct his/her activities in a forbidden way, i.e. forces him/her on a criminal behavior.

Motivation, along with emotions, belong to the conation part of personality. The motives are the stimulating forces, that cause direct human activity. However, achieving a goal is often disabled, which causes frustrations and conflicts. It is experienced as discomfort, insecurity, disgust, anxiety, etc. on which person may react realistically or unrealistically.

Defense mechanisms (DMs) are psychological processes, by which person seeks to resolve conflicts between instinctive tendencies and emotions, despite the demands of the environment and the real situation<sup>4</sup>. Their characteristics are: 1. they are used automatically and unconsciously, as an attempt of the ego to deal with the intolerable situation, which for the person becomes an emotional conflict. As well as emotions, the DMs are reactions to danger, but DMs are inner reactions, that apart from external, the person usually is not aware of, and recognizes them by the presence of anxiety; 2. DMs have an adaptive function because they are actually emotional fuses; 3. DMs are not abnormal and useless processes, unless they used excessively. DMs allows you to deal with inner pressures, which would be unbearable without them, to neutralize them or to express them in a consciously acceptable way; 4. Which DM will be activated at one moment depends on the nature and characteristics of a specific situation, where there are large differences between thresholds for triggering various DMs<sup>1</sup>. The most commonly used combination of DMs most easily triggers an individual and causes establishing defensive style - a specific way in which a person deals with problems and is more or less conscious about his/her existence. The defensive style is learned and it is gradually fixed in a person during his/her development, so those DMs which were used in the past and have shown greater success, continue to be used in the future, too; 6. DMs can have beneficial and harmful effects on the personal adjustment. They are a condition for normal personality development, because they are able to reduce anxiety and maintain self-esteem during unsuccessful attempts to overcome obstacles. As a consequence of that protection, a person can resist the conflict long enough to achieve a more realistic and successful adjustment. However, the long lasting effects of continued and excessive influence of DMs can be harmful to the adjustment, because the use of one or more DMs becomes a way of life and person begins to live in an unrealistic image of themselves and the environment; 7. DMs themselves can be frustrated, in which case the conflicts become more intensiv, and personality leads to a magical circle; 8. When DMs from various reason

---

<sup>1</sup> Cretch, D. and Crutchfield, P. (1988). *Elementi psihologije*. Beograd: Naučna knjiga

becomes inadequate to relieve anxiety, may occur a psychological disorders, from mild neurosis to severe psychosis.

There are many kinds of DMs, but the type and number vary among different authors. Freud (1926) first begins to speak about DMs in his psychoanalysis theory and they are further explored by Anna Freud.



Figure 1. Schematic representation of Kellerman's theory

Kellerman is a modern author, representative of psychoanalysis theory, who is trying to find the relationship between primary emotions and DMs, based on Pluchik's psychoevolution theory<sup>1</sup>. Kellerman cites specific links: emotion - DM - diagnostic category, where the last term does not always refer to pathology, but to the dispositions of a healthy person<sup>2</sup>. According to him there are:

- "facilitating" emotions, that prevail in "normal" – mentally healthy persons, and DMs associated with them have the function of blocking by controlling the function of ID, and these are: reaction formation, intellectualization, denial and displacement, and
- "difficult" emotions, that prevail in psychiatric group, whose DMs have the function of releasing the impulses and regulate the function of super ego, are: compensation, regression, projection and repression.

This research will focus on the psychological profile of homicides through the way of impulse control and reaction to stress, and will try to answer the question whether the homicides possess a specific defensive style that contributes to disturbance of mental balance and making a decision to commit such act in a given moment. Knowing the personality and its inner conflicts contributes towards more efficient implementation of treatment

<sup>1</sup> Plučik, R. (2006). *Emocije u psihoterapijskoj praksi*. Beograd: Centar za primenejenu psihologiju

<sup>2</sup> Lamovec, T. (1989). *Emocije i odbrambeni mehanizmi*. Ljubljana: Zavod SR Slovenije za produktivnost dela Ljubljana

while serving the prison penalty, more successful re-socialization and prevention of recidivism.

Previous research. There is a small number of studies, which have similar subject or connected to homicides in general, which is one of the reasons of this research.

In the study of Todorovska and Gjurcevski, S.1, homicides are used as a control group, which results on the test PIE2 showed that the dominant DMs for them are: repression (77%), compensation (61%) and denial (60%), and less used DM is regression (29%). It has not shown any difference to the sexual offenders.

Knezhevich, D.3 and coworkers, by using a taxonomic analysis revealed the existence of 3 types of homicides. The typology was based on their conative and cognitive functioning. The results showed that 49% belonged to the generally functional or repressive group, 41% to most dysfunctional or aggressive-paranoid group and 10% to dysfunctional or psychopathic type. The first type is associated with the category excessively controlled, and the last two types conditionally as less controlled, according to the division of Megargee, but results need to be subject to further analysis. The findings favor the assumption that the homicides are not homogeneous in the structure of personality and mental functioning, and it is not about a mysterious intra-psychic dynamic, but specific situational circumstances which correspond with moderate conative-cognitive dysfunction.

Other researches confirm the presumption that overly controlled types are more common in extremely violent compared with moderate criminal acts; homicides rarely have a history of previous arrests; and they are less prone to recidivism compared to less violent prisoners.

In a case study of a person who is a serial sexual killer in the USA4, the tests showed pathologic object relations, as well as reliance on immature projections and denial, and the psychopathic structure of personality.

