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

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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".

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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, authoritarity, 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.

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SCIENCES OF SECURITY, CRIMINOLOGY, POLICE, CRIMINALISTICS AND OTHER AFFILIATED SCIENCES: THEORETICAL, EPISTEMOLOGICAL AND METHODOLOGICAL ISSUES OF THE SCIENCE AND THE SYSTEM OF SCIENCES

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CHALLENGES OF PEACEKEEPING OPERATIONS: EXPERIENCES OF SLOVENIAN POLICE OFFICERS

Abstract:

The purpose of this paper is to review the decade of Slovenian police officers' experiences with international peacekeeping operations. The main goal of police officers, involved in these missions, is to prevent conflicts between opposite sites, to implement basic agreements, protect humanitarian missions and reinforce policing operations in the conflict area. Police peacekeepers should be well prepared for different stress situations; they are exposed to various stress factors before, during, and after serving in a mission. That is why training and reintegration programmes are of great importance. We establish that respondents assess that deployment to a peacekeeping mission has a positive and negative impact on the relationships between family members. As many as ¾ of mission members believe deployment can have a positive impact above all in the sense of strengthening the emotional ties between partners, increased mutual trust and strengthening of the partnership. For them, deployment to a peacekeeping mission is a challenge and personal experience, which can change the way they see the world. 2/3 of partners state similar positive impacts and they also believe that there is more trust between the partners after the experience with the peacekeeping mission, they treasure their time together and thus represent greater support for each other in difficult times. As the most common problem, respondents perceived marital problems and the occurrence of negative feelings among family members (anger, avoidance, judgment….). A large share of respondents stressed problems with children. 43.8% of respondents also named depression as a problem.

Keywords: *police, police officer's family, peacekeeping missions, Slovenia, stress, training and reintegration programmes, SE Europe*.

INTRODUCTION

With international recognition, membership in the United Nations and other organizations, especially in the Organization for Security and Cooperation in Europe (OSCE), Slovenia assumed part of the responsibility for the assurance of international peace and cooperation. The Slovenian police have been actively participating in peacekeeping operations since 1997, when the National Assembly seconded the first police officer to a peacekeeping operation, namely the MAPE mission (advisory mission under the auspices of the WEU) in Albania. Members of the Slovenian police have been participating in UN peacekeeping operations since 2000. So far, Slovenian police officers were involved in 14 peacekeeping missions: MAPE (Albania), UNTEAT (East Timor), OSCE, EULEX and UNMIK (Kosovo); EUPM, and OHR (B&H), PROXIMA, EUPAT and OSCE SMMS (Macedonia), IPTM (Afghanistan), JIPTC (Jordan), OSCE (Serbia), and EUMM (Georgia). 285 police officers were involved in international missions. This number is comparable to other EU member states as it represents 0.3 % of all employed police officers. Police peacekeepers should be well prepared for different stress situations; they are exposed to various stress factors before, during, and after serving in a mission. That is why training and reintegration programmes are of great importance. If we can say that the training programmes for deploying to the mission are comparable to the programmes of western European police organizations, the reintegration programme after assignment does not devote enough attention to the consequences of stress.

In her article, Garb (2004) describes the tasks, mandate and work of civilian police officers in peacekeeping and other international missions, which she claims are considerably different from the tasks of military personnel and units and other personnel serving on civilian missions. Police officers live in the environments they work in and as a rule perform their tasks individually. In their residential and work environment, they do not have special protection and are often on their own as regards logistics. Good knowledge of English is demanded from civilian police officers on missions, because every police task includes the elaboration of documents (criminal charges, reports and information, study material, etc). Their work in unstable social environments, where peacekeeping operations usually take place, is very demanding, sometimes even dangerous. At the same time, next to the conditions in the local environment (parties to a conflict, deficient legislation, specific features of the local culture, etc.), the requirements of the

mandate of the peacekeeping forces, work in an international work environment, distance from home, etc. must be considered in peacekeeping operations as well.

Therefore, the support of the family and regulated business, legal and financial affairs are very important already prior to departure to the mission and above all during the mission. Due to unregulated issues at home, a police officer cannot completely focus on his work on the mission. His work performance is low and the member of the peacekeeping mission suffers as well, because he cannot help his family from a foreign country. The police officer feels powerless and the family back home is dissatisfied, because it is left to its own resources.

As is evident from the title itself, the paper reviews the psychodynamic processes of police officers and their families, which arise from the decision to get involved in a peacekeeping mission. The family goes through certain phases of the peacekeeping mission, in which it deals with stress situations that affect an individual member of the family as well as family life.

Members of peacekeeping missions are often exposed to numerous stress factors, which can be physical or mental (for instance, separation from family, death threat, etc.) The police officer - "peacekeeper" is exposed to specific stress factors before, during and after the peacekeeping operation. Susceptibility to stress factors is objective and subjective respectively depends on the individual that is exposed to stress. In continuation, we present the most common factors contributing to stress when police officers are deployed to peacekeeping missions. Factors related to the individual include the personal health of the individual and the family, the individual's capabilities to process stressful situations when reaching the decision and leaving, the capabilities of the family to process stressful situations, the settlement of the situation in the home environment, regulation of material and financial conditions and the feeling of safety in family relations (De Soir 1996: 36). Stress factors, related to the deployment to a peacekeeping mission, among other include the foreseen time for preparation for deployment, previous experiences of the family with long-term absence, important family events during the absence, age of children as well as confidence and support, which the family has from the organization and the environment (Barabé 1999: 23). The author also enumerates stress factors related to the mission itself: informing the individual and family, duration of the mission, especially if it is uncertain, limited contacts with family and communication possibilities, living and work conditions (food, hygiene, recreation), tragedies of families, children and individual civilians in the area, threat to life (armed attacks, car bombs, booby-traps), restriction of movement and other (Barabé 1999: 24). Returning from the peacekeeping

mission can be stressful as well. The most commonly mentioned factors related to the return are changes to the living environment, integration into the living and work environment at home, expectations of the member of the mission and different or larger obligations to others (family, children) (Barabé 1999: 25).

If members of peacekeeping missions function under stress it has the following consequences: due to lower focus and increased inattention and incorrect judgment, the chance for accidents resulting in severe bodily or mental injuries, including death, increases. The mental stress can burden members of the peacekeeping mission to the extent that they alter their behaviour, abuse alcohol, violate regulations, do not perform their duties, their mental health deteriorates, their spirit falls and they are no longer capable to perform their work (Selected RAND Abstracts 2005).

DESCRIPTION OF THE SAMPLE, APPLIED METHODS AND INSTRUMENTS

The research plan (Vesel, 2006) foresaw that the research will include a sample of 107 members of peacekeeping missions and their partners. The questionnaires were divided into two parts; the first part was earmarked for the mission member and the second for the partner, who stayed at home. The latter also answered questions about feelings and emotions of their children. Participants of the research answered statements, whereby a five-level Likert scale (ranging from 1 - strongly disagree/not characteristic; to 5 - Strongly agree/ very characteristic) was used. Individual content sets of questions were designed to measure the assessments of the quality of partnership relationships before and after the peacekeeping mission, by police officers, their partners and children.

Of the 107 sent out questionnaires, 36 were filled out by members of peacekeeping missions, all men, and 25 by their partners. 35 children were included in the research. The majority of respondents (77.8%) were in the age group of 31 to 40 years, which is also one of the conditions set by the Police for deployment to a peacekeeping mission, with active police experience (at least 8 years). Proportionally to the age of respondents, the predominant part (60.0%) of their partners is in this age group as well. The majority of children of families participating in the survey were aged up to ten years. The respondents are mostly married (87.5 %) or live with a common law partner. The majority of respondents have children, namely 76.0%. Half of respondents have secondary education, followed by respondents with high or university education (28%), while the least respondents have higher and vocational education. The educational structure of their partners is somewhat different as 2/3 have secondary education, 26

% have high or university education, 4 % have higher and 9 % vocational education. The majority of answers, 52.9% were submitted by police officers, followed by independent police inspectors (14.7%) and police and senior police inspectors with 11.8 % each.

RESULTS OF THE RESEARCH AND INTERPRETATION

We asked the participants of the survey to describe their partnership relations before deployment to the peacekeeping mission. The results of answers to the question (we added up answers "mostly true" and "completely true") on the quality of their relationships are presented in table no. 1 below.

Table No. 1: Assessment of family relationships before the peacekeeping mission by police officers

Statement	%
I had enough time for my family before going to the mission.	81.3
My partner agreed with my decision to go to the mission.	78.1
I knew that it will not be easy to reconnect with my partner after coming home from the mission.	18.8
Parents agreed with my decision to go to the mission.	59.4
My partner and I prepared the children for my absence because of the mission.	65.6
I knew it will not be easy to be a father again after coming home from the mission.	37.5
I was acquainted with the possible impact of the mission on family life.	78.1
The police would also have to include family members in the preparation for the mission.	78.1
The period before departure to the mission was difficult.	37.5
It seemed to me that my partner and I grew apart.	25.0
I was concerned how the family will get along without me.	43.8
Children were angry at me when my partner and I told them about my deployment to the mission.	3.1
Separation from my partner and other family members was difficult.	53.1
My partner and I talked before the mission how to resolve family problems if they occur.	62.5
I was satisfied with the preparations for separation from my family.	46.9

It is evident from the table that the decision of officers to go on a mission was reached in consent with their partners and that they were well prepared for departure. The majority of them spent enough time with their families before departure and were acquainted with possible consequences of deployment on family life. In the period before the mission, mission members established that balance between preparations for the mission and

dedicating attention to their families is necessary. Unlike single candidates for the mission, married candidates perceive the coordination of professional and domestic obligations as a little more stressful. More than 3/4 of respondents assess that the closest family members would also have to be included in the preparations for the mission within the framework of the police. Just less than 50% of respondents were satisfied with preparations for separation from their families. Police officers, who participated in the survey, recommended that the police could organize seminars or workshops, which would present the positive and negative consequences of deployment to a peacekeeping mission, while police officers, who already returned from a peacekeeping operation, would present their experience. Gatherings, at which future participants and their family members would meet with families that already survived a mission and could warn about the most important problems a family is facing before, during and after the mission, as well as provide advice on how to "survive" the peacekeeping mission, are also desired. Some mission members want someone, who could advise on the settlement of marital problems, which formed during the participant's absence, while others want a psychologist, who would be available to participants as well as family members.

Table no. 2 shows answers to the question on how police officers would assess relationships with their partners during the peacekeeping mission (we added up answers "mostly true" and "completely true").

Table no. 2: Assessment of family relationships during the peacekeeping mission

Statement	**%**
During the mission I was in constant contact (for instance: phone, internet…) with my family.	96.9
During the mission I was thinking about my family a lot.	78.1
I suffered because I was separated from my family.	21.9
Temporary absence from my family had a positive impact on me.	37.5
During the mission I relaxed and forgot about family problems.	18.8
I completely trusted my partner.	78.1
I did not have enough contact with my family.	18.8
Family members encouraged me and gave me strength in the worst moments.	59.4
I missed family members very much.	62.5
The time in the peacekeeping mission passed quickly.	65.6
My family missed my help in domestic chores.	46.9
My family was a stress factor that affected my work obligations.	3.1
I was burdened with the problems of family members (school results, behaviour, health problems…)	12.5
I was burdened with the fights with my partner over the phone.	6.3
I knew where to go in the event of personal and family problems.	81.3

Almost all respondents to the survey (96.9%) had constant contact with families during the mission, which can indicate that they missed their families very much. Contacts with their families gave them strength and time in the peacekeeping mission passed quickly for them. Half of the respondents assess that families missed their closeness and help in everyday chores, but did not burden them with their problems. 81.3% of respondents knew where to turn for help in the event of personal and family problems. During the mission, mission members are burdened with the tasks they perform and different stressful situations they deal with in their work and are also burdened with the concern for their families and their problems. If the mission member does not trust his partner or is not aware of what is going on at home, the burden increases. Negative emotions, like anger, loneliness, homesickness, jealousy, concern, etc., grow and hinder his work. If he does not look for help, it can affect his mental state, cause health problems, deteriorate relationships with colleagues, lead to conflicts with the commanding officer… Problems intensify, which hinders him from focusing on his work, blurs his judgment, reduces his determination and consequently also his performance on the job.

The results of the research show that all police officers, involved in a peacekeeping mission, entrusted their problems to their partner and/or friend. As regards the percentage of who they confided their problems to, colleagues are next, while the lowest share (one third) would look for help within the framework of spiritual care. The reason for this low share can lie in the fact that the Police do not provide spiritual care at all. 68.8% of respondents would turn to the Police professional service in the event of personal or family problems, which indicates the need among mission members for increased engagement of the service. The organization can provide different assistance depending on the variety of problems, which individuals face. It is essential that the police officer, member of a peacekeeping mission, recognizes his problem and admits it, is self-critical and prepared to accept help. Help can take the form of organization and payment of health services (for instance: taking a formulated test and interview with a selected psychologist, who prepares an opinion on the adequacy of the member of the peacekeeping mission and whether he can continue with the mission or not), in the organization of an interview of an expert with the partner of the mission member and/or their children, in the organization of a free care for pre-school children, in offering assistance in different tasks following a request, etc. Anyhow, this assistance is evident all the time in the fact that the member of the peacekeeping mission knows he is never alone and that he has an important mission. Even small attention, like a card for personal or national holiday, shows the mission member and his family that someone is

thinking about them and that they are not alone with their problems in their worst hours.

Table no. 3 shows answers to the question how police officers, participants of peacekeeping missions, assess relations with their partners after their return from the peacekeeping mission (we added up answers "mostly true" and "completely true"). All respondents assess that family members were happy about their return to the home environment and a large share stated their families were proud of them after their return. During their absence they realized that family and relatives mean a lot to them. Partners entrusted each other the problems they dealt with during the separation. 21.9% of mission members admitted that their relationship with the partner was weaker and that they had problems resuming intimate relations after the return (18.8%). If we look at the assessment of this statement made by their partners, we see that a similar share of partners agreed with this statement, namely 23.8%. Based on this fact we can claim that deployment to the peacekeeping mission had negative consequences for these couples.

Table no. 3: Assessment of family relationships after returning from the peacekeeping mission – answers of police officers

Statement	**%**
My family was proud of me after I returned home.	81.3
My partner confided all the problems she was facing during my absence.	68.8
My participation in the mission harmed family life.	21.9
My family was happy about my return.	100.0
Family life changed after the return.	37.5
My participation in the mission had a negative impact on family relationships.	28.1
The relationship with my partner weakened after my return.	21.9
My partner and I had problems resuming intimate relations.	18.8
My family listened to my problems, impressions and experience at the peacekeeping mission.	75.0
After returning from the mission, I felt that past experience represents a burden for the reinstatement of real family contacts.	18.8
I realized after my return how much my family meant to me.	71.9
The money I earned helped solve family problems.	46.9
After the return I noticed that my children were estranged.	21.9
My child wanted all my attention.	43.8
My child rejected my tenderness and did not trust me.	9.4

As the most common problem, respondents perceived marital problems (84.4%) and the occurrence of negative feelings among family members (anger, avoidance, judgment….). A large share (75.0%) of

respondents stressed problems with children. 43.8% of respondents also named depression as a problem. Respondents assess that deployment to a peacekeeping mission also had a negative impact on their possibilities for promotion (40.6%). Mission members complained of conflict communication on the job or mobbing by the employer. Some missed open dialogue of the employer with the member of the peacekeeping mission. 40.6% of respondents assessed that the peacekeeping mission has a negative impact on the relationship and love between partners and as many as 96.9% of respondents stated that deployment to the peacekeeping mission has a positive impact on the financial position of the family (Vesel, 2006).

Deployment to a peacekeeping mission can also have an impact on the children of members of peacekeeping missions. Table no. 4 shows the results of answers on the impact of children, whereby the answers with statements "mostly true" and "completely true" are added up.

Table no. 4: The assessment of the impact of deployment to a peacekeeping mission on children

Did the absence of a parent have an impact on the problems with children stated below?	**%**
Accepting the fact that only one parent will remain with them.	50,0
Children fear for you during your absence.	41,7
The occurrence or increase of aggressive behaviour of children at home and/or at school.	20,8
Lack of concentration.	25,0
Concern and/or too many burdens.	41,7
Depression.	12,5
Lower grades and school success.	16,7
Health problems, which were not present before.	0,0
Refusal of social life and withdrawal.	12,5
Behavioural changes.	29,2

Members of peacekeeping missions assessed that their children had difficulties accepting the fact that only one of the parents will remain with them and that their absence causes concern and/or places a high burden on their children. All of them believed that the occurrence of health problems was not related to their departure and only a few (12.5%) believed that the occurrence of depression with children was related to it. The percentage of answers regarding the behavioural changes of their children is a little higher (29.2%). The statement that children missed their father very much (88.9%) and that they wanted more attention and tenderness stands out. 33.3% of children changed their behaviour, the percentage of those, who had difficulties controlling their emotions, was a little lower. Parents, who stayed

home, realized that their child became more independent (61.1%), which can be exposed as a positive consequence of the absence of a parent deployed to a mission.

School children respond to changes in the family environment and the absence of a parent by recording worse results in school, becoming rebellious and undisciplined. Of course they miss their parent, who was deployed to the mission, especially if they were more attached to that parent than to the parent, who stayed at home. They feel abandoned, desperate and neglected. An example: "My 9-year old son had trouble accepting the departure of his father. He was angry at him and at me. He withdrew and became very stubborn. When we fought, he was crying and screaming: Daddy, do not die!" Teenagers just like school children have problems at school and change their behaviour. They try to assert their rights and if they make a mistake they state as the reason the absence of the parent, who left them to go on a mission, and the incorrect upbringing by the parent, who stayed at home. Rebellion and disobedience come first. A statement from the wife of a police officer deployed to a peacekeeping mission: "My older son was nearly expelled from school. He did not want to do anything and participate in anything, nothing mattered to him. Although I did my best, I was not able to get him interested in anything. After his father returned, his behaviour changed considerably." (Vesel, 2006).

Children included in the research changed their behaviour and emotional state during the absence of their father. The absence of the father might be especially problematic for boys, who can become uncertain about their manhood. They respond to it by developing an excessively masculine part of their nature, which causes problems for mothers. A son, who develops in an overly masculine manner, might become insubordinate, aggressive, uncontrolled and unpleasant in the circle of the family and outside it. Girls also suffer due to the absence of the father, from emotional reasons as well as because the parent of another gender plays an important role in the creation of the child's image on the model role of parents. (Fontana1995:62). The second problem, which children with a single parent sometimes face, is that the parent demands emotional support from them, which the adult, absent partner would actually have to provide. The decision of a police officer to be involved in a peacekeeping mission next to children also affects their partners. Table no. 5 shows the answers of partners of police officers deployed to a peacekeeping mission (we added up answers "mostly true" and "completely true").

Table no. 5: The assessment of family relationships before the peacekeeping mission by the partners of police officers deployed to peacekeeping missions

Statement	%
The decision on the deployment of the partner to the mission was reached by common consent.	76.2
I was well informed about work conditions, about my partner's work and the conditions of the mission.	38.1
I was angry, when my partner decided to get involved in the mission.	9.5
My partner and I had an excellent relationship.	85.7
Expecting the loss of my partner caused fear.	42.9
The period before the departure of my partner to the mission was difficult.	52.4
My partner did not devote enough attention to family before departure.	19.0
Tension and restlessness could be felt among family members before departure.	47.6
It was difficult to explain to children why their father is leaving.	19.0
Separation from my partner was difficult.	90.5
It seemed that my partner and I were estranged.	23.8
Assuming the tasks and duties of the partner, who left, was difficult.	28.6
I was afraid for the safety of my partner.	76.2
I was acquainted with the possible consequences of the mission on family life.	52.4
I was afraid for the safety of everyone, who stayed home.	9.5

The phase before the mission is a period, which includes mental, physical and material preparations for deployment to the mission for participants and their family partners. The partners preparing for a mission should talk about their expectations from one another before the departure, although we all know it is easier to talk about it than actually do it. More than half of the partners of mission members agreed that the period before the departure of their partner was difficult, while 37.5% answered the question affirmatively. This means that the period before the mission was more stressful for partners than for the participants themselves. The expectation to lose their partner raises fear. The large majority of partners (76.2%) stressed that the decision on deployment was reached by mutual consent, just like members of peacekeeping missions. They perceived a higher level of tension and restlessness among family members, which made the acceptance of the fact that family members will be separated from a beloved person for a longer period of time even more difficult. Since mission members devote a lot of attention to preparations and are excited about the coming mission before departure, it can happen that they leave care for family to their partner and even neglect their partner, which can cause conflict among partners. Unlike participants, partners stated they were badly informed about work conditions, the work of their partner and the conditions on the mission (Vesel, 2006).

95.2% of respondents missed their partner very much in the first weeks of the mission and they felt lonely. The thought of their partner's return always made them happy. Almost half (47.6%) of partners of mission members were mentally and physically heavily burdened by the absence of their partner, but they realized that they get along quite well in life despite the absence of their partner. After mission members departed for the mission, partners quickly realized that they will have to provide for everything themselves, settle problems at home and adopt important decisions for a specified period. When they get used to a new way of life, which they control successfully, they start realizing that they control everything and become more self-confident. They trust themselves and know that they can do anything themselves. 1/3 of respondents stated their partner's absence had a positive impact on them. Only 14.3% of respondents had to find help during the absence of their boyfriend/husband.

Table no. 6 shows answers to the question how partners of police officers on peacekeeping missions assess relationships with their partner after his return from the peacekeeping mission (we added up answers "mostly true" and "completely true").

Table no. 6: Assessment of family relationships after the return from the peacekeeping mission by the partners of police officers

Statement	%
My partner was proud of me after his return.	71.4
I was proud of my partner after his return.	85.7
My partner entrusted me with all the problems and experience he had during the peacekeeping mission.	61.9
My partner listened to my problems after his return.	76.2
I was very relieved after my partner returned home.	85.7
The time of his return was a time of joy, delight and happiness.	95.2
The relationship with my partner was more stable after his return.	85.7
My partner expected that nothing changed at home.	76.2
My partner considered and respected me more after his return.	33.3
My partner dedicated more attention to me and other family members after his return than before the mission.	47.6
We had difficulties adjusting to one another after the return.	33.3
My partner and I fought about unimportant and petty issues all the time after the return.	33.3
Many things changed after my partner returned.	33.3
My partner wanted to decide on everything after his return.	9.5
My partner and I had difficulties reinstating an intimate relationship after his return.	23.8
I did not want my partner's touches or closeness after his return.	14.3
Our relationship is still not the same as it was before deployment.	33.3
My partner's behaviour changed considerably.	23.8
I have the feeling that my partner withdrew.	33.3
Our relationship became weak.	23.8
I think about separating from my partner sometimes.	9.5

Almost all questioned partners (92.5%) described the time of return of mission members as a time of joy, delight and happiness. Just as many believe that their relationship with the partner became firmer after his return. 87.5% of partners were relieved when their partner came home. ¼ of respondents assessed that their partner's behaviour changed considerably, which was a reason for a weaker relationship between the partners and caused problems in the reinstatement of an intimate relationship. Several (33.3%) felt that the mission member withdrew, which could have been a consequence of stressful events, which the mission member witnessed during the peacekeeping mission.

83.3% of children were happy that their fathers returned. Mothers realized that children became more attached to them during their partner's absence. After the father's return, 27.8% of children no longer obeyed their mother, which could be a consequence of indulgence of the mission member in upbringing due to long-term separation from their children. Based on the above-mentioned statements we can again confirm that the absence of a parent can also have a positive impact on the child, because as many as 72.2% became more independent. The deployment of a parent to a peacekeeping mission, his long-term absence and finally return also represent stressful situations for children, if not even more than for the parent. Looking at the results of the research (Vesel, 2006), we can notice that half of the children had a difficult time accepting the deployment of a parent to a mission, but the return also represented a big change for the family environment. During the peacekeeping mission, children grew physically, mentally, emotionally and spiritually. Due to less life experience, they cannot regulate or recognize stress and control their emotions. This results in behavioural changes or lack of behaviour. Changes are of course related to the age of children. We must be aware that children are not "small adults", but developing individuals, who constantly and rapidly change their thinking and behavioural pattern.

The results of the presented research represent a basis for better comprehension of the position of members of peacekeeping missions and their families. The findings of the research must be assessed from the point of view of limitations of this empirical study, which includes a relatively small sample that cannot be generalized to the entire population of police officers, involved in peacekeeping missions, and their family members.

CONCLUSION

Members of peacekeeping missions and their family members face numerous stressful situations, negative emotions and feelings as well as numerous problems, which make their family life more difficult, in the time before, during and after the mission. Periods, through which these families go, bring changes and conflict situations into family relationships and actions. That is why partner and family relationships can deteriorate. After the return of the member of the peacekeeping mission back home, the situation in relationships and family problems can deteriorate and intensify, which makes the reinstatement of "normal" family life more difficult. We can say that a peacekeeping mission represents a considerable

test for the partnership as well as for relationships between family members. If we look at the results of the research, we establish that respondents, mission members, as well as their partners, assess that deployment to a peacekeeping mission has a positive impact on the relationships between family members. As many as ¾ of mission members believe deployment can have a positive impact above all in the sense of strengthening the emotional ties between partners, increased mutual trust and strengthening of the partnership. For them, deployment to a peacekeeping mission is a challenge and personal experience, which can change the way they see the world. 2/3 of partners state similar positive impacts and they also believe that there is more trust between the partners after the experience with the peacekeeping mission, they treasure their time together and thus represent bigger support for each other in difficult times.

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POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS IN THE EU – OPORTUNITIES AND PERSPECTIVES

Abstract

Following the disappearance of the EU Pillar III (Justice and Home Affairs) when Treaty of Lisbon entered into force, police and judicial cooperation in criminal matters is not a matter of intergovernmental cooperation, but together with former Pillar I (Community pillar A) it will make a supranational field.

Increased competence in this area led to a major potential for deepening the European integration process on police and judicial cooperation in criminal matters, which made possible the development of EU Internal Security Strategy. This document sets out modalities of cooperation, objectives and deadlines for the period 2011-2014, in order to create an area of freedom security and justice for all EU citizens.

Keywords: *police cooperation, judicial cooperation in criminal matters, EU internal security strategy;*

Threats to the area of freedom, security and justice - the necessity of development of police and judicial cooperation in criminal matters in EU

With the reduction or even disappearance of border controls within the Schengen area, freedom of movement and access to information offered by modern society is increasing and this poses diverse threats to European security.

Increasing globalization and the expansion of free movement within the EU should not represent a weakness or a threat to European security space but must be properly managed so as to extend the benefits of lack of internal borders safety.

Transnational organized crime is a global evolving threat, which acquired the ability to influence the policy states and democratic institutions functioning. It is both an expression of the proliferation of negative phenomena which are amplified in the context of globalization, as well as a direct consequence of inefficient management of political change, economic and social root that occurred in Central, Eastern and South-East

disappearance of the communist regimes. Also, there are phenomena that have a trans-boundary impact on the security and safety within the EU.

The main risks and threats facing criminal in Europe today, namely terrorism, serious crime, organized crime, drug trafficking, cybercrime, human trafficking, sexual exploitation of minors and child pornography, economic crime and corruption, cross-border arms trafficking and crime, is adapted very quickly to changes in science, in their attempt to illegally exploit and undermine the values and prosperity of our open societies[1].

The European Union must strengthen the security model, based on EU principles and values: respect for human rights and fundamental freedoms, rule of law, democracy, dialogue, tolerance, transparency and solidarity is therefore necessary to ensure security of its citizens and at the same time EU fundamental values.

Economic prosperity with all the benefits of a free and democratic society based on rule of law, citizens generate wealth - but also entails risks such circumstances, because terrorists and other criminals seeking to improperly use these values in destructive and malicious purposes. However, the growing mobility of people increases, in turn, the responsibility of EU institutions to protect freedoms that all EU citizens cherish.

To cope with these phenomena, the EU Member States have their own security policies and strategies and, in response to the movement of offenders between the neighboring countries have been established patterns of cooperation between Member States at bilateral, multilateral and regional levels. However, since these efforts are not sufficient to prevent and combat such criminal groups and their activities, which go far beyond our borders, the need to approach the EU is becoming increasingly clear.

Treaty of Lisbon and Stockholm program entering into force enable the EU to the ambitious and concerted measures to make Europe an area of freedom, security and justice.

Judicial cooperation in criminal matters - a tool to strengthen the area of security, freedom and justice for EU

Judicial cooperation in criminal matters with the EU police cooperation is a vital tool to ensure space security and develop freedom and justice within the EU.

In this regard, the EU is working to ensure a high level of security through measures to prevent crime, racism and xenophobia and to combat them, through measures for coordination and cooperation between police and

[1]Council Doc 5842/2010 - EU Internal Security Strategy: towards a European model of security, p.14;

judicial authorities and other competent authorities and mutual recognition of judicial decisions in criminal matters and, where appropriate, approximation of criminal laws.

Reform Treaty signed in Lisbon amends the Treaty on the Functioning of the EU and the EU in the sense that the tripartite structure cancels the pillars of the EU Treaty of Maastricht enshrined transferred former third pillar of the Justice and Home Affairs in supranational inter-governance.

Issues previously addressed in the third pillar, such as judicial cooperation in criminal matters and police cooperation, will be dealt with under the same rules as the type of single market issues. The measures at EU and national level in these areas will be subject to judicial review the Court of Justice.

Judicial cooperation in criminal matters is governed by the Treaty on the Functioning of the EU (consolidated version of the Treaty of Lisbon) in Chapter 4 of Title V - Area of freedom security and justice.

This regulation on judicial cooperation in criminal matters from another perspective becomes realistic and pragmatic, consistent with the evolution of society as a whole. In order to ensure a space of freedom, security and justice in the European Union it requires, firstly improving judicial cooperation in criminal matters between Member States and then respecting fundamental rights and the different legal systems and traditions of the Member States. In this respect, the EU develops its common policies on immigration and external border controls, adopt measures to prevent major crime, exercise coordination and cooperation between police and judicial authorities.

Judicial cooperation in criminal matters is based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of laws, regulations and administrative provisions of Member States in certain areas.

The adoption of Community measures in this area is under the ordinary legislative procedure by Parliament and Council that adopt measures related to:

- Establish rules and procedures for ensuring recognition throughout the Union of all forms of judgments and judicial decisions;

- Prevent and resolve conflicts of jurisdiction between Member States;

- Support magistrates and judicial staff training;

- Facilitate cooperation between judicial or equivalent authorities of the Member States in the prosecution and enforcement of decisions.

In order to facilitate mutual recognition of judgments and judicial decisions regarding criminal matters, the European Parliament and the

Council issue directives under the ordinary legislative procedure establishing minimum rules. These rules relate to: mutual admissibility of evidence between Member States, the rights of individuals in criminal procedure, rights of victims of crime, and other events of criminal procedure which the Council has identified in advance by a decision[1].

Regarding the approximation of substantive criminal law rules, TFEU[2] shows that the Council can set rules concerning the definition and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such crimes. This diversity of terminology and lack of common definitions of offenses and penalties, as well as other specific legal terms, is an impediment to the implementation of judicial cooperation in criminal matters and police. However, there is a uniform definition of terms applied in crime areas listed as: terrorism, human trafficking and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organized crime.

TFEU and TEU devotes two rulings[3] by the Court of Justice of the European Union directives regarding the establishment of minimum standards in defining offenses and penalties, where the approximation of laws and regulations of the Member States in criminal matters proves essential to ensure effective implementation of European Union policy in an area which has been subject to harmonization. It is necessary in this regard to clarify the issue closer and in this respect we can give the following specifications:

- approximation of criminal laws is not an adoption of a common criminal laws;

- different countries should be able to apply directly. Each state shall maintain its own penal code, but it must be harmonized with European Union law, must reduce differences between the various criminal laws, and does not eliminate these differences.

- the technique used consists in an approximation of legislation and not a unification of criminal law. Member states undertake punishment, but are free to criminalize any others. It never goes near a definition that, if necessary, would require states to decriminalize and practice[4].

TFEU includes more elaborate rules and terms of Eurojust which state that the mission is to support and strengthen coordination and

[1]see Article 82 TFEU - enhanced version by the Treaty of Lisbon;
[2] See article art.83 TFUE
[3]C176/03 Commission v Council C440/05 Commission v Council

[4]Valerică Bandar, Aspects regarding Cooperation in criminal judicial Matters in the light of the Lisbon Treaty, Annals of University "Constantin Brancusi" Tg. Jiu Nr.4/2010,p.201;

cooperation between national investigation and prosecution authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common basis as well as operations conducted by the Member States and Europol and information supplied by them.

According to the rules of TFEU, Eurojust shall provide:

- Initiation of criminal investigations, as well as proposing the initiation of prosecutions conducted by competent national authorities, particularly those relating to crimes affecting the financial interests;
- Coordination of investigations and prosecutions referred to in (a);
- Strengthening of judicial cooperation, including settlement of conflicts of jurisdiction and by close cooperation with the European Judicial Network.

A new element to the previous regulations is the introduction of Eurojust in the jurisdiction of the Court of Justice of the European Union, which extends and strengthens the powers of the judiciary part of the European Union and on the other hand creates a control of legality of this European Union institution.

Eurojust is established alongside another institution, European Public Prosecutor with jurisdiction for investigating, prosecuting and bringing to justice, as appropriate in liaison with Europol fighting against the perpetrators and accomplices in crimes affecting the financial interests.

With the establishment of the institution, objections about national sovereignty were raised. EU governments showed reluctance at the prospect of allowing a transnational body to order the arrest and prosecution of their citizens. Secondly, concerns were raised regarding the rights and freedoms. Last year, Eurojust was forced to withdraw a project that allowed the network to monitor Skype conversations after protests from several NGOs. A third set of arguments is concerned with the differences between Member States' criminal codes and legal definitions of crimes.

To avoid these obstacles and establish a "common European procedural solid base," European Commission came up with interim solution to entrust Eurojust the power to initiate investigations directly, primarily on fraud involving EU funds.

Transparency International has welcomed the Commission's proposals and asked for extension of powers of European prosecutors to serious cross-border crimes, such as networks of organized crime or international terrorism, an area where Eurojust has already developed skills.

Given the above observations we consider that it is difficult to prosecute a criminal trial at the European level, and this problem is justified by the national sovereignty of Member States of the European Union, given that official documents, both the indictment, and the execution are in accordance with legal procedures in Member States.

Police cooperation in the EU

Setting up an area of freedom, security and justice can not happen without development of police cooperation in order to enable competent institutions of Member States to work together. Thus, TFEU states that the EU shall establish police cooperation involving all competent authorities of Member States, including police, customs and other specialized law enforcement in the prevention, detection and investigation of crime.