But on the other hand, the psychopathic structure is typical for most of the prison population, and according to many authors, it is typical for homicides, as well.

---

<sup>1</sup> Тодороска-Ѓурчевска, С. (2002). *Основни карактеристики на личноста на сторителите на сексуални престапи*. Скопје, необјавена докторска дисертација

<sup>2</sup> instrument, which is also based on the Pluchik theory

<sup>3</sup> Knežević, G., Kron, L., Vučinić. (1995). *Tipovi ličnosti "normalnih" ubica*. *Psihologija kriminala*. Vol 1:115-129

<sup>4</sup> Abramsky, M.F, Hibbard, S., Kamoo, R., Porcerelli, J.H. (2001). **Object relations and defense mechanisms of a psychopathic serial sexual homicide perpetrator: a TAT analysis**. *Journal of Personality Assessment*, Vol: 77, Iss: 1, pp: 87-104

## METHODOLOGY

Problems and hypotheses. This study should answer the following questions:

Is there a relationship between lifestyle and committing homicide?

Is there a significant difference in the level of general use of the DMs by homicides in relation to persons who have not been convicted?

Are there significant differences in the type of defensive style used by homicides in relation to persons who have never been convicted?

General response is that there is a relationship between lifestyle and homicides, so hypotheses are:

There are differences in the level of general use of the DMs, and it is expected that the homicides use DMs in a higher level, compared to persons who have not been convicted.

There are differences in the type of defensive style, used by the homicides and persons who have not been convicted.

Participants. A convenience sample (N = 66) consists two groups, men, aged 20-50 years, as:

Homicides, who are serving penalty in prison (KPD Idrizovo) (N = 33), according to art.123-129 of the Criminal Code of the Republic of Macedonia, with advantage of those with the highest penalties.

Persons who have never been convicted (N = 33), as a part of the non-criminal population.

Subjects were voluntary interviewed in prison, in May 2008, in order to avoid ambiguity in the questions.

Measuring instruments. The instrument used in this study is the test LSI - The Life Style Index. It provides information about defense style used in order to regulate the emotional states. Although DMs are unconscious, they lead to certain focus in behavior, which is conscious, and they are indicators of lifestyle. Thus, in this test DMs are observed in accordance with the analog emotion or personality trait and the corresponding functional activity.

Henry Kellerman is author and the test is based on Plutchiks' psycho-evolution theory and psychoanalysis. Dr. Tanja Lamovec<sup>1</sup> has prepared a Slovenian version for internal use, and in this study Macedonian translation has been used.<sup>2</sup> The questionnaire is accompanied by a manual, a list of

---

<sup>1</sup> in 1986 / 7 year, in the Department of Psychology, at the University of Philosophy, in Ljubljana

<sup>2</sup> It is first used in the Republic of Macedonia in 1990, in one research, but only as a translation, without standardization for the Macedonian population

responses, paper for entering the results and drawing profiles. It consists of 92 claims, related to eight DMs, all in different number: denial (11), regression (17), repression (10), compensation (10), projection (12), intellectualization (12), displacement (10) and reaction formation (10). The claims are corresponding with YES or NO. With evaluation of the test we obtain:

Score for the level of general defensive orientation (LGDO) – by calculating the percentage of the total YES answers,

Scores for the defensive style - by calculating the percentage of YES answers for each particular DM, which determine the dominant form of defensive orientation, the dynamics of personal emotional conflicts, the dominant personality dispositions and diagnostic category. Percentages are marked on the circular chart, and DMs that are present above and below the average, stand out.

Statistics. Descriptive statistics, inter-correlations, t-test and factor analysis were calculated for all variables.

## RESULTS

In circular profiles (Figures 2 and 3), levels of use of each DM is expressed in percentages, and in Table 1, too. In relation to the level of general defensive orientation (LGDO), both groups used DMs moderately. Dominant DM for homicides are intellectualization and denial, which are blocking, and the least used are repression and displacement. For the not convinced, dominating DMs are intellectualization and projection, and the least used are displacement and regression, which coincides with the results from the Slovenian samples.

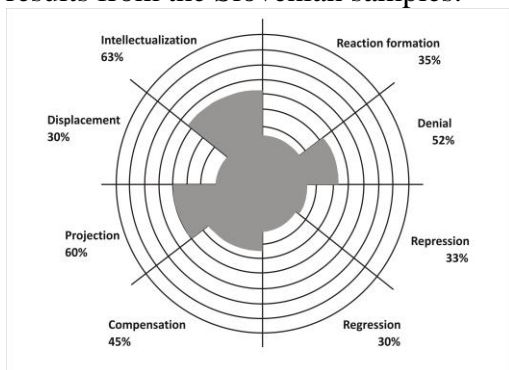


Figure 2. Circular profile of homicides profile of not convinced

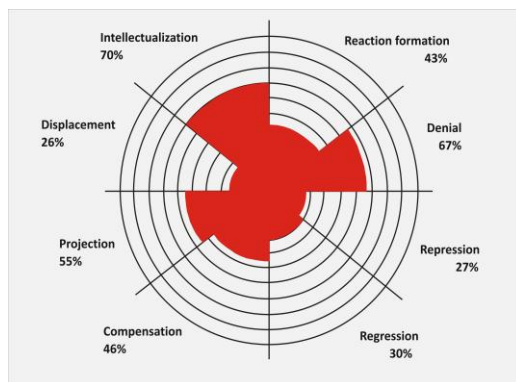


Figure 3. Circular

The DMs types are less distributed among not convicted, while at homicides there is a stronger discrepancy between the dominant and least used DMs, which means that the dominant DMs are expressed strongly and conditioned by past experience. That means that the homicides on serving prison penalty and after committing criminal act, react with strong blocking impulses, which threaten the ability to control the situation, and also threaten the awareness of situational discomfort.