Implementation of this cooperation requires ordinary legislative procedure documents regarding:

- collection, storage, processing and analyzing relevant information and exchange of information;
- support personnel training and cooperation in the area of personnel exchange, equipment and forensic research;
- common investigative techniques in the detection of serious forms of organized crime.

A key role within the EU police cooperation in the frameworks of TFEU, Europol's mission is to support and strengthen action by the police and other law enforcement services in the Member States and their cooperation in preventing and combating serious crime affecting two or more Member States such as terrorism and forms of crime which affect a common interest covered by a Union policy.

The main tasks of Europol established by treaties are:

- Collection, storage, processing and analyzing information, and exchange of information forwarded by the authorities of the Member States or third countries or bodies;
- Coordination, organization and implementation of investigative and operational action carried out jointly with the competent authorities of Member States or in the context of joint investigative teams, where appropriate, in liaison with Eurojust.

These duties will be determined by Parliament and Council regulations concerning the control procedures of Europol's activities since the European Parliament, includes the national parliaments in itself.

Even if the duties and control of activities of Europol is regulated by the EU institutions, in terms of operational action by Europol, they must be conducted in cooperation with the State or States whose territory is concerned and with their agreement. Coercive measures shall be borne solely by the competent national authorities.

Reflecting developments in police cooperation and judicial cooperation in criminal matters in the internal EU security strategy

EU Internal Security Strategy adopted in March 2010 will be implemented through the actions proposed by the Commission for the period 2011-2014.

Items on which all these actions are established by the Commission present new opportunities offered by the latest developments in police and judicial cooperation in criminal matters within the EU.

Cooperation among police, border control, judicial authorities and other service sectors such as health, social and civil protection is essential.

An essential new tool of Standing Committee on operational cooperation in the area of internal security (COSI)[1] is to ensure effective coordination and cooperation between law enforcement and border management including control and protection of external borders and cooperation in criminal judicial matters related to operational cooperation.

All actions of COSI are strictly organized in the spirit of cooperation between EU bodies and agencies involved in the internal security of the Union (Europol, Frontex, Eurojust, and SitCenCepol) in order to encourage coordination and effectiveness of increasingly higher integration and operations.

The plan which is to be implemented by 2014 identifies five goals for closer cooperation in order to cope with security threats posed by:

a) organized crime
b) terrorism
c) cybercrime
d) border security
e) crises and disasters

Without knowing the latest developments that police and judicial cooperation in criminal matters it would not be possible to develop and implement national security strategy of the EU by ambitious plan proposed by the European Commission document entitled EU Internal Security Strategy in action: five steps to a more secure Europe[2].

Achievement of the first objective requires the EU to cooperate with Member States and non-EU countries in order to identify and destroy the international criminal networks, to protect the economy against organized crime and to pass laws under which authorities can confiscate the proceeds of crime.

[1]established by Article 71 of the Treaty on European Union through the consolidated version of the Lisbon Treaty;
[2]COM(2010) 673

Commission recommendations for achieving this objective for strengthening practical cooperation on law enforcement and approaching it to national legislation, where appropriate, is realized by adopting general legislation to strengthen judicial cooperation to mutual recognition, adoption of common definitions of crimes and establishing minimum penalties[1].

Another recommendation for effective implementation of the European arrest warrant is publishing periodic reports on its implementation.

A novelty in this area is the Commission's proposal for confiscation of assets derived from crime, so the Commission will present legislative proposals to strengthen the EU's legal confiscation, in particular to allow for greater seizure and confiscation of any third party[2] involvement and to facilitate mutual recognition between Member States of confiscation orders which do not require a decision of conviction[3].

An important role in achieving the objective of combating cybercrime has central role in fighting against advanced technology-based crime. Europol, in this respect is essential for coordination of law enforcement sector. However, further action is needed.

By 2013, the EU will establish, within existing structures, a center to combat cyber crime, which will enable Member States and EU institutions to develop operational and analytical capabilities for carrying out investigations and cooperation with international partners. On national level, Member States should ensure common standards for police officers, judges, prosecutors and forensic experts in investigating and prosecuting cyber crimes.

To achieve the objective of border security, for 2011, the Commission has proposed to submit a legislative proposal establishing EUROSUR to contribute to internal security and combating crime. EUROSUR will establish a mechanism whereby Member States authorities will exchange operational information on border surveillance and cooperate with each other and with Frontex, on tactical, operational and strategic level.

Area of freedom, security and justice can not be created without the cooperation of police and judicial cooperation in criminal matters between the EU and between EU institutions and Member States bodies with competence in the field.

[1]Recent proposals for directives on human trafficking, sexual exploitation of children and cyber crime is an important step in this direction

[2] Confiscation for the involvement of a third party requires confiscation of assets that were transferred by a person under investigation or convicted of third parties

[3] The procedures do not require issuing a decision allowing the freezing and confiscation of assets, whether the owner was previously convicted

Latest developments of Lisbon Reform Treaty create the potential[1] and opportunity for closer cooperation but not certainty, in that common desire and effort is essential to Member States.

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[1] Under the Lisbon Treaty, establishing the European Public Prosecutor is possible but not mandatory for Member States;

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REFORMING THE ROLE OF POLICE AUTHORITIES IN THE PROCESS OF GATHERING EVIDENCE

Abstract

This article deals with the relation between police and other authorities in the process of gathering evidence during pre-trial proceedings. The purpose is to elaborate the difficulties that caused abandoning of criminal procedure model in Croatia because such model was introduced almost half a century ago and it was similar in many countries of Southeastern Europe. A new model from 2008 is currently applied only for some specific crimes, and it will be completely applied during 2011.

Concerning the status of police inquiries (informal investigation action), a difference exists between the case-law and the prevailing theoretical view. When the old model of pre-trail stage was written, it was emphasized that police inquires will not have evidential status but will only be informal information. An investigative judge was the preferred authority for gathering evidence, so the informal police inquiries were with the purpose to help him. Jurisprudence in Croatia did not accept such theoretical standpoints and admitted most of the inquiries as evidence. Police had broader role in collecting evidence than it was anticipated in the theory.

The main position in collecting evidence in the old model was given to the investigating judge. Concerning formal investigatory powers, data in the paper showed that a very small part of investigatory actions were performed by the investigating judge (some actions less than 1%). Such result indicates that although investigatory actions were reserved for a judge, they were mostly done by police authorities alone. The role of police authorities in gathering evidence is also noticeable in conducting special investigation measures such as interception of communication and undercover investigations. In the new model, an investigating judge will be substituted by a public prosecutor, and main proponents are expressing intention of narrowing the role of police. This paper is pointing that it could be more complicated task in the procedural reality.

Key words: Police, investigating judge, inquires, investigatory actions, public prosecutor.

INTRODUCTION

Many efforts have been made in the search for an optimal solution of regulating powers that would not only improve effectiveness of evidence gathering but also fulfill standards of protection of human rights. If this delicate activity is not optimally defined, there can be negative consequences due to the fact that criminal trial is mainly based on the evidence that is discovered in the pre-trial proceedings. In the criminal trial it is impossible to correct some errors that have occurred earlier during collection of evidence (Roxin, 1988, p. VII). Police officers are usually the first to be at the crime scene and to conduct initial measures for preserving of evidence. The principal part of gathering evidence is mostly placed in the pre-trial procedure where a suspect is to be found, which makes this part of crime investigation very important.

In the former socialist countries in the region of South-Eastern Europe, the police was dominantly a repressive mechanism, partly serving people but primarily supporting the political establishment. The protection of human rights was not significantly involved in the activity of such authorities because of their dependence on political influence. That reason was taken into account while defining the pre-trial model of old Criminal Procedure Act that was in main characteristics enacted in 1967. The model was chosen because it was considered that the repressive influence of politics through police authorities should be removed from a criminal procedure. It was planned to achieve that aim through extending the role of the judiciary and reducing the role of police authorities in collecting of evidence.

INHERITANCE OF THE SEPARATED ROLES FROM THE FORMER SOCIALIST SYSTEM

Main legislator's intention in the old model was carried out through dividing the roles in collecting evidence between police authorities and the investigating judge. As a consequence of such separation, some investigatory powers were connected with different stages of procedure, with different authorities, different standards of suspicion and different evidential status. Judicial powers were located in a phase of the pre-trial procedure called the investigation. Police powers called inquiries were placed in the earlier stage called pre-investigation procedure, and they were entrusted to police without involvement of the investigating judge. These two stages were distinctive concerning their different status in evidence gathering. Basic police duty was not to collect the evidence, but only to do the inquiries in order to discover information about possible evidence. According to the main intention of the

original model, police obligation was to look for a suspect. After that discovery, the investigating judge should collect the evidence using his investigatory actions (Bayer, 1968, p. 19). Further difference between those two stages is in fact that they are not both a part of formal criminal procedure because it officially starts with the judge's investigation. Police inquiries belong to a phase that is not a part of the formal criminal procedure, so they are called informal measures. Judicial investigation could not start on weaker standards of suspicion but only if there was a founded suspicion that a particular person was perpetrator (Article 187 CPA). This kind of model was in main points taken over in CPA 1998 (hereinafter: CPA) after changes in the political system, and although it was amended during the decades, its key elements remained the same as from 1967 (Krapac, 2002, p. 22).

Original motive in this kind of separation is visible through such rules. Putting main evidentiary actions in the hand of the investigating judge was considered as a way to affirm legality and independence of collecting evidence. But despite the general division on different stages of a criminal procedure, there was exception provided for the cases of urgency, when the investigating judge is unable to collect the evidence. Such special possibility is regulated under Article 185 of CPA as execution of the urgent investigatory actions before the investigation starts. That exemption to take some of the investigatory actions before the investigation starts was showing possibility to distort the initial separation in the authorities' roles. The original model anticipated that police authorities could perform some of those actions only after they inform the investigating judge and if he is unable to act in the reasonable time. After delivering the law, most influential authors stated that urgent versions are intended only for some very rare cases and that this secondary pathway is not expected to be broadly used (Bayer, 1967). As it will be shown later, this was not the case.

Some inquires are enumerated in Article 177 CPA, such as: raid, ambush, blockade, establishing of the identity, inspection and others. Investigatory actions prescribed to collect evidence are a search of premises, seizure of objects, interrogation of defendants, examination of witnesses, view (crime scene investigation), identification (line-up) and ordering expert witness testimony. The public prosecutor has the authority to ask the police for the results of inquiries and to suggest necessary measures. Once the inquiries ended, the public prosecutor is an official party in the formal criminal procedure. In that sense, the police are not expected to be the main factor in evidence gathering, but only an assisting organ. As a consequence of such approach, the emphasis has been removed from the police role in criminal procedure. During the past decades, it was noticed that big delays from the expected development had occurred.

ROLES IN POLICE INQUIRIES

Practical Aspects of Police Inquiries

It was noticed that some proceedings have different flow than it was envisaged in the theoretical model. The criminal procedure showed that some sources of information gathered by police inquiries are crucial as evidence; consequently, courts regularly accepted them. The courts used an explanation that all police inquires cannot be uniquely marked as unacceptable. There are powers used to question persons and to gather statements from suspects. For such interrogation which is called "informational questioning" there are not imposed any special requirements for strengthening of the suspects' rights (Article 177 paragraph 2 CPA). For that reason, this kind of interrogation is excluded from the file. But on the other side, there is a group of police inquiries whose mutual characteristic is that the police officer observed facts, without using any other person as a source of cognition. Police officers can be in position like any other citizen who could be a witness in the criminal procedure. Opposite the main theoretical standpoints, courts did not express willingness to exclude this kind of gathered information using, for instance, vehicle inspection, identity check or ambush. That was in accordance with a minor part of authors who pointed out that a police officer can testify about facts he noticed, no matter if it happened during the inquiries before the formal criminal procedure started (see in Karas, 2006a).

The Supreme Court furthermore supported interpretation stating that police inquires present legal actions that are formally prescribed by the law and they have evidential status. Acceptance of this evidence was legally possible because Article 78 CPA prescribed that all information gathered by the police will be excluded from the court file before the procedure starts. Courts delivered an explanation that this article refers only to information gathered from the suspect without proper warnings on his rights. The author's earlier empirical research based on the Supreme Court's decisions that are determining admissibility of evidence in the period from 1999 to 2005 (No.355) confirmed such results. Results had shown that the Supreme Court does not accept theoretical interpretation and despite them, it regularly admits police inquires as judicial evidence, relaying upon the provision that use of any form of interview is prohibited. (Karas, 2006b).

Further justification of such court opinion is that there exists a regulated version of interrogation, with all the necessary warnings for a suspect. Only that version is accepted as evidence, while unregulated version called informative questioning, is not accepted. The same is the case with the identification (line-up) because that action also exists in two versions: the

regulated one has position of the investigatory action, and the unregulated one belongs to the police inquiries. That is a rationale why courts do not accept only those measures which have other full version. For other inquiries that are not incomplete versions of some other investigatory action, there is no need for exclusion.

Evidential Status of the Police Inquiries

The Supreme Court's practice was not based on distinguishing the inquiries from investigatory actions, but on single examining of particular measure and conditions necessary for the protection of human rights and other values. Based on this approach, the Court accepted measures that are sufficiently regulated naming them formal, and there is no need for any special formalities such as written warrant or judicial control. For instance, one type of inquiries, so called inspection of the vehicle, in which a police officer cannot open closed compartments but only ask the driver to open. Such measure infringes low level of privacy and there is no need for special formalities such as those necessary for the search that should be based on a judicial warrant. If the police officer discovers some illegal objects during the inspection of the vehicle, court takes into account his statement, regardless of the fact that it is called informal in the theory.

Such fact was contrary to the dominant theoretical propositions and provoked much criticism from notable authors (Tomašević, 2000, p.728). One of them cited a Supreme Court judgment and stated that this kind of decision is completely false and that such police inquiries cannot be used as evidence in criminal procedure (Pavišić, 2003, p. 254). Court practice is legal but inconsistent with the major part of theoreticians (Tomašević, Krapac, & Gluščić, 2005, p.155). One example of theoretical influence was visible after enacting minor changes in the CPA in the year 2002. These changes were used to introduce new investigatory action called "taking of fingerprints", although the same measure already existed in the police inquiries and it was notorious that fingerprints have been used in evidentiary purposes for a long time. Legislative change was on the line with a proposition that only investigatory actions could produce evidence, although in practice there were thousands of cases where police was taking the fingerprints during inquiries and there were no problems with it. Beside that, taking of fingerprints was after 2002 placed in the stage of investigation although the investigating judge did not have equipment for such an activity.

During the historical development, practice was almost the same, and many authors also emphasized that mentioned court rulings were correct (Jemrić, 1987, p. 164). Practice showed that, contrary to the expected situation, police authorities were not separated from collecting the evidence,

because there was a need for some facts that could not be gathered by some other authority. Compared with a role of investigating judge who cannot perform this kind of measures, it is obvious that in the stage of inquiries police authorities have wider role than it was planned. This was supported by an opinion that there were no big differences in the political influence on judiciary or police in former socialist system. Due to the fact that it was not expected for police to have significant role in collecting of evidence, there were not any special provisions imposed. Such approach can be criticized because if a police was considered as an unacceptable collector, then it would be proper to increase regulation of their activity and to provide higher standards and control mechanism. Improving legality seems to be a more adequate approach, and that surely can not be achieved through separation.

Special inquiries

Undercover investigation techniques were introduced under the name special police inquires in 1998. They were intended to support investigation of victimless crimes, such as corruption or some forms of organized crime. Based on some unclassified data from the County Court Zagreb and from the Police Directorate General, undercover investigations are used very rarely compared to the regular investigatory actions. Almost all special investigatory measures are conducted by the police authorities alone. Legal preconditions are proscribed very stringently, with many obligations that had to be fulfilled prior to a court warrant, what makes very narrow possibility for proactive policing. Evidential value of collected information was much disputed. Main problem was the status of statements given to the undercover investigator, because there was wide dispute if that falls within the meaning of formal interrogation. New CPA is allowing evidentiary use of such statements based on an explanation that it is not necessary to give warnings to a suspect because he is not in situation similar to interrogation in police station. Other changes mainly involve a list of crimes that could be subjected to special measures. On a systematic level, all special investigation measures are moved from police inquires to investigatory actions and they will be called special evidentiary actions.

ROLES IN INVESTIGATORY ACTIONS

The role of investigating judge with emphasis on the crime scene investigation

Other field that mainly involves the issue of the police role in the process of gathering evidence are the investigatory actions. Compared to the aberration in the area of inquiries, it would be significant to analyze whether

similar shift also took place in some investigatory actions. With the aim to determine some practical characteristics of the relation between the investigating judge and the police authorities, our earlier empirical research was based on performing some investigatory action. Data in this paper presents part of the project that analyzes activity taken at the beginning of a crime investigation: crime scene investigation, or as Croatian law names it "a view" (*uviđaj, očevid*, Article 244 CPA). This is a very delicate activity because some evidence cannot be repeated to recheck trustworthiness.

The research is based on the analysis of criminal records in order to determine which authority more frequently performs powers in the pre-trial proceedings and to identify the main characteristics connected with such proportions. This research sample involves criminal files reported to the Zagreb Police Administration during the year 2006. That police force is the biggest in Croatia and has a unit designed particularly for conducting this kind of activity. The main part of the research is based on a random sample of 328 files that were reported to the police. The results showed that only in one case from the sample the investigating judge came to the crime scene, what makes 0.3%.