The differences between groups are not statistically significant (Table 2), but it is important to note that  $\sigma$  is higher among the homicides, meaning that the group is more heterogeneous than not convicted, which is in accordance with the conclusions of previous studies.

Although homicides have higher score on LGDO than the non-convicted, the difference is not significant, so hypothesis 1 is rejected.

Also, there are no statistically significant differences in the most of used DMs. Some of DMs are more commonly used among the homicides and other among the not convicted.

Thus, only denial is significantly more prevalent among the homicides, on the level 0,01 ( $t = 3,32$  is higher than the critical value of the level 0.01 (2.61) for  $df = 64$ ), which means that the homicides in frustrating situations significantly more frequently react with denial, than the not convicted people.

Table 1. Ranks of the types and general extent of use DM (GUDM) in %

Rank	HOMICIDES		NOT CONVICTED	
	DM	%	DM	%
1.	Intellectualization	70	Intellectualization	63
2.	Denial	67	Projection	60
3.	Projection	55	Denial	52
4.	Compensation	46	Compensation	45
5.	Reaction formation	43	Reaction formation	35
6.	Regression	30	Repression	33
7.	Repression	27	Regression	30
8.	Displacement	26	Displacement	30
	LGDO	45	LGDO	43

Approximately less than the critical value of the level 0.05 (1.98) is  $t = 1,96$ , for intellectualization, which means that the homicides often use this DM, than the not convicted people, but only as a tendency. Reaction formation, repression and displacement are also present at a higher level as tendencies,



but reaction formation is more prevalent for the homicides, while repression is for the not convicted. This means that the homicides more commonly use blocking DMs and the ID is expressed stronger, in terms of non-convicted.

Table 2. Summary of results of t-test

Dimensions on “Life style index”	HOMICIDES		NOT CONVICTED		$\sigma$ M1-M2	t	P
	M	$\sigma$	M	$\sigma$			
LGDO	41.52	11.66	39.70	8.24	2.52	0.72	-
Intellectualization	8.45	1.89	7.55	1.76	0.46	1.96	-
Denial	7.33	2.01	5.67	1.96	0.50	3.32	0.01
Projection	6.64	2.93	7.21	2.38	0.67	0.55	-
Regression	5.06	2.78	5.03	2.58	-	-	-
Compensation	4.55	2.34	4.52	1.67	-	-	-
Reaction formation	4.27	2.14	3.45	1.72	0.49	1.67	-
Repression	2.67	1.9	3.27	1.58	0.44	1.36	-
Displacement	2.55	2.16	3.00	1.91	0.51	0.88	-

From all this we can conclude that hypothesis 2 is accepted - there are differences in the type of defensive style, used among the homicides and the not criminal population.

Table 3. Pearson correlation,  $p < .05$  (one-tailed) and  $p < .01$  level (two-tailed)

	Denial	Regression	Repression	Compen.	Project.	Intellect.	Displacem.	React. f.	GUDM
Denial	1,00								
Regression	0,20	1,00							
Repression	-0,06	0,60**	1,00						
Compensation	0,44*	0,57**	0,39*	1,00					
Projection	0,22	0,51**	0,31	0,46*	1,00				
Intellectualizat.	0,40*	-0,04	-0,09	0,26	0,12	1,00			
Displacement	0,04	0,68**	0,42*	0,43*	0,48**	-0,08	1,00		
Reaction form.	0,31	0,40*	0,41*	0,39*	0,26	0,31	0,24	1,00	
LGDO	0,48**	0,81**	0,59**	0,78**	0,71**	0,33	0,66**	0,64**	1,00

From inter-correlations matrix (Table 3), we can conclude that there are significant positive relations among most DMs, which range from 0.39 ( $p < .05$ ) and 0.48 ( $p < .01$ ) to 1.00. Thus, the LGDO is in high positive correlation with regression (0.81), compensation (0.78) and projection (0.71), and lowest with intellectualization (0.33). Between DMs, the highest

positive correlation exists between the displacement and regression (0.68), which means that by intensifying the DMs which block direct expression of anger, are intensified the DMs which release the motoric responses, in homicides. However, the lowest positive correlation exists between denial and displacement (0.04), which means that by intensifying the blocking of anger's direct expression, the blocking of awareness of the situational discomfort is not intensified. The lowest negative correlation exists between intellectualization and regression (-0.04), which indicates that by intensifying the DMs which maintain control, does not decrease the releasing of the motoric response, in homicides.

Table 4. Eigenvalues

	Eigenvalue	% Total	Cumulative	Cumulative
1	4,329258	48,10287	4,329258	48,10287
2	1,644433	18,27148	5,973691	66,37434

In Table 4 we can see that DMs form two main components, from which the first participates with the characteristic root - 4,329 or 48.1% of the variance and 6 of the variables are projected on him, whose factor saturation ranges from 0,892 to 0,631 (Table 5). Here are presented all the "difficult" emotions, DMs acting for the release of SUPER EGO, DM displacement and LGDO. This factor can be called psychiatric-displacement-defense factor. The second factor, however, participates with characteristic root 1,644 or 18,27% of the variance and 3 of variables are projected on him, whose factor saturation ranges from 0,814 to 0,500. Variables operate "facilitating " emotions and DMs which block ID, and can be called a normal factor.

Table 5. Factor analysis varimaks-normalized extraction of basic components

	Factor	Factor
Denial	0,088260	0,801743
Regression	0,892134	0,079829
Repression	0,759906	-0,108900
Compensation	0,631561	0,501632
Projection	0,652563	0,246108
Intellectualization	-0,114521	0,814342
Displacement	0,808416	-0,073530
Reaction form.	0,459377	0,500308
LGDO	0,857916	0,511897

## DISCUSSION

The results concluded that in relation to the level of general defensive orientation (LGDO), both groups used DMs moderately, and the difference between them is not statistically significant, thus the hypothesis 1 is rejected. The average score on LGDO indicates that DMs are used rationally, a person has positive effects from them and they help in its successful adaptation. Shortly, this means that the respondents live realistically. High level of anxiety or low self-esteem doesn't exist among them, which is typical for mentally healthy people. From one hand, this is an indicator that there are no specific differences in homicides and non-delinquents personality, which is confirmed by the research of Knezhevich, D. and co-workers, meaning that certain dysfunctions exist in non-delinquent population as well, but they do not always end with a crime, which is the result of specific circumstances and situational factors. But on the other hand, serving of penalty means restriction of freedom, which is a situation difficult for adaptation, and the fact of committing a crime also should cause additional internal conflict, that is supposed to engage a higher level of DMs use in a mentally healthy person. So, there is a dilemma whether it is a realistic perception of the real situation or the problem doesn't reach them, meaning that they do not perceive it as a pressure or conflict and therefore need no further deployment of DMs, which leads to the conclusion that it might not be a disorder, but a psychopathic structure of personality.

On the other hand, if this is connected with the conclusion that intellectualization and denial are the dominant DMs for homicides which are engaged to resolve these conflicts, in terms of intellectualization and projection of mentally healthy population, and the denial is significantly more prevalent among homicides, answers the question about their seemingly indifference and coldness, or not existence of conflict. Intellectualization is a dominant DM in both groups, which according to Kellerman's theory, controls the "facilitating" emotion anticipation, which is associated with the need of control and predict events. Intellectualization allows indirect reaction to the impulses, i.e. react on intellectual instead of on motoric level, so instead of feeling something, they are thinking about it. On the strong need for control and understanding of the environment is based obsessive disposition, which is typical for both groups. Obsessive disposition means higher self expectations, and from the environment as well, which is additional difficulty for the individual, especially for the environment. This shows that the majority of the group belongs to the overly controlled types of homicides<sup>1</sup> according to Moir and Jessel<sup>2</sup>, and the classification of Megree and Knežević, G., and coworkers, too.

In combination with the increased need for control, the homicides used denial as second DM which blocks awareness of unpleasant situations, in terms of projection which is the second DM used among non-convicted. Denial is a base for the "facilitating" emotion receiving or accepting, which provides idealization through selective inattention and acceptance of the object as a whole, excluding its negative aspects; and hysterical disposition, as well, for which are typical strong suggestibility and absence of critical attitude. This DM is statistically significantly more prevalent in homicides, compared with not convicted, which means that this dimension is more common among the homicides. Confirmation of this is finding that most homicides are associated with hysteria, which is characterized by emotional tension ..<sup>3</sup> This means that the homicides are more often idealizing, and therefore when they realize that the reality doesn't correspond to their ideal unrealistic expectations, they get intensely disappointed, which ends with homicide. This confirms the above type of person who under this belongs to overly controlled and ekstrovert type, as well. This could mean, as well, that

---

<sup>1</sup> those who have strong control over his aggression, but under severe criminal frustration may react with explosive violence

<sup>2</sup> Баткоска, Л. (2007). *Криминалистичка психологија*. Охрид: Центар за научноистражувачка работа, str. 346

<sup>3</sup> Konstantinović-Vilić, S. i Nikolić-Ristanović, V. (2003). *Kriminologija*. Niš: Centar za publikacijae Pravnog fakulteta u Nišu, str. 356-360

they are defending themselves from a criminal act by denying that they committed it, which coincides with their attitude during the testing.

The second dominant DM among not convicted is the DM projection, which in homicides is on the third place, but still in significantly high percentage. It is important to note that the projection and intellectualization emerge as the dominant DMs at the Slovenian samples of students and employees as well, indicating that despite of the limited number and lack of criteria for selection of respondents from this group, they still correspond with the characteristics of "normal" population. The projection is related to "difficult" emotion disgust, and serves to release the impulse for criticizing the environment, by blocking the function of the SUPER EGO. The projection includes selective inattention, acting in the opposite direction of denial, which allows general rejection or inability to select irritations, and due to the lack of ability to receive, the individual rejects them. In addition, the disgust, which was directed towards the individual, is projected outwards, and instead of self-deprecation, emotion disgust is manifested as exclusion of others. It is a base for paranoid disposition, which is recognized by absence of suggestibility and strict criticism is prevailing. By projection the individual defends itself from self-criticism and strong sense of personal incompatibility, and that incompatibility is attributed to the outside world, so he has difficulties to get close to other people.

As we mentioned, the dominating types of DMs indicate the personal defensive style, which gives insight into the development issues of personal emotional conflict and enable diagnosis of the dominant disposition of the personality. As to emotional conflicts, emotions anticipation and receiving belong to the dyad fatalism, which is typical for the homicides, against anticipation and disgust, which belong to the dyad cynicism, typical for the not convicted. Both dyads are secondary, which according Pluchik's theory, imply the existence of some degree of emotional conflict.