In almost all of the cases, evidence was gathered by the police alone. Many of these cases were not at the first moment declared as particular crimes. In 56 of cases, it was later established that they were not crimes. The most of the cases in that category were suicides, sudden deaths, corps findings and industrial accidents. The investigating judge did not come at the crime scene in neither case of a property crime, although that kind of crime has been most frequent and it is usually most difficult to solve. Property crimes present 67% of the sample, with the lowest clearance rate. The connection between the presence of the investigating judge and the effectiveness of crime solving could not be established. From 328 cases included in the research, in 9 cases police caught a suspect *in flagranti* at the crime scene, and in 25 cases suspects were immediately recognized during committing the crime but escaped before the police came. Using general data of Zagreb Police Administration for the year 2006 during three months (July, August and September), the investigating judge did not come out to investigate a single crime scene. These findings showed that the investigating judge came out in only 13 cases, while the police authorities conducted more than 5.500 crime scene investigations. Regarding the time of the day, 8 of 13 judge's actions were in the period between 6 and 15 hours.

As it was discovered that the investigating judge more often comes to a crime scene of particularly violent crimes, the third part of the research was focused on the type of crimes that was noticed as the most preferred by the investigating judge. In the relevant time, there were 11 cases registered as murders at the first police response. In 5 of those cases the suspects were

immediately known due to a fact that murders were motivated by family or intimate relations with a long history before the crime had happened. The investigating judge did not come at the crime scene in two unsolved murder cases that were probably done by more professional perpetrators connected with organized crime. Concerning proportion in other kinds of cases, the investigating judge was at the crime scene on 1 of 155 cases of suicides (0.65 %), and at 4 of 595 cases of sudden deaths (0.67 %).

Discussion

From the results it can be indicated that although this investigatory action is a part of the criminal procedure and it was intended to be executed by a judge, it is mostly performed before the procedure starts and not by judicial authorities. The research points out difficulties in the old law model and it suggests that the police have a much wider role in gathering evidence than it was planned. In some other countries, there is also noticed inactivity of the investigating judge (Pradel, 2006, p. 603). Role of the investigating judge is very narrow, especially in volume crimes that have low clearance rate such as property crime.

Such shift of roles in collecting evidence is influenced by many factors that cannot be easily changed. Police is widely organized, while investigating judges are situated only in county centers. Police developed technical and educational support especially for crime investigation, while investigating judges are not equipped even with the basic tools. Beside that, judges usually prefer to work in office according to the social perception of their status. Citizens not only report crimes to the police but also expect that police is in charge for investigation, so if a perpetrator is not revealed, critics hit the police. Such public opinion laid a burden on police to investigate with all available resources, and the justification that police is not the authority originally intended to collect evidence, was not of practical importance.

Although this research was dealing with one of the investigatory actions that can be performed by the police, experience also indicates that very similar figures will be collected on further parts of this project. It is irrelevant in which part of the legislative text is some power located, if it is practically inseparable from the stage where valuable evidence are reachable. That enforces police role in collecting evidence, because it would be impossible for the investigating judge or some other body to perform this part of the crime investigation much later. His role is predominant only in investigatory actions that are not allowed for the police, such as the interrogation of witnesses.

Fact-finding process usually starts with a report of possible crime but during initial investigative approach it is often unclear who could be the

suspect, or whether the crime is falsely reported. Investigators very often operate without any particular suspicion pointed on a person. Low degrees of suspicion are to be verified through the upcoming investigation. To achieve an amount of suspicion needed for the formal stage of investigation, there should be done many actions and measures that cannot wait, so it is also shown that investigatory actions could not be performed only after investigation starts because it needs a founded suspicion on a particular person.

CONCLUSION

In both the inquiries and the investigatory actions, police role is wider than it was planned to be. Police gained the main position in the pre-trial proceedings (Beulke, 2005, p. 64). The researches of Croatian practice could be similar to other states of South-Eastern Europe. Some countries already abandoned this model of criminal procedure in favor of the one including increased judicial supervision of police work during collecting of evidence. The new CPA which is completely entering into force in 2011 has introduced plenty of changes in the area of pre-trial proceedings. The investigating judge will be substituted by a public prosecutor, which means that the role of police authorities is also considered as supplementary. Furthermore, the public prosecutor will have wider powers than the investigating judge due to the fact that police authorities will be unable to perform any investigatory (evidentiary) action without prior written warrant from the public prosecution office. It presents narrowing of police powers because in the old model, police was obliged to ask for judicial warrants only if it was needed for conduction of the search, wiretap or similar activities, but now there will be two kinds of warrants. Investigating judge will be relocated from the position of evidence collector to the supervisor of the legality.

In the final draft of the new CPA, authors of the law explained that public prosecutor will be the main authority for gathering evidence. Such proposal is generally positive for police because the public prosecutor should take over responsibility for solving crimes. Possible negative consequence could be shown if the public prosecutor would not be able to do all that is expected, and then the burden will fall on police. It seems that the present state was not caused by the factors that can be simply avoided by switching competences of the investigating judge on textual level. Our researches showed that police authorities have much wider role in the process of gathering evidence and if some other body wants to take its place, substantial changes have to be made.

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EUROPEAN MODEL OF POLICE TRAINING IN THE FUNCTION OF SECURITY POLICE

Abstract: Establishment of the European model of police training and harmonization of regulations with those of the European Union becomes imperative for all those who aspire to join the European Union. It is also desirable to consider that the cooperation between police organizations of different countries will be much easier and more effective if they are based on the same or similar types of police training, procedures, treatment (safety measures in the application of power) and standards of police training Starting from this necessity to introduce a gradual convergence (harmonization) of different models of police training in the countries aspiring to EU membership. Convergence (harmonization) of different training systems means that we should identify the most essential tasks, knowledge and skills that should be taken into account when designing basic police training, it is important to establish common standards of training.

Key words: police training, security, police powers, safeguards, dangerous person

INTRODUCTION[*]

In all modern countries police represents a special organized public service with a primary mission to protect public order, makes the safety of

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citizens and allows realization of their other constitutionally and legally guaranteed rights and freedoms. The police realize many tasks within its competence, and the exercise of official duties in the regular times and in case of emergency or complex security situation of the community in order to provide safety of citizens. The most important contents of the police work in the execution of its functions, is in the application of police powers.

The term police, in this paper includes authorized officials and the concept security of officers which imply the objective state of protection of their life and health (physical and mental), and the feeling of threat to their safety when they perform their official duties.

Under the term police powers we include the authority and duties of authorized officials, application of tasks that protect the interests of other subjects and, above all the safety of citizens, other state agencies and community organizations which enable the achievement of other constitutionally and legally guaranteed rights and freedoms of citizens. Application of power of the police sector includes taking actions (operational-tactical and investigative) in practice in accordance with the conditions fixed by law and in the manner provided in secondary legislation.

Police actions in the application of authority are based on the fundamental principles of legality, safety, proportionality, efficiency and discretion. These principles are interrelated and complementary. If the police do not apply safety principle, especially in high-risk situations, police officers can have very serious consequences, even the most difficult (in death). This principle appears as a necessary condition for using the powers in accordance with all other principles. In order to act legally and effectively a police officer must be trained to protect his/her own life, and lives of other officers from his/her team, without endangering others' lives.

There are a lot of different factors that affect the security force officers executing official duties, such as: the level of police training, work experience, physical condition, adaptability and inventiveness, material and technical equipment, situational factors (number and characteristics of persons against whom the powers are applied, space, time, environment, etc.) legal concepts relating to the use of powers, judicial practice, management and police leadership, the traditional relationship between the police and the public, and others. It's hard to say which of these factors in particular law enforcement practice is the most influential. However, many modern police systems in the world agree in the fact that the police training is a base of security officers, and that other factors, it can only draw and play a lesser or greater role. Because of that the most advanced countries of the world, most attention in the education of its staff devoting to police training in order to first learn to protect themselves and survive in high-risk situations.

Under the term police training in this work we consider the form of education and training of police personnel, whose main goal is their education and training for legal, safe and efficient, individual as part of police units, focusing on the use of power in regular and exceptional and extremely complex security situations. Police training should be established using the knowledge obtained through regular classes (lectures and theoretical exercises), the drill-simulated situations, which in many physical elements are identical or similar to the situations of real police practice. Also, police training should, in its content and methods of construction, be adapted to the function of police in the community while achieving personal and property safety of citizens, protection of constitutional order and security of the country and in this sense, social and governmental agencies and organizations.[1]

ORGANIZATION AND TYPES OF POLICE TRAINING

The opinion of most experts of the police-security theory and practice, is that police personnel can be fully and well trained for practical application of power only through organized and systematic training in police educational institutions and organizational units of the police, while acquisition of these skills through experience are disorganized, long and risky process, often with poor results and serious consequences for their security. The need of efficient protection of police officers in the application of power, especially in high-risk situations, requires constant need to build the best possible training, by type, objectives, content and methodology of performance. The quality of police training depends on the importance that it attaches to the education system of police personnel, developed traditions and flexibility to adopt and implement modern world standards in programming and her performance.

Police training can be sorted by different criteria. One of the most important criteria is types of skills represented in the training. According to this criteria police training can be divided into:

- physical,
- firearm training , and
- tactical.

[1] Concept of police training is very close concepts of military and criminal-operational training, carried out in numerous European police educational institutions. Police training of military and law enforcement, differs in its purpose, content and methodology of performance. But all this training and have common elements which are overlapping and bordering, and complementary, so they are complementary in the whole process of education and training of police personnel.

Physical training as an integral part of police training has a goal planned and systematic lifting and maintenance of general physical abilities, acquiring and mastering certain level of special skills, as well as health care and the development of moral-volitional, and other desirable traits of police officers, necessary for the successful execution of the tasks. This training is organized on the basis of two principles in police educational institutions. According to one, it is performed in the subjects-General (OFO) and special physical education (SFO). The basic features of this way of performing physical training are sport rules, sporting goods (kimonos, suits, etc.) and sports environment (sports hall with parquet flooring or specialized "tatami" mat). By other methods, this training is performed by applying the lessons of martial arts as well as assets used coercion in different tactical situations-simulation exercises, with full police equipment and uniforms.1 Especially important is training of the so-called techniques of heavy and light control with their bare hands, whose essence is to work with less expenditure of physical energy and the easiest way, with respect of personal dignity and other human rights to try to overcome the passive or active resistance of subject. Special physical training is performed in the organizational units of the police, such as the regular police force - the police station, and specialized competence and purpose. Physical training that is performed in police stations as a form of professional physical training, is characterized by an absence of motivation in the majority of police officers for the presence of such a teaching-training, stereotypical programs, and poor quality terms of training in large number of police stations (some PS don't have space requirements). Unlike regular, specialized police units in physical training, general or special, is performed according to the latest programs and methodology, which results, with the proper tactics, a strong performance (large number of successfully executed arrest and serious criminals without serious consequences for police officers) in the application of police powers in their battles with members of organized crime.

Firearm training, as part of police training enables the police officers and police units to be trained in the proper and safe handling and accurate shooting from the personal and collective weapons for lawful, safe and effective use of firearms, as the ultimate means of coercion.

General characteristic of regular police officers training (as opposed to units for specialized purposes) is insufficiency of practice to use a gun in a more accurate shooting and quick tug, and handling in a variety of tactical situations. The limiting factors in achieving better results in all European police forces are related primarily to the insufficient number of rounds fired

[1] A special progress in this kind of training is achieved through situation police training.

during the training, and to a small number of derivative firing in regular police units (police stations) after training.

Tactical training as an integral part of police training enables the police officers and police units, through various tactics, and drill situation to plan and systematically master the procedures, rules and resources, and skills and habits, for legal, safe and efficient application of power and performance of other official duties in situations of varying degrees of risk.

Tactical training basically has two parts: individual training (according to OSCE program those are operational policing skills) and team training (use of police powers in drill situations by the police patrol and police units to the highest level of organization and management). The term team tactical training means sublimation of the knowledge and skills gained in the physical, firearm training and individual tactical training as a prerequisite to perform this type of training. Through this training the police personnel are trained in the application of skills in situations that are by their environment (situational factors-space, time, actors) are identical or very similar to actual. Varying independent variables (time, material and technical resources, space, etc.) in different tactical situations can be achieved by improving the level of training of police, their ingenuity and inventiveness, all of which result in more successful and safer solving real official duties. The main weakness of tactical training is its unilateralism in resolving tactical situations (which are mostly highly risky) one might say militaristic methods, such as: establishing spatial and physical superiority and domination over persons who are in a different way confronting the police. The training does not pay enough attention in the establishment and psychological domination and control of persons against whom the powers are applied, such as negotiation skills, distraction by talking, giving advice and instruction. This in real terms is very important, because according to certain categories of persons, the greater effect is achieved through discussion and persuasion, rather than sharp issued verbal commands.

In addition to these, police training can be classified according to other criteria such as:

- criteria of general importance of the general and special, or specialist;
- level of training - in elementary training, and training for managing the composition of police units;
- type of training organizers and training performers - training that is conducted in police educational institutions and training that is conducted in the organizational units of the police;
- relation to the area where training is conducted - in the urban environment and field conditions.

European trends in developing general training is the adoption and implementation of certain skills that are practiced in specialized units (search facility, detention of dangerous criminals so. "horizontal intrusion into the building," quick pulling shooting a gun, etc.). Thus the level of regular police officers training rises to the point to secure the execution of the tasks in high-risk situations, when you can not expect the timely intervention of specialized units.

SAFETY MEASURES OF POLICE IN EXECUTION OF OFFICIAL TASKS AS A FOCUS OF POLICE TRAINING

In carrying out official duties, especially those with high risk, police officers can often make a fatal mistake, which can cause serious consequences of their safety. Analysis of numerous case studies in which police officers are injured, leads to a conclusion that there exist adverse consequences on their security, whether in performing official duties, performed mostly due to non-compliance of real tactical rules, and procedures, or that the police were under-skilled and unable to protect themselves. This would be the definition of security measures. Of the multitude of security measures applied by officers in the performance of official duties, in this paper we will try to systematize and briefly explain only the most important one. The main goal of police training is to train every police officer (students) in order to learn, understand and implement all necessary security measures, first in drill-tactical situations, and later in actual situations, when they act as the authorized officers.

The most important security measures that affect the possibility of a police officer to avoid or resolve a dangerous situation to their advantage include:

- Proper assessment of the security situation
- Taking a reactive distance
- Taking a correct position in space
- Control over the person-visual, mental and physical
- Removal of persons to a safe distance from dangerous objects
- Rule of taking cover
- Skills and safety in handling and using firearms and other means of coercion
- One plus one rule
- Physical ability
- Mental balance-control of mind and emotions
- Proper team work
- Approaching the crime scene and other places with high risk
- Entry to the indoor environment with high level of risk.

Proper assessment of the security situation. The strategy of performing official duties must be functional combination of operational, tactical and psychological treatment. Before the intervention at the scene, the officer must have as much relevant information about the specific security situation that he/she has to solve (and participators, space, time, action, effects, etc.). Assessment is made on the spot of the security event. Accurate and thorough assessing the security situation allows the police officer to prepare adequately, to decide properly and to perform task in a safe and successful way. Ability to evaluate and perceive the important elements of events can be practiced in training through individual solving practical problems, but it's an ability that is gained over experience. The rule is that harmless police actions don't exist, but just situations with varying degrees of risk. Routine approach and inadequate assessment of the situation are often fatal to personal security officer.

Taking a reactive distance. Reactive distance is the spatial distance from which a police officer can promptly respond (to get away from the direction of attack, blocking the kick, sliding the firearm of use it). According to some empirical rules of experimental (exercise conducted in the Republic of Serbia of the training of foreign police), reactive distance in conducting interviews (for example, during legitimacy) is 2 m, and when the attacker is armed with a knife distance is 7 meters. Contrary to the notion of reactive distance, the term "danger zone" that covers the area in which it may exhibit the effects and consequences of dangerous persons. This zone is different in scope, the so-called "within reach distance", where a person is unarmed, the distance measured along the path of projectiles fired from a firearm. There is a police rule, where the physical distance between officers from dangerous persons, are his/her best defence.

Taking a correct position in space. The correct position of a police officer means the position in space, in relation to a person by whom he/she is applicable authority, and by second policeman from the team (patrol, groups, departments, etc.). The position of police officer in the area means body position (standing, sitting, kneeling, lying down), hand position and leg position of orientation of view. There are two basic attitudes: interview attitude, and defence or fighting attitude. The choice of one of the two positions depends on the character of the action that a police officer takes, and the degree of risk in which he/she was. When conducting an interview, the officer takes the position of the interviewer, and if the person demonstrates active resistance or attack, the officer takes a defensive stance. Accurate and timely captured appropriate attitude enables timely and effective response and control over the situation. One the very important aspect is the mutual position of the policemen when demonstrating power to a person. If, for example the officers legitimize a person or realize search

with bonding, they typically form the position of a triangle, so that one police officer communicates verbally with the person, while others achieve visual, spatial and if possibly physical control.

Control over the person-visual, mental and physical. Visual control is composed in the observation of person and his environment. The main objective of visual control is to detect indicators of danger. Person is during the taking of certain measures and actions, constantly observing : a complete facial appearance, attitude, expression of anxiety, the position of his hand-fist (may be visual, palms open, fingers spread, or hidden within the reach of hazardous objects), orientation of view . Facial expression is also very important. Person who decides to assault, fixes of direct view towards the target-body part that they want to attack. Verbal control is accomplished by issuing orders to-a person verbal commands in order for it to turn away from aggressive behaviour of to lead to the desired position, so that his ability to resist minimal and harmless. The police must be trained in issuing verbal commands, and in interview techniques of persuasion, which calms of controls the psychic tension (emotional charge persons), and discourages aggressive intentions. Physical control means control of persons permitted use of physical force. The best natural control is to avoid direct physical contact with a person, a withdrawal from the direction of the attack, returning persons within reach on the reactive distance. The rule is that a dangerous person constantly kept under physical control (procedures and / or binding), while fully implementing the measures taken. There are numerous examples in which a a police officer takes stopped the physical control of the dangerous person ahead of time, resulting in harming a police officer of / or escape of persons.

Removal of person to a safe distance from dangerous objects. In cases of seizure of a firearm or other dangerous means from dangerous person side arms, police officers issued a verbal commands to dangerous person to postpone the item slowly beside him to and to move enough away from him. However, when police officer only suspect that the person has a weapon with him, in the these situations cant be allowed to person to pull weapon out, and police officer issued a verbal commands and the preventive use of firearms, leading the person in the lying down position, after which person binds, searches and confiscated his dangerous items.

Rule of taking cover or paravane. A shelter is a natural (wood, rocks, etc.), or constructed building-object (wall, car, decorated cover, etc.), which protects police officers from the effects of firearms, while the paravane is an object (a shrub, curtains, etc.) which protects police officers from view. Whenever possible, in the high-risk situations where person are armed, should take cover and issue verbal commands from there.. In some cases, if

no suitable shelter, taking a prone position is needed to reduce the hitting surface of the body therefore degree of risk to personal security officer.

Skills and safety in handling and using firearms and other means of coercion. The use of deadly force-firearms from police officers requires a high level of training and safety, speed accuracy in handling and shooting. The accuracy of firearms, ammunition equipment must always be checked. Rule is that gun barrel never focus on persons who will not be shoot, or when there is lack of conditions for the use of firearms. During preventive use of firearms, the finger should not be holding on the trigger, because it can cause accidental firing. In high-risk situations for each shot, must analyze the situation, for a lawful, and safe treatment (occurs in the stressful situations to a police officer takes out of control and rapidly fire all the ammunition, and so his arms left empty, which may endanger his safety and safety of other police officers). If a several police officers use a firearm, basic security measure is safety fire system, policeman can not be found in the the line of fire of another police officer (not rare cases of fatal consequences from police officers, due to failure to comply with these security measures).1

Rule one plus one. Police officer during a search-examination person must not satisfy with the discovery of one dangerous object (gun, knife, etc.). Psychology of dangerous criminals shows that they always, in addition to one, have in the reserve at least one more dangerous item. Police practice, unfortunately, indicates serious consequences for failure to comply with these security measures. The training of police personnel for search with-person is performed systematically, first division of the claimant or his body into four zones (two vertical and two horizontal), and after that his carefully touching. Particular attention is paid to high-risk categories person, such as drug users (there is a risk that in the pockets are contaminated instruments).

Physical ability. General physical condition and ability to apply special physical skills (various martial arts techniques) in the accordance with the terms principles of force is a source of confidence in police officers, and its proper control of conflict situations.

Mental balance-control of mind and emotions. Controlling your mind emotions in all, especially in the high-risk situations is a prerequisite for safe and effective control of the situation. Fear, anger and uncontrolled courage , may result in fatal consequences. Rule is to always analytically rationally considers the situation request assistance if needed. This rule is particularly refers for leaders of police units, who are responsible for the lives and health

[1] Insufficient training of police officers to use firearms in the police practice resulting in poor estimation of the real situation, or underreport the legal conditions for the use of firearms, uncontrolled fire, and even to cases of rejection of weapons in the high-risk situations and attempt to escape from the scene and officers from leaving the team injured or otherwise threatened criminal attack.

of police officers. Other psychophysical conditions, such as illness, alcohol intoxication fatigue, are also factors that often cause the inability to hold attention, which may cause adverse consequences for security police officers.

In training the police are rarely introduced stress factor, to monitor the reactions police officers, and to those already in training, mentally and physically accustomed to such conditions. It is an element that is difficult to implement in training. He is known as a variable in the training of special units, and performed in different ways. One type of stress factors can be physical fatigue and also the need to hitting a target at the shooting range under this load .

Proper teamwork. During action teamwork, every police officer needs to know their role, and is the basic to protect the other police officer from the team. If the suspected person attack one police officer, another police officer from team can not wait for the outcome of the conflict, but must immediately intervene. Police officers must work together. Open or hidden intolerance, animosity and discrimination, can lead to fatal consequences in the performance of high-risk tasks.

Approaching the crime scene and other places with high risk. Basic safety precautions when approaching the place where is committed crime (or crimes in progress) are the sudden blockage scene, approaching of intervention police from unexpected directions (so-called “blind spots”) and sudden appearance, resulting in a surprise factor. Such treatment is prevented by serious preparations to counter dangerous person in police intervention.

Entry to the indoor environment with high level of risk. Police officers in the high level of risk area with, enter using specific measures of personal security. Entering door (area with called “fatal funnel”) is the riskiest action by police officer in the order to overcome the closed area, given assumption that the other side of the door person is armed with weapons ready for action. The first rule is that police officer before entering in the dangerous zone, has a gun in the his hand (pre-emptive use of firearms), then take cover (wall next to doors, windows). Certain techniques can be checked whether the person is in the the room and possibly provoke impulsive and uncontrolled open fire with guns. The entry must be fast and energetic, non-dominant hand is at the moment holds over his head in the a reactive position, for defense against sudden attack. There is no ideal tactic, or measures that would absolutely protect police officers when entering a dangerous room. Upon entering in the room (system hooks or diagonal), made a brief observation and analysis of the the situation in front of you, in order to observe person (known dangerous criminals, unknown person, children, women, etc.) facilities-and high level of risk items (windows, doors other rooms, closets, where all can hide dangerous person).

Mentioned and described security measures we have not wished to cover a full set, or system security measures that police in the Europe used in performing its duties and carrying out official task, especially those with a high degree of risk. In police practice, almost every day could be seen and noted failures of large number of police officers in the taking some of these security measures. The question is what is the problem: whether it is a lack of training, carelessness, or adapting routine approach and a dangerous psychology of "what did not happen to me, it will never happen". The task of police training is not just the creation of knowledge and skills, but also the conviction that the security measures are necessary and useful for personal safety and survival of police officers.

CONCLUSION

The main function of the European model of police training is training of police personnel for the safe, lawful and effective treatment during the performance, especially when applying the powers. Knowledge of the impact of police training on security of police officers in the Republic of Serbia, are mostly experiential nature (making them perception and judgments), because until now, there was no scientific research in the this area. This problem has not been fully analyzed in the level of police training institutions, as well on level of its organizational units, and to the successful implementation of such research primarily enhanced security protection for police officers when carrying out official task, then the theory of safety in the field of education and training and qualification of police personnel, and is likely to initiate amendments to the normative and legal regulations concerning use of police powers.

The practical significance of this study was in that would be based on the results obtained insight into the real state of training of police personnel and actual impact of the state security of police officers and citizens in the application of power. From the foregoing, the resulting need for is better training and equipping of police officers, police units and their teacher-coaches. In addition, better, or adequate training of police personnel would contribute to the prevention of serious conflict between police and citizens, both in individual as well as in cases of disturbance of public peace and order to a greater extent, which would avoid unnecessary adverse effects on both sides. It would also constitute a factor of better, stronger and more durable relationship between the police and the public, raising citizens' security culture to the next level, and the affirmation of policing in the the community ("community policing").

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ENVIRONMENTAL SECURITY - A CONCEPTUAL FRAMEWORK

Abstract

The conceptual framework of an environmental security has been developed as an alternative to the traditional concept of security. Changes in the environment, such as climate change, desertification, deforestation, population growth, scarcity of natural resources may endanger the existence and quality of life of individuals, states, regions and even on a global scale may pose safety risks. Contemporary global changes in the environment created the concept of an environmental security. However, there is a nonexistent high degree of an agreement on how to define an environmental security. The relationship between man and the environment and the globalization of environmental problems requires more thorough research to define environmental security as well as to define the conceptual framework. This paper discusses the relationship between the global environmental problems and the security threats. Its purpose is to create more precise definition of the framework for the concept of an environmental security.

Key words: *safety, environment, concept, environmental security*

„Well considered problem is half solved problem."
J. Jovanović - Zmaj

INTRODUCTION

The environment nowadays, both natural and social, differs a great deal from the environment in the past. It is evident that the existing conditions on the Planet, as well as the Planet itself, have changed in the ways that even the bravest visionaries could not predict. Today's international, inter-state and inter-personal relations have considerably

altered in the past few decades causing the changes in the entire environment (global warming, the loss of biodiversity, desertification, deforestation, etc.). The effects caused by changes in the environment, undoubtedly have an impact on social relations. Geographic regions which are more exposed to changes in the natural environment are also more exposed to social instabilities which, for instance, may be caused by the lack of drinking water. Negative changes in the environment cause stress in society, thus increasing the frequency of conflict situations that may have, not only local, but also regional dimensions. These changes can show reflect on the global level (as for e.g. global warming). There is no doubt that the problems in the environment have implications on security.

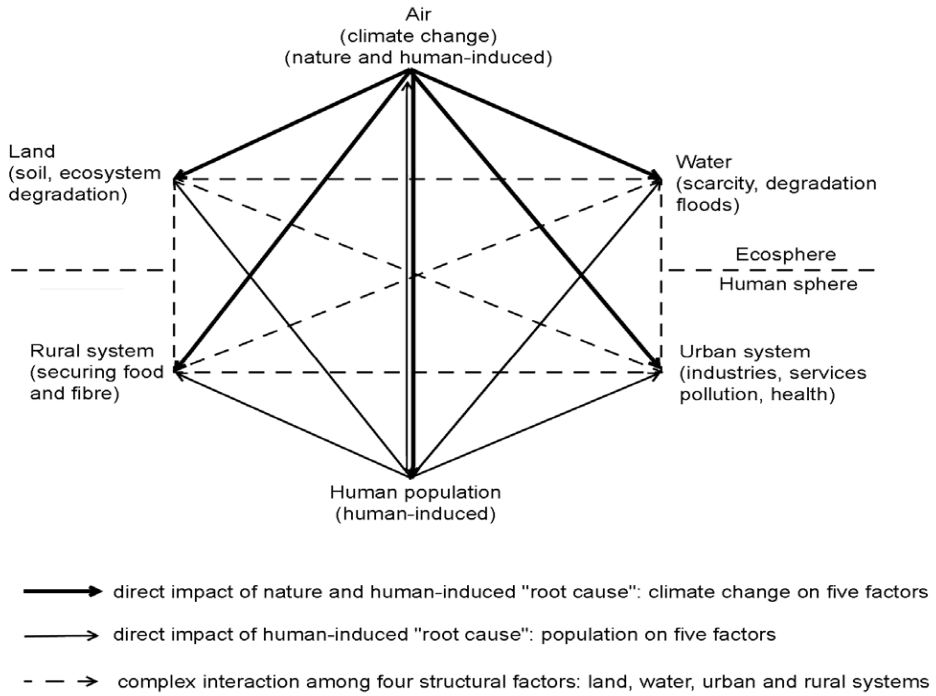

Figure 1. Multilateral forms of interaction: man – nature – society [1]

One of the most complex systems with multilateral forms of interaction: man – nature – society (Figure 1) is included in the concept of security. But, as the concept of security is difficult to define[2], the attempts to

[1] Brauch Hans Günter: *Threats, Challengers, Vulnerabilities and Risks in Environmental end Security*, SOURCE "Studies of the University: Research, Counsel, Education" Publication Series of UNU-EHS, No. 1/2005. pp. 15. (electronic version)

[2] Ljuština, A.: *Bezbednost građana i ekološki kriminalitet*, Kriminalističke teme, Sarajevo: Univerzitet u Sarajevu – Fakultet kriminalističkih nauka, br.1– 4 /2006. str. 199.

find a right definition for environmental security lead to a new set of problems. The concept of defining environmental security is based on the traditional approach to the definition of basic security concepts. Owing to different conceptual definitions, there is unfortunately, no clear, precise and generally adopted definition of environmental security. Baldwin[1], for instance, formulates a complete matrix of questions that may be used as an analytical formula for any future security study of a conceptual framework. The matrix comprises the following questions: security – for whom; security – for what values; how much security; from what kind of threats; by what means; at what cost and at what intervals.

Modern diffuseness in the conceptual definition of environmental security is approached in several ways. Some experts are of the opinion that the origin of the conceptual definition of environmental security should be incorporated in the concept of national security; the others think that it should be part of the concept of human security while the third group believes that it should be included in the concept of risk assessment and environmental protection.

The concept of national security has evolved in the past few decades, especially in the years following the Cold War, after which environmental aspects of security were incorporated (as an integral part) in national security. This led to the conclusion that the degradation of the environment may have an impact on the national stability and the cause likelihood of new conflicts. The concept of environmental security, which is in close relation to military security, emphasizes and suggests that extensive environmental degradations and disorders may present a real threat to national security (e.g. the lack of drinking water in the Middle East). However, it must be pointed out that most environmental problems will not influence national security because they occur rather slowly and their impact is considerably limited by people, i.e. people can control them.

The dynamics of environmental changes as well as the increase in the demand of natural resources present new challenges to human security. Therefore, the causes of insecurity include inadequate natural resources management, global warming, desertification and deforestation which all may lead to poverty, endangering and inequality of human population.

The concept of environmental security based on the assessment of environmental risks and protection relies on the fact that the threat to the security and comfort of human existence arises from unfavourable environmental conditions, primarily from the health risks.

[1] Baldwin, D.: *The Concept of Security*, Review of International Studies, No. 23/1997, pp. 12-18.

THE DEVELOPMENT OF A THEORETICAL FRAMEWORK FOR THE CONCEPT OF ENVIRONMENTAL SECURITY

In the last decades of the 20th century, the relation between the environment and security became the subject of academic and political disputes. Numerous and various concepts concerning the relation between the environment and security developed within academic spheres of interest (Figure 2).

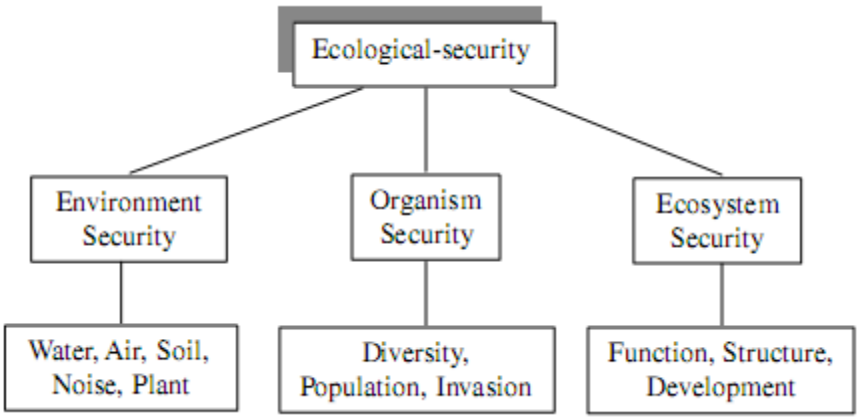

Figure 2. Eco-security tree [1]

At the beginning of the 1970s, general attitude of society towards the environment[2] started being analyzed. Simultaneously, those were the first early attempts to place the environment in the framework of security issues (without conceptual framework). The development of a theoretical framework for the concept of environmental security can be analyzed through four generations of environmental security studies:

The first generation of environmental security studies emerges in the first part of the 1980s. It is characterized by transnational mentality, and

[1] Xiaoqing S., Jingzhu Z., Ouyang Z. : *Assessment of eco-security in the Knowledge Grid e-science environment*, The Journal of Systems and Software 79 (2006) p.248

[2] Considered from the up-to-date point of view, "the wakening" of environmental conscience may be connected to the United Nations Conference on the Environmental Protection held in Stockholm in 1972, which marks an important turning point in the protection of the environment because it pointed to an extremely serious situation for mankind arising from the disturbed equilibrium between man and the biosphere and the degradation of the environment.

the expansion of the national security subject with international context. Their chief arguments are: growing world population, extensive exploitation of natural resources including deforestation, desertification, global warming and ozone depletion. The concept of national security is considered in a more complex way. It is extended beyond the conventional national military dimension and it includes political, economic, social and environmental issues, as well. The advocates of this approach suggest the redefinition of the concept of national security emphasizing that the conscience awareness must lead to the extension of the national security concept by introducing issues related to the environment and population. However, there are numerous criticisms leveled at this first generation of environmental security studies, and some of them are:

- unnecessary extension of the national security concept
- the lack of theoretical and empirical tests
- political background of environmental security studies
- unnecessary militarization of the environment

The second generation of environmental security studies emerges at the beginning of the 1990s, stressing that the degradation of environmental quality can aggravate political, economic and/or social conditions which may develop into armed conflicts. The central concept of this generation of environmental security studies is that environmental problems may provoke conflicts. This generation is defined by two research teams. The so-called Toronto group led by Thomas Homer-Dickson was instituted at the University of Toronto. The group wanted "to design a methodological model based on empirical evidence in some developing countries, as well as to research complex causative factors between environmental changes and armed conflicts" as these are effects that can be socially measured. Another research group founded on the same basis, originated in Bern, Switzerland is led by Günther Bächler. Studying the relation between the environment and conflicts for the Environment and Conflicts Project – ENCOP, this group[1] tried to develop a typology of conflicts and to research the types of environmental degradation, as well as the cause and types of conflicts in developing countries.