However, while the leading DMs in homicides are blocking (and serve to regulate the "facilitating" emotions that prevail in persons which function "normally") and they represent manifesting variables, detected latent factors in further analysis suggested that the lifestyle of the homicides is determined by four "releasing" DMs (which are regulating "difficult" emotions and indicate negative psychological condition), DM displacement and LGDO, which constitute the first factor, while "facilitating" emotions ("blocking" DMs) operate the second factor. Thus, the first factor is called "psychiatric- displacement –defense" factor, and the second "normal" factor. This still indicates the existence of latent pathological dimensions of homicides personality. But, an interesting finding is the higher variation among homicides in relation to not convicted, which is indicative of their heterogeneity, thus confirming results from the previous studies and

theoretical settings. This is evidence of additional difficulty in explanation of this complex phenomenon.

DM displacement refers to diverting or blocking the “difficult” emotion anger, towards someone else, less dangerous object or target, in order to avoid direct expression of aggression towards the person who is causing frustration, which could lead to undesirable consequences. Aggressive disposition is typical for this DM. Projection is manifestly the least represented in both groups, but it is highly represented as a latent factor in homicides. This explains that the homicides occurs as a result of not expressing anger, which is typical of Moir and Jessels’ controlled homicides. From all above, we can conclude that there are differences in defensive styles between the homicides and not convicted, thus hypothesis 2 is accepted and should be further explained in future researches.

Besides the interest in personality, as a factor for performing certain types of crime, there are theoretical debates in science about the causal relationship between mental disorders and criminality, and a question is: how the long process of serving prison penalty affects the mental health and psychological well-being of offenders? In spite of different views, there is accordance in the answer that the last question still depends on the heterogeneity of the conditions in which the penalty is being served, type of institution and program staff who conducted the treatment, but also from the heterogeneity of the offender personality, within the same types of crimes, so the results may vary among different individuals and we may come to different conclusions. Personality profiles also vary from the phase in which the penalty is being served, specifically aimed at reducing self-esteem, apathy and introversion, but at very long penalties the results showed minimal changes, even to the level of simple "conservation" of improper adjustment, until the exit to freedom.<sup>1</sup> Heterogeneity in this type of crime is confirmed in this study, as well. However, there are small disagreements in the unpleasantness of the environment in prisons. Therefore, it is important to put emphasis on the conduct of the sentence and its adjustment to the personality, which requires better knowledge of that personality, and in this direction we can use the results of this and similar further researches.

## CONCLUSIONS

Homicides use DMs moderately, and they don't use them significant in a higher level than not convicted people, which mean that they live realistically or they have psychopathic structure of personality. The dominant

---

<sup>1</sup> Миловановић, Р. (2005). Психологија криминалитета. Београд: Полицијска академија, pp. 367-97

DMs in homicides are intellectualization and denial, in terms of intellectualization and projection of not convicted. The least frequent in both groups is displacement. The dominate emotions in homicides are anticipation and receiving, which are “facilitating” and constitute fatalism. Their appropriate DMs blocks the ID, which means that the “overly controlled” type of homicides are dominating in this sample, or it is a result of the penalty treatment. Homicides significantly more use denial, they are idealizing and denying more frequently than not convicted. The hysterical disposition is more typical for them, while obsessive disposition is dominant in both groups. Small differences in other DMs indicates that we can not pull a thick line between homicides and non delinquents - doing crime depends on several determinants. But, detected latent factors showed that the homicides lifestyle is determined by four “releasing” DMs, displacement and GDO, which indicates the pathological dimensions in their personality are latent. Higher variation among the homicides, indicates the heterogeneity of this phenomenon. Results can be used for individualization of the penalty in order to achieve a more successful re-socialization and prevention of recidivism in this type of crime. Future research will focus on reanalyzing the same study on the biggest sample, and testing their personality, as well.

**Viktorija Todorovska**

Postgraduate student at the Faculty of Security - Skopje

Email: [todorovska\\_viki@yahoo.com](mailto:todorovska_viki@yahoo.com)

## **THE METHODOLOGICAL PARADIGMS IN THE RESEARCH OF SECURITY PHENOMENA**

### **Abstract**

*The main purpose of this paper is to present the methodological paradigms of research of security phenomena and appropriate methodological approaches occurring as a result of the paradigms. Because the determination of the essence of security concept is a complex problem, it restricts the existence of an acceptable definition that leads to the existence of differences that are manifested both in theoretical approaches in explanation of security and also in the basic terms determinations. The paper will give comparative review of the most widely applied approaches in researching the security-positivism, interpretative and critical approach.*

*According the fact that security as an area of research has different aspects and dimensions, contemporary security studies are based on pluralism of concepts and procedures which occurred as a response to the unilateral use of one methodological approach, one technique of collecting data and one procedure for collecting data, processing and analyzing, whether it is predominantly a "quantitative" or "qualitative" research.*

**Key words:** *methodological paradigms, positivism, security*

### **1. Introduction**

To say the world is changing is to state the obvious. The security environment is becoming more complex, with shadowy and seemingly unpredictable threats around the globe. What is less understandable is exactly how the environment has changed why is evolving so rapidly, and what can be done to meet the new national security challenges that arise as a



result. Understanding these trends and patterns is critical, since the new challenges are likely to persist for decades<sup>1</sup>.

The various social sciences in its research are applying the same techniques or tools, but not using the same method because of the different subject of their study which requires different and distinctive approach to social reality. The basic idea of Kuhn is that every science is determined by the prevailing paradigm in a certain period. Depending on this paradigm appropriate methodological approaches are occurring.

Identifying the core concept of security is a complex problem that prevents a single definition. The differences are manifested by the theoretical approaches in the interpretation of security, and in basic term determinations. From a historical standpoint, safety is a fundamental value of human relationships. Its condition was institutionalized through the emergence of a sovereign state and system leaders on a global level. Even today the current level of social development of security is inherent element of the existence and actions of individual, social, national and international system.

Considering that security is a subject of research that has different aspects and dimensions, contemporary security studies are based on pluralism and concepts of operations that occurred in response to the unilateral use of a methodological approach, the technique of collecting data and a procedure for processing and data analysis, no matter whether it is predominantly a "quantitative" or "qualitative" research.

Positivism is based on the assumption that there are universal laws that govern social events, and uncovering these laws enables researchers to describe, predict, and control social phenomena (Wardlow, 1989). Interpretive research, in contrast, seeks to understand values, beliefs, and meanings of social phenomena, thereby obtaining *verstehen* (a deep and sympathetic understanding) of human cultural activities and experiences (Smith & Heshusius, 1986). Critical science seeks to explain social inequities through which individuals can take actions to change injustices (Comstock, 1982). The three approaches take distinctively different epistemological positions regarding theoretical foundations, assumptions, and purposes while producing competing modes of inquiry.

## **2. Positivism vs. interpretivism**

In contemporary social research two research traditions are dominant: positivism and phenomenology (naturalistic or interpretative philosophy).

---

<sup>1</sup> Godson R., Shultz R., Hanlon Q., Ravich S., "Adapting America's Security Paradigm and Security agenda" National Strategy Information Center, 2010 (p.7)

Their views on the purpose of research are different, and they prefer different methods of data collection.

Modern criminology has its roots in particularly in the challenge to classical thinking represented by positivism. Early classical thinking emphasized free will and therefore portrayed crime as the outcome of voluntary actions based upon rational calculation. It was suggested that individuals committed crimes when they saw the benefits of law-breaking as far outweighing the costs or potential costs. Positivism succeeded in portraying altogether different conception on crime and also in providing different basis for his explanation. For example, crime was seen as something into which individuals were propelled by factors largely beyond their control and not as an activity into which they could freely enter after careful and rational balancing of costs and benefits. Thus positivism involved forms of explanation based upon determinism and the search for causes<sup>1</sup>.

Positivism derived from the philosophical foundations of Kont who believed that the social reality exists independently of humans and can be objectively examined by applying valid and reliable measurements. Thus, the concept of positivism of Kont is based on scientific objectivity and observation through the five senses, rather than subjective beliefs. He endeavored to create a science of society which could explain the laws of the social world as the natural sciences explain the functioning of the physical world.

One may set against the positivist approaches to research discussed above, another research tradition, that of interpretive research which traverses fields such as phenomenology, ethnography, and hermeneutics. The assumption underpinning the epistemology proper to this school of research is that all human action is meaningful and has to be interpreted and understood within the context of social practices.

Thus, according to Strauss and Corbin's qualitative research, broadly defined, it means "any kind of research that produces results that are obtained by means of statistical procedures or other means of quantification, i.e. the basic assumption is that the whole interpretive approach to be examined in order to understand the phenomenon, exploring its depth and complexity. It is a criticism in terms of positivism, since it requires collecting and analyzing data from parts of the phenomenon, and in this way, positivism can miss important aspects of a comprehensive understanding of the whole.

---

<sup>1</sup> Jupp V., "Methods of Criminological research", 2002 (p1)

But despite that, positivism remains the dominant paradigm, as in other social science fields, taking into account only the facts, i.e. positive facts given in experience. They can certainly be fixed by experience and must be the same for everyone that is using this method. And perhaps more important than that - those facts in its collection are explaining themselves by giving each other while experiential verifiable laws of social structure and development, which confirms the history of society.

In its most wide sense, positivism is a rejection of metaphysics. It is a position that considers the purpose of knowledge simply as a description of a phenomenon that we experience. So, science is meant to deal only with what can be observed and quantify, and positivism is considered senseless any propositions that can not experience or mathematical to display. We have worked considering a form of reductionism. According to the views of Kont, Mill and Durkheim, the main aim of knowledge is the achievement of clear, precise and accurate theoretical-empirical versus metaphysical knowledge.

Anti-positivists, or advocates of interpretivism, argue the opposite. They take the view that since human beings think and reflect scientific methods are inappropriate for the study of society. Unlike objects in nature, human beings can change their behavior if they know they are being observed. So interpretive approach advocates argue that if we want to understand the social functioning, we have to delve into the reasons and meanings which that action has for people. Take for example the crime. A positivist would argue that researchers can simply measure crime using quantitative methods and identify patterns and correlations. An interpretive research representative would argue that sociologists need to understand what people mean by crime, how they come to categorize certain actions as 'criminal' and then investigate who comes to be seen as criminal in a particular society<sup>1</sup>.