The third generation of environmental security studies emerges at the dawn of the 21st century and it supplements the inductive studies of the Toronto and Swiss groups with their deductive approach. This generation tends to link environmental security with the elements of human security by:

[1] For further information Bächler, G.; Eaton, D.; Eaton, J.; Falkenmark, M.; Ghosh, P.; Isaac, J.; et al. *Environmental Crisis: Regional Conflicts and Ways of Cooperation"*, ENCOP – International Project on Violence and Conflicts Caused by Environmental Degradation, ETH Zurich: Center for Security Studies (CSS), 1995.

- urging researches on global changes in the environment and human security
- promoting dialogues and cooperation between scientists worldwide
- enabling better communication and cooperation between political parties and other social groups, including non-governmental organizations and research teams.

The emerging fourth generation deals with the relation between the environment and security putting the stress on multidimensional problems and the cooperation within human security, specially researching the relation between industrialized countries and the third world countries, as well as between groups and individuals. During the first three generations (stages) of environmental security studies, global environmental changes, the lack of natural resources, degradation of the environment and socio-political consequences caused by them, were not only on the daily agenda of social and natural science researches but on the political agenda of national governments and international organizations, as well. However, most environmental security studies carried out until the 1990s either ignored or failed to integrate the results obtained in natural science researches with global environmental changes[1]. Having in mind the failures of the previous three generations, this up-to-date fourth stage of environmental security studies points out the need for researching the relation between the environment and security founded on the available scientific evidence and tries to find solutions for the overcoming of encountered problems. The ultimate goal of this fourth stage of the researches on environmental security is to urge political decisions by acquiring new paradigms which lead to environmental initiatives and ecologically accepted behaviour. The researches of this generation enable us to recognize the basic sources of possible disorders in the environment that may cause violent conflicts, simultaneously starting specific strategies which differ from case to case within a specific context.

SPATIAL DIMENSION OF THE ENVIRONMENTAL SECURITY CONCEPT

The spatial dimension of the environmental security concept is defined according to geographic regions of security policy and refers to: a specific local territory, a state territory, region or global system. A range of geographic regions are more and more exposed to the environment which is the source of the people's anxiety and may cause increasing social instability. Environmental degradation is the source of stress in social relations and it increases the frequency of conflicts (Figure 3). Conflicts as the consequence of environmental degradation may acquire not only local, but an international dimension as well.

[1] e.g. The first report of the Intergovernmental Panel on Climate Change - IPCC

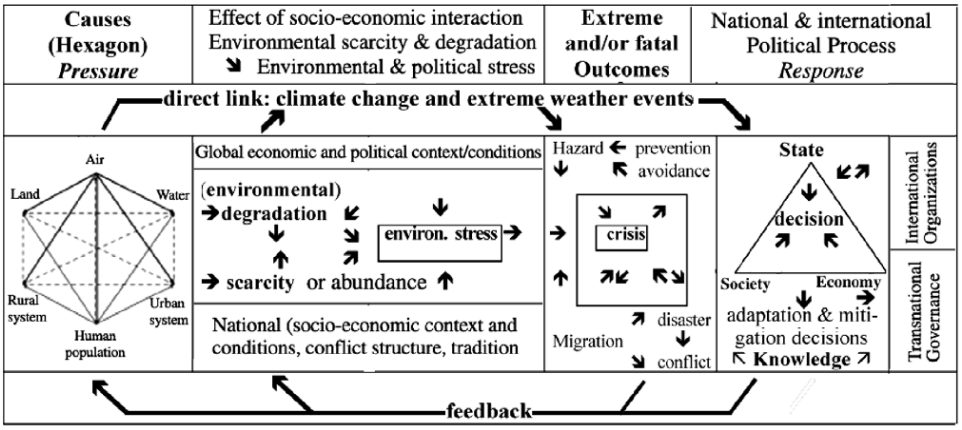

Figure 3. Causes and Outcomes of Environmental Stress and Extreme Outcomes[1]

People occupy very small part of Earth, i.e. they live on a narrow strip of land, water and air. The farthest point of the hydrosphere as part of the biosphere on the Planet reaches 11 km in depth; the highest point of the biosphere is Mt Everest with almost 9 km of altitude, while the bottom layer of the atmosphere does not exceed 24 km, because life is not possible at higher altitudes. All parts of the biosphere are within reach, and therefore they are under a strong human influence (Supek, 1989: 48). Managing global environmental security implies forecasting and following the processes occurring in the biosphere as an entity as well as in its components – the hydrosphere, the lithosphere and the atmosphere.

The second part of the 20th century is characterized by evident degradation processes which caused global climate change, "greenhouse effect", ozone depletion, desertification, deforestation and ocean pollution. The core of global environmental security is the control in/and preservation and restoration of natural mechanisms necessary for the biosphere reproduction. Managing global environmental security is a prerogative of international relationships in the UN, UNESCO, UNEP and other international organizations emerging in current circumstances as the leaders in international security. Managing practice at this level includes the adoption of international instruments for the biosphere protection, the implementation of inter-country programmes concerning environmental protection, the establishment of intergovernmental forces with the aim of

[1] Brauch Hans Günter: *Threats, Challengers, Vulnerabilities and Risks in Environmental end Security*, SOURCE "Studies of the University: Research, Counsel, Education" Publication Series of UNU-EHS, No. 1/2005. pp. 16. (electronic version)

preventing either naturally or artificially caused possible environmental disasters. At a global level, preventive security activities are carried out by signing international agreements, e.g. one of the biggest successes of the international community is the ban on nuclear researches and tests in the natural environment. The agreement on whale hunting ban has been reached and inter-country fishing and catching of other sea products have been legally regulated. International Red Books are being introduced in order to preserve biodiversity, while joint international researches are being conducted in the Arctic and Antarctic regions as natural biosphere zones which are not directly influenced by intensive human activities.

Regional level of security encompasses vast geographic and economic areas, sometimes even several countries. The control and management are performed at the governmental level and at the international relationships level (European Union, the Russian Federation, the African Union, etc.). Security management systems at this level of environmental protection are as follows: environmental economics, new environmentally-accepted technologies, economic growth, non-disturbance of environmental qualities and promotion of sustainable use of the natural resources.

Security policy with regard to national environmental security is founded on the values of territorial integrity, social autonomy and political independence.

The local level of environmental security includes environmental security of cities, regions (districts), companies. Environmental security management is performed by applying administrative measures with the participation of relevant services in charge of public health care, environmental preservation in cities, regions and companies. The solving of concrete and specific local problems enables reaching environmental security goal at the local, national, regional and global level.

Regardless of the environmental security management level, the object of protection is the biosphere. Therefore, economy, natural resources, legal regulations implemented by means of administrative measures, education and culture must be taken into account at all levels of environmental security.

CONCLUSION

The term security has been the subject of disputes for decades. It is even more difficult to define any of three levels of security – individual, national or international. In the course of the Cold War the definitions of security were considered at the national level. At that time security was defined within military parameters. This approach was completely in accordance with the circumstances of the time when military capacity was of ultimate importance for any country. Countries were in constant competition

for military-technological development aimed at reaching its maximum, while their final goal was the aspiration to find efficient response to potential threats simultaneously strengthening diplomatic competence. Throughout this period, the activities of international organizations were limited because of competition and international disagreements. Economic growth in the open economy was restricted because of military issues, as well as because of new countries founded in the 1950s and 60s which were in the competing arena between the two world's super powers. Therefore, the concept of security in this context was closely linked with the maintenance of territorial integrity and sovereignty. Changes occurred in socio-political relations at the beginning of the 1990s tend to redefine the traditional security concept by extending it with current environmental threats.

In the contemporary socio - political concept of security is widespread agreement that the security of individuals, states, and the wider international community, in correlation with changes in the environment inevitably leads to the need of defining environmental security. However, there is no consensus in the definition of environmental security, but almost all definitions of environmental security can be divided into two main groups: the wider and narrower definition of environmental security. The broader definition of environmental security including environmental hazards to life and health of individuals as a basic human right, and the right to equitable access to basic natural resources and the ability of social order to adapt to the modern environmental changes. Narrower definition of environmental security relies on the security protection of the environment in order to achieve security and ecosystem health security of the population.

Problems in definition of security concept begin with the problem of defining the environmental safety; it certainly needs to be overcome, because the modern Society and individuals are faced with much insecurity (such as environmental refugees). Insecurity will never disappear, but the precise definition of the conceptual understanding of environmental security is the beginning of which the possibility of new changes is given.

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FEMALE STUDENTS' VICTIMIZATION FROM SEXUAL VIOLENCE, FEELINGS OF INSECURITY AND ATTITUDES TOWARDS PUNISHMENT IN SLOVENIA IN 2009

Abstract

A paper consists of three parts. In the first part some selected theoretical positions about research of violence against women are presented. In the second part the empirical data from survey Attitudes on Crime 2009 are described and analysed. In the third part there is a discussion of results and proposals for further research.

The survey Attitudes on Crime 2009 was done in spring 2009 among students of several faculties (in the fields of law, criminal justice, social work, education and sociology) at two universities (Ljubljana, Maribor). More than thousand of female respondents were included. The sample is a convenient one, the questionnaire is a standardised one, taken from international project (Helmut Kury, Max Planck Institute, Freiburg, Germany).

In the discussion some theoretical positions are explored (influence of victimization, influence of other factors), which can be useful for explanation of survey results. Results do not confirm clear connection between victimisation experiences, feelings of insecurity and attitudes towards punishment. Therefore it is proposed that the influence of other factors – economic, political and cultural (worldview, religion, education ...) - must be explored not only in the framework of Slovenian society, but also in international comparative studies.

Key words: victimization, sexual violence, Slovenia, insecurity, attitudes, punishment

The most comprehensive study of sexual victimization on college campus estimates that about 20 to 25 percent of women are victims of completed or attempted rape during their college career (Miethe, McCorkle and Listwan, 2006:48)

INTRODUCTION

There are several purposes of the article. The first one is to present some approaches to the study of sexual violence against women. The second purpose is to explore prevalence rates of different unwanted sexual experiences of female students in Slovenia in 2009, as they were measured by survey *Students' Attitudes towards Risk, Crime and Punishment in Slovenia 2009.* Also relationships of female students' victimization with their feelings of anxiety of sexual violence in future are examined. Then female students' unwanted sexual experiences and feelings are correlated with their attitudes towards the punishment of criminal offences. The third point is to discuss some methodological issues regarding the validity of our results (low level of victimisation from different forms of sexual violence). Finally, the fourth is to discuss some problems of comparison of relationships between feelings of insecurity (worry, fear), attitudes towards punishment (punishment) and experiences of sexual victimisation.

SOME APPROACHES TO STUDY OF SEXUAL VIOLENCE AGAINST WOMEN

There is a lot of literature about sexual violence against women (and also against men in more recent period), but there is a lack of comparison of various theoretical approaches. Although there are large discrepancies between official data (police, prosecution, judiciary and prison statistics) and various survey-based studies of victimisation, the combination of both sources of quantitative data about sexual violence against women is not possible easily because of their conceptual and methodological shortcomings (Koss et al, 1987). There is also a problem of comparability of case studies and media reports of different kinds of sexual violence.

Sexual violence against women can be studied through psychological (personality disorders of offenders), feminist point of view (male violence as domination and exploitation of women) and sociological point of view (different individuals, families, social organisations, communities, cultures, different levels of analysis) (Loseke, Gelles and Cavanaugh, 2005). There are also different criminological theories (for example, routine activity theory) that try to examine and explain different forms of sexual violence in contemporary societies.

Different theories must deal with different data sources about crime. It is known that there are several shortcomings of official sources of data (especially regarding sexual violence against women), therefore social scientists and criminologists (Mosher, Miethe and Phillips, 2002) tried to

develop alternative and complementary sources of data. So, in the second part of the twentieth century, the surveys of various types were developed at first in the North America and Europe, later the surveys became a general tool of social scientists in many countries all over the world. The tool is used differently by different scientists in different political, economic and social circumstances.

BASIC INFORMATION ABOUT SLOVENIAN SURVEY

The project *Students' Attitudes towards Risk, Crime and Punishment in Slovenia 2009,* is a continuation of similar project, which started in 2006. A questionnaire with the title »Attitudes on crime« was provided by Helmut Kury (professor from Max Planck Institute, Freiburg, Germany). In the beginning the main attention was given to exploration of attitudes of Slovenian police officers in comparison to students of law and students of criminal justice and security.

Then the project team wanted to continue research of attitudes towards risks, crime and punishment, but instead of police officers students of Faculty of Criminal Justice and Security were selected as target population. There are several reasons for this shift of attention; especially important are the notions of students' availability and willingness to cooperate in comparison with difficult access to police officers. An important reason is also the commonsense recognition, that some of faculty's students are in near future possible employees in the fields of criminal justice and security. The questionnaire included questions about feelings of insecurity, about attitudes toward crime and punishment of crime, special attention was given also to women victimization and anxiety of sexual violence. For the sake of comparative analysis convenient samples are selected from students of law, social work, education and social science. These students are in perspective of five years, employees (professional and lower management level) in the field of law, public administration, social-work agencies and schools, which perform tasks connected with people and various social problems which are connected with crime either as possible cause or consequence (see Table 1 below, page 4).

Slovenian survey was realised in April 20091, several faculties and colleagues, who helped in realization of survey were included: Faculty of

[1] In the spring 2009 the translated versions of the same questionnaire were done in Croatia (196 students at Police High School and 200 at other faculty), Macedonia (96 students in Faculty of Security and 261 at other faculty) and Serbia (360 students at FASPER).

Criminal Justice and Security, University of Maribor (Miran Mitar, Gorazd Meško, Jerneja Šifrer), Faculty of Law, University of Maribor (Lilijana Selinšek), Faculty of Law, University of Ljubljana (Katja Filipčič), Faculty of Education, University of Ljubljana (Mitja Kranjčar), Faculty of Social work, University of Ljubljana (Nino Rode) and Faculty of Social Science, University of Ljubljana (Slavko Kurdija). 1286 students (38% males) from University Maribor and University Ljubljana were willing to answer the questions.

Questionnaire was pretty long and complex; it contained 250 different questions about socio-demographic characteristics, general societal worries, individual insecurities, insecurities of women, appropriate measures for tackling with crime, appropriate reactions of the state against particular crimes, attitudes towards death penalty and four scenarios of vignettes of Miss Novak. Questions about life sentence and about harshness of penal policy are included in Slovenian questionnaire. Students filled the questionnaire individually (without cooperation) in the classroom before the beginning of lectures. The time limit was 30 minutes.

The survey data can be analysed from various perspectives. One perspective is to compare male and female students' general feelings of insecurity and their attitudes toward crime and punishment. This perspective in Slovenia (the first results were presented on 9th Annual Conference of European society of Criminology in Ljubljana from 9-12 September 2009 by Miran Mitar, 2009) found, that the general feelings of insecurity among student population (men and women) were low and that the relationship between feelings and attitudes towards punishment is weak. The second perspective is to compare students from various faculties, but comparisons show (unexpectedly) that the differences among students from various faculties are small. The third perspective is to select female students (a majority of respondents in Slovenia, also at FCJS) and compare relationships between their feelings of insecurity, their experiences of sexual violence, their anxiety of sexual violence and their attitudes towards punishment. This perspective enables to examine the hypothesis of the existence of connection between unwanted experiences of sexual violence and anxiety of sexual violence in the future.

PRESENTATION OF SOCIO-DEMOGRAPHIC CHARACTERISTICS OF RESPONDENTS

The overview of socio-demographic characteristics of respondents shows (Table 1 below) that female students prevail and male students are minority (especially in the fields of social science and humanities in Slovenia). It can be seen, that population is relatively young (M=22,1 years,

SD=2.9 years), a proportion of students are twenty years old or younger (20,8%), majority are in the age of 21 to 25. They studied at different faculties; they enrolled programs from the fields of criminal justice and security, law, social work, education and social sciences. Majority of them are single, but some of them have a partner. Similarly, majority of them live together with their parents, some of them are living alone and some of them are living in students' lodge. They are Slovenes by nationality (95,2%) and Catholic by religious affiliation (63,3%).

Table 1: Socio-demographic characteristic of respondents

Age	Female	%	Male	%	Total	%
19-20	227	21,9	40	16,0	267	20,8
Over 20	809	78,1	210	84,0	1019	79,2
Total	1036	100,0	250	100,0	1286	100,0
Faculty						
FCJS	219	17,0	134	10,4	353	27,4
UM, Faculty of Law	114	8,9	29	2,3	143	11,1
UL, Faculty of Law	131	10,2	35	2,7	166	12,9
Faculty of Social Science	102	7,9	32	2,5	134	10,4
Faculty of Education	285	22,2	7	0,5	292	22,7
Faculty of social work	185	14,4	13	1,0	198	15,4
Total	1036	80,6	250	19,4	1286	100,0
Nationality						
Slovenian	971	76,8	232	18,4	1203	95,2
Other	47	3,7	14	1,1	61	4,8
Total	1018*	80,5	246*	19,5	1264*	100,0
Religion						
Catholic	676	53,1	130	10,2	806	63,3
Orthodox	22	1,7	9	0,7	31	2,4
Islam	10	0,8	8	0,6	18	1,4
Evangelist	9	0,7	2	0,2	11	0,9
Atheist	281	22,1	87	6,8	368	28,9
Other	30	2,4	9	0,7	39	3,1
Total	1028*	80,8	245*	19,2	1273*	100,0
Marital status						
Alone	597	46,5	178	13,9	775	60,4
With a partner	424	33,0	60	4,7	484	37,7
Married	9	0,7	11	0,9	20	1,6
Divorced	3	0,2	0	0	3	0,2

Widowed	1	0,1	0	0	1	0,1
Total	1034*	80,6	249*	19,4	1283*	100,0
Household						
Living alone	77	6	33	2,6	110	8,6
Living with partner	67	5,2	27	2,1	94	7,3
Living at their parents'	704	54,8	162	12,6	866	67,4
Living in students' lodge	188	14,6	27	2,1	215	16,7
Total	1036	80,6	249*	19,4	1285*	100,0

*differences in totals are due to missing values

WORRIES OF STUDENTS ABOUT SOME EVERYDAY PROBLEMS

Students were asked about different worries in everyday life, possible answers were provided in the form of a four-item scale (1- I do not worry, 2 – I worry a little, 3 – I worry much, 4 - I worry a great deal). It was assumed that this scale (similar to a Likert scale) can be treated as interval scale, so it is reasonable to compute means (M) and standard deviations (SD), enabling comparisons of questions (note: It is usual that in the social science research many assumptions are made to simplify the process of data analysis).

Table 2: Worries of students

Worries	Male		Female		Total	
	M	SD	M	SD	M	SD
Serious illness	2,10	0,810	2,26	0,832	2,23	0,830
Traffic accident	2,27	0,917	2,35	0,923	2,33	0,922
Victim of violence	1,87	0,815	2,15	0,893	2,09	0,884
Loss of job	2,04	0,985	2,21	0,982	2,18	0,979
Maintain life standard	2,25	0,836	2,42	0,855	2,39	0,854
Burden of others in old age	1,94	0,957	1,94	0,908	1,94	0,917
Remain alone in old age	1,97	0,911	2,18	0,986	2,14	0,975
Breakdown of family/partnership	2,06	0,969	2,40	1,011	2,36	1,012
Accident like Chernobyl	1,74	1,039	1,83	0,929	1,82	0,951
Growth of life costs	2,40	0,847	2,64	0,806	2,60	0,819
Too much immigrants	1,86	0,922	1,53	0,749	1,59	0,796
Civil war	1,45	0,756	1,79	0,962	1,73	0,935
No guarantees for rent in old age	2,18	0,948	2,09	0,876	2,11	0,891
Terrorism	1,67	0,828	1,90	0,894	1,85	0,886

The data show, that the worries of students were generally low (means around 2 or lower), the greatest worry is about the growth of life costs (M=2,60). There are some differences between female and male students. Usually female students express a slightly higher level of worries than male students.

FEELINGS OF INSECURITY

The students were asked about their personal feelings of insecurity. Their answers (Table 3 below) are similar to their answers of questions about worries. Female students feel slightly more insecure as male students, all differences are statistically significant (<0,005) (one-way anova).

Table 3: Feelings of insecurity

	Male		Female		Total	
	M	SD	M	SD	M	SD
Injury on the road	2,12	0,676	2,17	0,711	2,24	0,706
To be scolded in public space	1,48	0,661	1,71	0,750	1,67	0,739
To be beaten and harmed	1,94	0,774	2,16	0,869	2,12	0,855
To be victim of burglary of flat	1,96	0,808	2,32	0,881	2,25	0,879
To be attacked and robbed	1,99	0,827	2,43	0,876	2,34	0,884
To be victim of theft	2,01	0,758	2,37	0,807	2,30	0,811
To be killed	1,72	0,965	2,02	1,109	1,96	1,087

FEMALE STUDENTS' WORRIES OF UNWANTED SEXUAL ACTIONS OF MEN

Female students were asked about worries of unwanted sexual actions of men (molestation, sexual assault, rape, to be beaten by husband, friend or partner and to be sexually assaulted by husband, friend or partner). Possible answers were provided in the form of a four-item scale (1- I do not worry, 2 – I worry a little, 3 – I worry much, 4 - I worry a great deal). It was assumed that this scale (similar to a Likert scale) can be treated as interval scale, so it is reasonable to compute means (M) and standard deviations (SD), enabling comparisons of answers (note: It is usual that in the social science research that many assumptions are made to simplify the process of data analysis). In continuation of the text the male students are sometimes

excluded, because the questionnaire did not include question about unwanted sexual experience and anxiety of sexual assault for male students.

Table 4: Worry to be victim of sexual assault

Type of worry	Don't worry (1)	Worry a little(2)	Worry much (3)	Worry a great deal(4)	Total *	M	SD
Molested sexually	180 17,4%	517 0,50%	245 23,7%	93 0,9%	1035 100,0	2,24	0,844
Assaulted sexually	171 16,5%	466 45,1%	267 25,8%	130 12,6%	1035 100,0	2,34	0,899
Raped	190 18,4%	430 41,6%	224 21,7%	190 18,3%	1034 100,0	2,40	0,988
Beaten by husband, friend or partner	615 59,5%	206 19,9%	114 11,0%	99 9,6%	1034 100,0	1,71	1,002
Assaulted sexually by husband, friend or partner	666 64,4%	185 17,9%	84 8,1%	99 9,6%	1034 100,0	1,63	0,986

*Differences in totals due to missing values.

The overview of the data (table above) shows, that female students worry a little about different types of unwanted sexual actions (about 40-50%) while considerable proportion of female students worry much (about 25%). Female students are careful, the level of worries of unwanted sexual activities of men are greater than general level of worries because of other unwanted life-events.

UNWANTED SEXUAL EXPERIENCES OF FEMALE STUDENTS

Overview of data (Table 5 below) show that great proportions of female students have some kind of unwanted sexual experience with men during their lives.1 One of the most frequent situations is some kind of

[1] It is possible to distinguish between incidence and prevalence of sexual assault. Incidence refers to the percentage of women who stated that they were sexually assaulted in the past year. Prevalence refers to the percentage of women who are victimized over a longer time

unwanted touching and misunderstanding regarding sex. Closer look at the frequency of persons with such experiences show that 507 (48,9%) female students did not have unwanted sexual experiences, 378 (36,5%) had one unwanted sexual experience, 109 (10,5%) had two, 23 (2,2) had three, 7(0,7) had four and 3 (0,3) had five unwanted sexual experiences. There were also 9 missing answers (0,9%). Some female students did not have voluntary sexual experiences with men (13,5%). Some female students have more than one unwanted sexual experience. This finding supports the thesis of critical victimology about existence of multiple victimisations of some victims (frequently women).

Table 5: Unwanted sexual experiences of female students

Type of unwanted experiences	Yes	No	Total
Unwanted touching	428 (41,3%)	608	1036
Misunderstanding regarding sex	175 (16,7%)	861	1036
Intercourse because of verbal pressure	18 (1,7%)	1018	1036
Intercourse under influence of alcohol and drug	31 (3,0%)	1015	1036
Beaten, but without intercourse	8 (0,8%)	1024	1036
Beaten by husband, friend or partner	45 (4,3%)	991	1036
Beaten and assaulted sexually	6 (0,6%)	1030	1036

MEASURES FOR TACKLING WITH CRIME

The students were asked about importance of measures for tackling with crime (1=not important, 2=less important, 3=important, 4= very important). They emphasize greater importance of formal punitive measures for tackling with crime (denouncement, prosecution, punishment, the repair of damage and state care for reparation, as important they emphasize apology, conversation and compensation and the work of social service agencies).

period, such as the period since leaving elementary school. Similar distinction was made by Martin Schwartz (1997:10).

Table 6: Importance of measures for tackling with crime

	Female		Total			
	M	**SD**	**M**	**SD**	**M**	**SD**
Offender has to be denounced	3,46	0,61	3,78	0,442	3,72	0,496
Offender has to be prosecuted and condemned	3,57	0,639	3,73	0,492	3,72	0,496
Offender has to be punished harshly	3,15	0,818	3,43	0,726	3,37	0,753
Offender has to repair the damage	3,51	0,662	3,35	0,713	3,38	0,706
Offender has to make an apology	2,71	0,973	3,16	0,912	3,07	0,941
State has take care for reparation	3,13	0,854	3,22	0,764	3,20	0,728
Conversation and compensation	2,41	0,916	2,53	0,890	2,51	0,896
Social service has to take care	2,40	0,988	2,56	0,980	2,53	0,983

Principal component analysis extracted two factors. First factor (Punishment: denouncement, prosecution, punishment, reparation) explains 28,03% of variance, the second factor (Restitution: apology, state care for reparation, conversation, social service) explains 23,92% of variance. ANOVA shows significant differences (<0,005) between male and female students. Female students emphasize both the importance of repressive and resistive measures more than male students.

RELATIONSHIPS BETWEEN INSECURITY, WORRIES OF UNWANTED SEXUAL ACTIONS, MEASURES FOR TACKLING WITH CRIME AND UNWANTED SEXUAL EXPERIENCES

The main aim of this section is the exploration of possible relationships between different feelings and attitudes on one side (feelings of insecurity, worries of unwanted sexual actions, and measures for tackling with crime) and unwanted sexual experiences.

General factor of personal insecurity, general factor of worries and two factors of measures for tackling with crime (punitive measures and restorative measures) are compared with unwanted sexual experiences of female students (dichotomous variables). One-way analysis of variance was used. The results (in Table below) show some influence of female students' unwanted sexual experiences and their feelings and attitudes.

Table 8: Sexual experiences of female students in relation to their feelings and attitudes (statistical significances – by anova)

Type of experience	Personal insecurity (factor)	Worry of unwanted sexual actions of men (factor)	Punitive measures (factor)	Restorative measures (factor)
Without voluntary experiences	-	-	0,000	-
Unwanted touching	-	0,087	-	-
Misunderstanding regarding sex	-	-	-	-
Intercourse because of verbal pressure	-	-	-	-
Intercourse - influence of alcohol and drugs	-	-	-	-
Beaten, but without intercourse	-	-	0,087	-
Beaten by husband, friend or partner	-	-	0,000	-
Beaten and assaulted sexually		0,001	-	-

The overview of data shows that more serious negative experiences of female students (beaten and assaulted by their husband, friend and partner) are correlated with worry of unwanted sexual actions of men (n.b.: we can talk here about fear) and with punitive attitudes (support for punitive measures for tackling with crime).

A SHORT DISCUSSION OF RESULTS

The empirical results show relatively low levels of worry of both male and female students about everyday problems, similarly low are the levels of personal insecurity. The level of worries of female students of unwanted sexual actions of men are generally low, exceptions are female

students who have some negative unwanted sexual experiences with men. The data about levels of unwanted sexual experiences of female students are low, especially in comparison with some other studies among student populations in USA (Fisher et. al., 1999) and Canada (Schwartz, Keseredy, 1997). The achieved result (to some degree unexpected low level) can be consequence of the administration of anonymous questionnaire in classrooms after the lectures (fear of disclosure by other students or friends who sit near respondent). There are also other possible reasons (lack of time, definition of types of sexual assaults, operationalization …) which can influence underreporting of unwanted sexual experiences by female students.

Theoretically, the questions about relationships among negative sexual experiences of female students, on one side and their feelings and attitudes (general worries, personal insecurities, worries and/or fears of unwanted sexual actions of men, attitudes toward punishment) requires overview and insight in different sub disciplines, different theoretical paradigms and substantive approaches. At the moment there is a situation of plurality of disciplines, paradigms and approaches, but a lack of some kind of disciplinary dialogue that can enable researchers to compare and contrast advantages and disadvantages of particular approaches (from the field of victimology, administrative and critical criminology). So, a lot of endeavours are given to study anxieties and fear Farrall (2009), experiences of victimisation (Dijk, Kesteren and Smit, 2007) and punishment (Kury, 2008) (by use of quantitative and qualitative methods), but at the moment overview and comparison of achieved results (empirical and theoretical) does not exist.

Recognition of difficulties of international cooperation in the field of criminology, criminal justice and security is equally important, because of the lack of regular contacts and financial supports the researchers miss opportunities for comparison of results.

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POLICE COOPERATION CONVENTION FOR SOUTHEAST EUROPE: LESSONS LEARNED

Abstract

Purpose *- The purpose of this paper is to review the situation of police cooperation in Southeast Europe and to acknowledge the lessons learned while implementing necessary police cooperation instruments in that region.*

Design/methodology/approach *- The paper is based on the review of literature and legal instruments, while also illustrating the first-hand experiences from PPC SEE implementation process.*

Findings *– Numerous police cooperation instruments in the EU represent useful tools in fighting transnational crime. Despite the existence of similar instruments in Southeast Europe, the region is lagging behind, especially in the phase of implementation of such instruments.*

Research limitations/implications *– The concept of this paper is based on regional ongoing processes in Southeast Europe. The findings therefore cannot be completely generalized and the specific regional aspect should be taken into account.*

Practical implications *– Based on lessons learned this paper complements the literature review of the researched topic. A growing awareness of some theory-practice gaps in the police cooperation area can have implications on the political level as well as in the law enforcement community itself.*

Originality/value *– This paper explores and addresses the understanding of police cooperation instruments' development process in Southeast Europe. Findings could be of interest for the general as well as expert audience. Also, the paper provides an added value for the civil society dealing with the protection of human*

rights and oversight over law enforcement agencies.

Keywords: *police cooperation, exchange of information, human rights, cross-border crime, organized crime, SE Europe*.

INTRODUCTION

The right of European Union citizens to freely move and reside in Member States made their everyday life much easier. But at the same time one of the consequences was the increase of transnational crime. As one of the consequences this also resulted in the strengthening of management of the Union's external borders.[1] Next to the strict regulations regarding the entry and residence of non-EU nationals, efficient and effective police cooperation instruments were needed to successfully tackle and counter such events.[2] This is only one example how critical international police cooperation has become in recent years. The situation is no different in other parts of Europe or worldwide.

Generally speaking[3], international police cooperation can be understood as any cross-national and geo-political interaction (intentional or unintentional) between two or more police entities for the purposes of sharing criminal intelligence, conducting investigations, and ultimately apprehending suspects. By exchanging information (gathered during criminal investigations) it enables foreign police organizations to develop the 'big picture' of criminal activities, which are sometimes beyond their jurisdiction.[4] It also enables establishing networks, links, and trust among police organizations.[5] But at the same time, the cultural heterogeneity in (international) police cooperation might also aggravate the lack of trust in police cultures, the latter also resulting in "working personality".[6] Keeping in mind that transnational crime completely disregards national boundaries; such police cooperation allows the police to work on an international scale and is less limited to national jurisdiction. In this paper, the term police organization will be used for all police authorities in the law enforcement area of any given country.

POLICE COOPERATION

According to literature[7], three elements can stimulate police cooperation: the geo-political preparedness of the country, the range of material criteria (such as resources and competencies from actors involved), and the level of organizational institutionalization of the agreement (structure factors). International police cooperation can take place on three interrelated

[1] Banutai, 2007.
[2] Banutai, Travner, & Podbregar, 2010; Occhipinti, 2003.
[3] As Robertson (1994) acknowledges.
[4] Lemieux, 2010.
[5] Anderson, 2002.
[6] Skolnick, 1966, 1994, 1996.
[7] Lemieux, 2010.

levels.[1] The macro-level encompasses constitutional and international legal agreements, and the harmonization of national laws and regulations. The meso-level cooperation deals with operational structures, practices, and procedures of police organizations, with liaison officers often serving as a bridge between political and expert level.[2] The micro-level involves the investigation of specific offences as well as the prevention and control of particular crimes. There is a definite need for such cooperation in many countries.[3] However, cooperation on the macro-level is typically formulated on multinational and regional level through multi-lateral and bilateral agreements.[4] Most common types are bilateral agreements, where countries usually share traditional, geographical, historical, sometimes even social and economic ties as well as common crime problems (*examples from SE Europe*). Empirical research confirms that fundamental elements necessary for bilateral cooperation are based upon trust and communication.[5] Multinational agreements can occur in global (United Nations, Interpol) or regional nature (i.e. Europol, Frontex, Schengen in Europe), UN and Interpol being most typical multilateral-global agreements.

International police cooperation also requires intense coordination between involved police organizations. A well known 'four-step model'[6] can explain police activities step by step. As to information exchange, the structure of appropriate channels between police organizations has to be established first. In order for information to become compatible to all parties, the next step includes the standardization of methods, instruments and procedures. Establishing working groups is the third step, where analysis and coordination of joint operations and investigations takes place. And creation of a formal organization represents the final step, thus enabling international cooperation to become standardized, rationalized and practised. Using sophisticated analysis methods, threat assessments and other tools this organization can then provide involved police organizations with assistance, guidance, and coordination of joint tasks, resulting in the ultimate goal – collecting evidence, admissible to national courts. Interesting here is Deflem's[7] perspective. According to his view on international police and bureaucratization, police organization can cooperate internationally when they have gained bureaucratic independence from the political centres of

[1] Benyon, 1997:107.
[2] Bigo, 2002.
[3] Das & Kratkcoski, 1999.
[4] According to Das and Kratcoski (1999: 217), the matters of mutuality and reciprocity importantly influence the forms of police agreements in international police cooperation.
[5] Anderson, 2002; Lemieux, 2010; Sheptycki, 1998, 2002.
[6] For more see Kube and Kuckuck (1992) & Lemieux (2010).
[7] Deflem, 2000.

their respective states (formal bureaucratic autonomy), and when they have established specialized systems of expert knowledge related to the fight against international crime (operational bureaucratic autonomy). A lack of such autonomy will result in limited international cooperation, not going beyond some cooperation with police of politically like-minded states, unilateral police work abroad or temporary bilateral cooperation.