Both structural and functional approaches are two forms of positivism because those defend the principle of methodological unity of natural and social sciences. As thyself-theoretical problem, with numerous implications, they boil down to questions of the relationship of social structure and human practice. Thus, according to H.D. Laswell and A. Kaplan in their work "Power and Society" political system is characterized by eight features that are usually pursued by responsible institutions. Among

---

<sup>1</sup> Sociology Revision – Methodology, Positivism and interpretivism  
<http://tutor2u.net/blog/index.php/sociology/comments/sociology-revision-methodology-positivism-and-interpretivism/> (last access 04.04.2011)

them are included the police (control) and security. Obvious disadvantages of classical functionalism, his disagreement with the reality series caused criticism, review some conceptual principles that were considered one-sided, inadequate and unsustainable in terms of a general theoretical framework.

Jorgen Sauberg interpretative researcher, in his lectures on research methods, within the University of Queensland's business school uses the following table to characterize the differences between positivism and interpretative research approach.

*Table 1. Alleged differences between positivism and interpretivism*

Meta-theoretical Assumptions about	Positivism	Interpretivism
Ontology	Person (researcher) and reality are separate.	Person (researcher) and reality are inseparable (life-world).
Epistemology	Objective reality exists beyond the human mind.	Knowledge of the world is intentionally constituted through a person's lived experience.
Research Object	Research object has inherent qualities that exist independently of the researcher.	Research object is interpreted in light of meaning structure of person's (researcher's) lived experience.
Method	Statistics, content analysis.	Hermeneutics, phenomenology etc.
Theory of Truth	Correspondence theory of truth: one-to-one mapping between research statements and reality	Truth as intentional fulfillment: interpretations of research object match lived experience of object
Validity	Certainty: data truly measures reality	Defensible knowledge claims
Reliability	Replicability: research results can be reproduced	Interpretive awareness: researchers recognize and address implications of their subjectivity

Source: Weber R., "The Rhetoric of Positivism Versus Interpretive approach: A personal view" MIS Quarterly Vol.28 No1, March 2004

We hope that based on this brief description of the two different philosophies, two approaches have not received an opinion as mutually exclusive or competitive. The fact that one end of the continuum is research

directed towards the universal laws, and other research related to the specific context, most researchers stick to it for best results in the practice of research necessary to find a suitable compromise route. Contemporary methodology is pluralistic, meaning that one can use elements of different philosophies (rarely) and approaches (often) in the same research project. As it will be discussed later, it is possible to use different methods of collection, analysis and interpretation of data.

Critical science, or critical approach, exploring the social world, criticizes, and trying to encourage the individual to overcome problems in it. This approach is basically anti-positivism and anti-interpretative. He refuses and objective, quantitative empirical approach positive and subjective, voluntary approach interpretative approach. The critical researcher is studying past and different societies in order to see the change better or to discover alternative ways to organize social life. Critical social science is interested in the development of new social relations, the evolution of social institutions or societies and the reasons of greater social change.

Through this approach, representatives of critical theory and critical and theoretical knowledge promote nonrealistic centralized security studies at the basic subject - the state. In a way, critical security studies are processing, i.e. remaking the concept of security and give different answers to the questions: What is security? Who is it meant for? and What is the intention of security studies? By rejecting the traditional model to limit the security of one sector, this theory examines the specific nature and dynamics of security in five sectors-military, political, economic, environmental and social. The reasons for accepting the broader concept, according to Buzan are the following: first the reality of environmental policies (policy environment) as required by itself, is useful for safety and quality policy changes that reflect the democratization of society and public action by government; third idea is intellectually attractive and integrative in that measure that expands the area of research (theories of international relations, international political economy, strategic studies, research on peace and conflict, human rights, development studies, international history, some areas of science and technology...) and require wide intellectual horizons<sup>1</sup>.

Some authors have noted alternative paradigms within the broad paradigm of interpretive approach. Thus, you may come across other approaches such as critical theory, constructivism, realism and critical interpretivism etc. Critical theory emphasizes the relationship of social

---

<sup>1</sup> Todorovska V., "Teoriskite pristapi vo definiranjeto na poimot bezbednost", *Bezbednosta, ekološkata bezbednost i predizvicite na Republika Makedonija (Zbornik na trudovi)*, Skopje 2010 (p.79)

'reality' within historically situated social structures. Constructivism suggests that multiple realities exist, formed within a particular context. The researcher studies how reality is 'constructed' by the individual within this context. Realism suggests that there is actually a 'real' truth to be discovered, albeit with limitations and that this truth can be discovered using elements of both the positivist and interpretive approaches. Critical interpretivism is a blend of several overlapping elements, historiography, ethnography, comparison, investigation, critical sociology and 'gonzo' ('gonzo' refers to a particular type of approach that involves the researcher taking a position that is as close as possible to the subject without becoming part of it, and using that position to present a vivid and personalized account)<sup>1</sup>.

Use of triangle strategy research has security advantages over using only one methodological approach. The actions of the quantitative approach is characterized by language positivism understanding the method as different from the techniques and procedures based on other approaches, particularly in relation to the qualitative. The level of development of the senses, reason and empirics dependent quantity and quality of cognition. Yet when asked to take an important decision despite reason and empirics, we are relying on measuring, testing, scaling and standardization.

### **Instead of conclusion**

The selection of a methodology will depend on many factors, such as the question addressed, available resources, the time available to conduct the study, and skills and expertise when working with a particular approach; there are no hard, definite rules that determine which approach to take. Safety is a basic question and a necessary condition for the establishment of legitimate orders in the states. The rise of new security issues, the modern economic and technological developments, globalization and integration that lead to deepening and expanding the traditional security concept. The only definition of security does not exist, it depends from which perspective and dimension is investigated. The approaches are different ways of viewing the world - a way to monitor, measure and understand social reality. Despite their differences, all approaches tend to produce systematically collected, based on empirical and theoretical knowledge about security.

One of the main objectives for the application of positivism in security research is to obtain valid and reliable knowledge as a set of universal principles that can explain, predict and control human behavior across individuals and organizations.

---

<sup>1</sup> Jones I., Gratton C., "Research methods for sports studies", 2004 (p.20)

More recently, many researchers have avoided these polarized positions and adhere to the application of a combination of methods, not necessarily the positivistic or interpretative, should be a gap. Security reality is complex and to study it, researchers can draw on both positivist and interpretivist methods.

## **Bibliography**

### Books

1. Godson R., Shultz R., Hanlon Q., Ravich S., "Adapting America's Security Paradigm and Security agenda" National Strategy Information Center, 2010
2. Ignjatović Đ., "Metodologija istraživanja kriminaliteta", Beograd, 2009
3. Jones I., Gratton C., "Research methods for sports studies", 2004
4. Jupp V., "Methods of Criminological research", 2002
5. Mojanoski C., "Metodologija na naucno-istrazuvackata rabota" (izbor tekstovi), Skopje, 1998
6. Verčić T.A., Čorič S.D., Vokič P.N., "Priručnik za metodologiju istraživačkog rada, kako osmisliti, provesti i opisati znanstveno i stručno istraživanje", Zagreb 2010

### Symposium

7. Mitrevska M., "Čovekovata bezbednost vo 21-ot vek: novi predizvici i novi odgovori", Bezbednosta, ekološkata bezbednost I predizvicate na Republika Makedonija (Zbornik na trudovi), Skopje 2010
8. Todorovska V., "Teoriskite pristapi vo definiranjeto na poimot bezbednost", Bezbednosta, ekološkata bezbednost I predizvicate na Republika Makedonija (Zbornik na trudovi), Skopje 2010
9. Weber R., "The Rhetoric of Positivism Versus Interpretivism: A personal view" MIS Quarterly Vol.28 No1, pp.iii-xii/March 2004

### Internet sources

10. Krauss E. S., "Research Paradigms and Meaning Making: A Primer" Research Qualitative Report Volume 10 Number, 2005  
<http://www.nova.edu/ssss/QR/QR10-4/krauss.pdf> (last access 12.02. 2011)
11. Sociology Revision - Methodology, Positivism and Interpretivism  
<http://tutor2u.net/blog/index.php/sociology/comments/sociology-revision-methodology-positivism-and-interpretivism/> (last access 04.04. 2011)

## МЕТОДОЛОШКИТЕ ПАРАДИГМИ ВО ИСТРАЖУВАЊАТА НА БЕЗБЕДНОСНИТЕ ПОЈАВИ

### *Резиме*

*Основната цел на трудот е да ги прикаже методолошките парадигми во поглед на истражувањата на безбедносните појави, од чија зависност се јавуваат и соодветни методолошки пристапи. Со оглед на тоа дека утврдување на суштината на безбедносниот концепт претставува комплексен проблем сето тоа оневозможува постоење на една прифатлива дефиниција што доведува до постоење на разлики кои се манифестираат како во теориските пристапи во толкувањето на безбедноста, така и во основните поимни определувања. Во рамки на трудот ќе се направи и компаративен приказ на најшироко применуваните приоди во истражувањето на безбедноста- позитивизмот, интерпретативниот и критичкиот пристап.*

*Со оглед дека безбедноста како предмет на истражување има различни аспекти и димензии, современите безбедносни истражувања се засноваат врз плурализам на постапки и концепции кои се појавиле како реакција на едностраната употреба на еден методолошки приод, една техника на прибирање на податоци и една постапка на обработка и анализа на податоците, без разлика дали се работи претежно за “квантитативно” или “квалитативно” истражување.*

**Клучни зборови:** *методолошки парадигми, позитивизам, безбедност.*



CIP - Каталогизација во публикација

Национална и универзитетска библиотека "Св. Климент Охридски",  
Скопје

351.74(497-15)"1990/2011"(062)

355.45(497-15)"1990/2011"(062)

351.74(497.7)"1990/2011"(062)

355.45(497.7)"1990/2011"(062)

БЕЗБЕДНОСТА на постконфликтниот (Западен) Балкан : транзицијата и предизвиците на Република Македонија : меѓународна научна конференција, 27-28 мај 2011, Охрид / [уредник Цане Мојаноски ; преведувачи Елена Китаноска Ристоска, Нуртен Сулејмани, Анче Белата]

= Security in the post-conflict (Western) Balkans : transition and challenges faced by the Republic of Macedonia : international scientific conference, 27-28 May 2011, Ohrid / [editor in Chief Cane Mojanoski ; Cane Mojanoski ; translation Elena Kitanovska-Ristoska, Nurten Sulejmani, Anche Belada]. - Скопје : Факултет за безбедност = Скопје, 2011. - 2 св. (477 ; 551 стр.) : граф. прикази ; 25 см

Фусноти кон текстот. - Текст на мак. и англ. јазик. - Библиографија кон трудовите

ISBN 978-608-4532-17-0 (Т. 1)

ISBN 978-608-4532-18-7 (Т. 2)

1. Насп. ств. насл.

а) Безбедносни системи - Западен Балкан - 1990-2011 - Собири б)

Национална безбедност - Западен Балкан - 1990-2011 - Собири в)

Безбедносни системи - Македонија - 1990-2011 - Собири г) Македонија

- Национална безбедност - 1990-2011 – Собири

COBISS.MK-ID 89843978