When we talk about international police cooperation, we must also distinguish between formal and informal environments. Policies that shape these environments can originate from the external, global context as part of some international conventions or from more regional initiatives. As Lemieux noted[1], one formal approach to ensure smooth information sharing between two or more states (and their police organizations) is to adopt an international cooperation agreement and to establish an intergovernmental organization based on international treaties (e.g. Europol, Interpol, JIT[2]).[3]

POLICE COOPERATION CONVENTION FOR SOUTHEAST EUROPE – PCC SEE

Based on the Austrian initiative before and during the Austrian EU presidency and with the aim to improve strategic police cooperation in the Southeast Europe region, the negotiation for a new, modern treaty was launched. Austria and Germany, in cooperation with Europol and the Stability Pact and with the active support of experts from Croatia, acted as "midwives" in bringing the joint police cooperation agreement into being. Germany assumed the bulk of the financing of the SEE PCC project. Financial support was also provided by the Austrian Development Agency. Austria provided its experience of Schengen practice as well as project management and the necessary administrative and organizational infrastructure. The SEE PCC project was from the outset based on the principle of regional ownership. In order to emphasise the responsibilities of convention partners, negotiations were conducted in the region itself, with Albania assuming chairmanship with general consent. Albania, Croatia, the FYROM, Bosnia and Herzegovina and Montenegro hosted a total of five rounds of negotiations. The negotiations themselves were distinguished by a constructive atmosphere and by the high level of personal commitment shown by the negotiating teams. This and the active support of experts from Europol and the Stability Pact as well as experts from the Austrian interior

[1] Lemieux, 2010.

[2] Joint Investigative Team (JIT) consists of national experts who can provide rapid technical and operational assistance to member states of the EU.

[3] For more about international police cooperation see Deflem, 2002, 2006a, 2006b, 2007; Guild & Geyer, 2008; Koenig & Das, 2001; Larsson, 2006.

and foreign ministries enabled the text of the convention to be finalized within less than twelve months[1].

As a result of this process and as a reflection of the EU acquis and standards, the Police Cooperation Convention for Southeast Europe (hereinafter: PCC SEE) was signed on 5 May 2006 in Vienna by seven Ministers of the Interior. Participating states were (in alphabetical order) Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Romania and Serbia. After ratification by signatory states, the Convention entered into force on 10 October 2007. Next year the PCC SEE Secretariat was established. The Secretariat, hosted by DCAF Ljubljana, became operational on 1 September 2008. Later that month, Bulgaria acceded to the Convention. To date, two states (Austria and Slovenia) declared their readiness to ratify the Convention and some other states launched activities for accession. Since entering in the force, the convention became an important regional instrument for police cooperation in the region and is as such recognized by EU Member states and EU institutions[2].

The Convention envisages modern forms of cooperation between Contracting Parties, such as joint threat analysis, liaison officers, hot pursuit, witness protection, cross-border surveillance, controlled delivery, undercover investigations to investigate crimes and to prevent criminal offences, transmission and comparison of DNA profiles and other identification material, technical measures for facilitating trans-border cooperation, border search operations, mixed analysis working groups, joint investigation teams, mixed patrols along the state border and cooperation in common centres. The full implementation of the Convention will thus help those signatory countries not members of the EU to accelerate their eventual accession.

In addition to effective tools for cross-border police cooperation, the Convention envisages a relatively high standard of protection of human rights and ensures the data security. The Convention contains very detailed provisions on the protection of personal data, with reference to the principles of Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and the principles of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector.

The Convention is modelled like the Schengen Convention[3] and authorizes ministers to reach decisions on the interpretation, implementation

[1] Information on the "Police Cooperation Convention for South-East Europe" project (9366/06, CRIMORG 81, NFOPOL 93,COWEB 101).
[2] Summary of conclusions of the meeting of the JHA-RELEX Working Party (JAIEX) on 14 January 2011 (5334/1/11 REV 1).
[3] The Schengen Convention (1990), article 131 – 133.

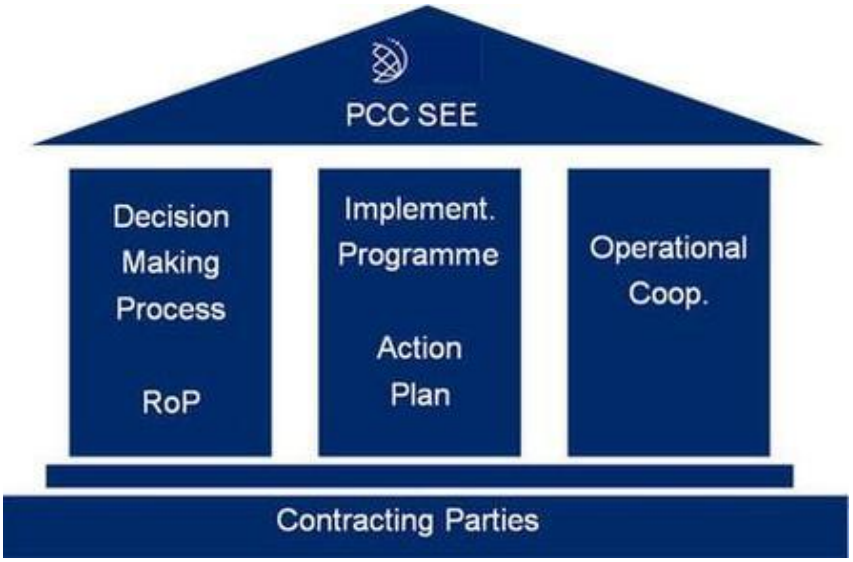
and application of the convention[1]. Such kind of provision enables the so-called self-development and prosperity of the convention. This principle also enables tailor-made implementation process and progressive development.

MAIN ACTIVITIES AND IMPLEMENTATION

The next required step is the effective translation of this jointly devised cooperation tool from theory into practice. For this reason, further work for the full implementation of the Convention is required.

The main activities for the full implementation of the Convention are based on three pillars:

1. Decision-making process – Article 33 of the Convention stipulates that the Committee of Ministers (CoM) decides on the implementation, interpretation and application of the Convention. Therefore, it is essential to establish an effective, thorough and clear decision making process of the Committee of Ministers, modelled on the practice of the European Union. The basic document for decision making process is the "Committee of Minister Roles of Procedure".



Picture 1: Three pillars of PCC SEE implementation process (Source: PCC SEE, 2010)

The decision making bodies are:

[1] The PCC SEE (2006). article 33 para 1.

- The Expert Working Group (EWG), whose role is to observe the application and implementation of the Convention and to make recommendations to the Committee of Ministers. Five meetings have been held to date. Top level experts prepare all documents and reach compromises for the implementation of the PCC SEE.

- The Committee of Ministers (CoM), whose role is to decide unanimously on the interpretation, implementation and application of the Convention. Five meetings have been held to date and ministers adopted more than 15 decisions. Those decisions are recognized as the PCC SEE Acquis.

2. Implementation programme - With the support of international partners, Contracting parties are preparing the establishment of operational capabilities for full implementation of the Convention.

The entire Implementation Programme is based on the strategic document - roadmap, endorsed by the Ministers for Home Affairs on the 4th CoM meeting in October 2010. The document establishes the procedures, steps and operations for the full implementation of the Convention as well as responsible bodies. The Roadmap for the implementation of the Police Cooperation Convention for Southeast Europe (PCC SEE) was developed on the basis of Conclusions of the Committee of Ministers (CoM) under the PCC SEE, adopted on 17 July 2008 in Vienna and 17 November 2009 in Brussels and outcomes of the Expert Working Group (EWG) meeting held in Sofia on 19 May 2010. Given the fact that the time component of the implementation largely depends on different circumstances and financial resources, Ministers adopted a compromise decision that the time component of the roadmap is reflected in the progressive annual action plans for the work of the Secretariat of the Convention approved by Ministers.

The roadmap should improve the security situation in the SEE region with the aim to accelerate the process of EU accession, the economical and social progress in the region. Legality and professionalism with the highest possible level of determination is the main value of the process and the final goal is to implement all parts of the PCC SEE, as soon as possible, with the development of the personnel, the organizational structure, and the professionalism and by increasing operational capabilities. The roadmap covers areas of activities such as:

1. Perform the PCC SEE Decision Making Process
2. Establish Sufficient Support Mechanisms
3. Increase Awareness of the PCC SEE – internally and externally
4. Develop the PCC Manual

5. Amend the respective National Legislation
6. Conclude Bilateral and Multilateral Implementation Agreements
7. Establish a system for Information Exchange, including Personal Data
8. Establish a Long Term Sustainable System for Exchange of Information regarding Forged and Fake Travel Documents
9. Develop a model for Transmission and Comparison of DNA – Profiles and adoption of the required CoM's decision
10. Establish an efficient system of Training on PCC SEE related matters
11. Establish Joint Threat Analysis
12. Develop Joint Programmes for Prevention
13. Establish National Central Units
14. Establish Common Centres
15. Establish a system/network of Liaison Officers
16. Develop Hot Pursuit
17. Promote and begin with Joint Cooperation and Cross-border Search Operations
18. Develop Mixed Patrols
19. Develop a programme for Witness and High Risk Victims Protection
20. Develop Cross-border Surveillance
21. Develop Controlled Delivery
22. Develop Undercover Investigations
23. Develop Joint Investigation Teams (JITs)
24. Technical Support

Partners in this implementation programme are the Contracting parties, Austria, Slovenia, Switzerland, Lichtenstein, France, EUROPOL, EUROJUST, CEPOL, AEPC, SECI, MARRI, and SEPCA.

3. Operational cooperation - The Convention itself provides a toolbox for operational cooperation, which should in real life start as soon as possible.

One of the biggest problems in the implementation of the Convention is the ignorance of the Convention. Although all contracting parties respectively their national parliaments ratified the convention, which was therefore transposed into the legal order of these countries, the implementation process is rather slow. The end users of the Convention are not adequately acquainted with the Convention or do trust their partners in

other countries enough. The second pillar (the Convention Implementation Project) is therefore even more urgent. The Convention is partially already implemented in individual areas, such as Article 7, Joint Threat Analysis, the implementation of which was entrusted to the SECI Centre following the CoM[1] decision, or the implementation of Article 8, Regular Information Exchange to Combat Illegal Migration, which is by nature of the issue the main activity of the MARRI Centre and also represents the basis for the Post Visa Liberalization Monitoring Mechanism.

THE PROGRESS

A number of activities were carried out since the ratification of the Convention and the establishment of the PCC SEE Secretariat. There were 5 CoM meetings held to date in various locations. *At their first CoM meeting*[2] the Ministers decided to establish an EWG of their respective representatives to be the main coordinating body of the implementation process. A Secretariat of the Convention, assigning its headquarters to Ljubljana, Slovenia was set up as well. In addition, a limited number of key recommendations for the start of the implementation process was adopted, including amending the national legislation of the Contracting Parties, concluding bilateral and multilateral implementation agreements, developing a Police Cooperation Convention Manual, establishing National Central Units and Common Centres as well as conducting harmonised training on Convention related matters, and finally, correcting two articles of the Convention. *The second CoM meeting*[3] strengthened the framework for an effective implementation process by adopting the Action Plan Concerning the Key Recommendations for the Implementation of the Convention, the Committee of Ministers Rules of Procedure, the Work Programme for the Secretariat for 2010 and the Communication Strategy for the Contracting Parties. By adopting the Rules of Procedure in the area of Data Protection, a process of mutual evaluations among the Contracting Parties in the area of data protection was also launched. In addition, a decision was adopted on the rotation of the Convention chairmanship, rotating every 6 months following the alphabetical order of the names of the Contracting Parties. *The third CoM meeting*[4] was convened under the Bulgarian Chairmanship-in-Office, where possible future steps towards a fully operational Convention were discussed, as well as the role of the Convention as a modern instrument for exchange of information and efficient police cooperation in the region. A Memorandum of Understanding (MoU) regarding the Cooperation and Support for the Secretariat was signed by the Ministers of the Contracting Parties and the Director of DCAF. In addition, two other documents were adopted on the Strategy Paper regarding the conduct of harmonised training on Convention related matters. The meeting also gave

[1] Conclusions of the second CoM, 17 Nov 2009.
[2] held on 17 Jul 2008 in Vienna.
[3] held on 17 Nov 2009 in Brussels.
[4] on 21 May 2010 in Sofia.

possibilities for bilateral meetings between the Ministers, enhancing bilateral and regional operational cooperation. At *the fourth CoM meeting*[1] the Roadmap for the implementation of the Convention (2011-2015) was highly valued as an important and useful strategic document. EWG and Secretariat were authorised to harmonise the dynamics of implementing the Convention and redefine the Roadmap accordingly. Also, the EWG report was endorsed, welcoming the decision of the EWG to establish a Thematic Working Group on Exchange of Information regarding Forged and Fake documents within the Convention. After the report by PCC SEE Secretariat the Work Programme for PCC SEE Secretariat for 2011 was endorsed. The importance of data protection was reiterated and the CoM urged all Contracting Parties to speed up the process of mutual evaluations in accordance with the Rules of Procedure in the area of Data Protection (CoM 03/09). The CoM welcomed the intention of Austria and Slovenia to join the Convention as well as the measures undertaken in this respect. *The fifth CoM meeting*[2] adopted the Decision on the Classification Level of the Police Cooperation Convention Manual (CoM 02/11), a document found to be a useful tool for police practitioners and for training and education purposes. Furthermore, the Ministers discussed the introduction of a post-visa liberalisation monitoring mechanism for the Western Balkan countries. PCC SEE Secretariat was invited by the European Commission (EC) to take part in this process, together with EUROPOL and FRONTEX. As a conclusion, the Ministers agreed that PCC SEE shall be used as a regional tool for supporting this monitoring mechanism as well as on the a proposal for concrete activities within PCC SEE, such as the establishment of a specialised working group to serve as a platform for strategic information exchange and coordination. An initiative to propose the Institute DCAF Ljubljana be granted the status of international organisation was presented by Moldovan Minister.

Next to CoM meetings, 2 informal and 5 formal EWG meetings were held. After informal meetings in Vienna and Tirana[3], meetings also took place in Belgrade, Serbia[4], Ljubljana, Slovenia[5], Sofia, Bulgaria[6], Skopje, Macedonia[7], and Celje, Slovenia[8]. As for the JIT project goes, 3 workshops were held so far in Slovenia, Bulgaria and Serbia[9], manual for JIT and templates for agreements have been drafted, as well as an overview of legislation in Contracting Parties and JIT network has been completed. Next to that several working groups (WG) were

[1] held on 19 Oct 2010 in Brdo pri Kranju (Slovenia), and organised under the auspices of the Macedonian Chairmanship-in-Office and co-organised by the Secretariat.
[2] taking place on 28 Feb 2011 in Ljubljana, convened under the Moldovan Chairmanship-in-Office and co-organised by the PCC SEE Secretariat.
[3] In Austria on 5 Jul 2007, and in Albania on 29 Jan 2008.
[4] on 6 Mar 2009.
[5] on 29 - 30 Jun 2009.
[6] on 19 May 2010.
[7] on 15 – 17 Sep 2010.
[8] on 23 – 24 Feb 2011.
[9] on 30 Sep – 1 Oct 2010 in Ljubljana, Slovenia; 27 – 29 Oct 2010 in Sofia, Bulgaria; 22 – 25 Nov 2010 in Vienna, Austria.

established. Ad Hoc WG on Data Protection held 2 meetings[1] and Evaluation in Albania, Thematic WG on Police Education and Training within PCC SEE held two meetings[2] in Bulgaria and Slovenia, whereas Thematic WG on Exchange of Information regarding Fake and Forged Travel Documents within PCC SEE held two meetings[3] in Croatia and Slovenia. Among other activities, a series of exercises for controlled delivery and undercover investigation occurred (12 events – meetings and exercises), there were meeting of Representatives of PCC SEE Contracting Parties on the Establishment of Common Centres for Police (and Customs) Cooperation, as well as screening processes of the national Police-Related Legislation (in Moldova, Albania, BiH, Macedonia, Serbia, Montenegro). Also, 3 workshops on police cooperation were organized in Austria, Montenegro, and Bosnia and Herzegovina.[4] Several awareness-raising campaigns, meetings and conferences complemented the full range of activities. Full set of drafts for the implementation agreements has been drafted by the PCC SEE Secretariat[5] and a basic training curricula for all areas of cross-border cooperation has been developed.

These activities cover three main areas: legislation area, education area and the development of mutual trust. As mentioned before, according to the literature fundamental elements necessary for cooperation are based upon trust and communication. It is understandable that personal and informal contacts as well as good will among the individuals who are involved in the process are necessary for trust and speed, thus being essential for an efficient cooperation.[6] As Robertson[7] would say: "*Where cooperation exists, there is trust and where there is trust, there is cooperation.*"

LESSONS LEARNED

Despite of all the activities carried out so far and the time distance, the Convention is not yet fully implemented. On one hand, the reason for this lies in the limitation of the exchange of personal data. As already indicated, the condition for the initiation of exchange of personal data is the previously implemented evaluation in conformity with the Rules of procedure in the area of Data protection. On the other hand, there is a lack of operational capacities and the lack of mutual trust.

Lessons learned from this process can therefore be summarized in

[1] on 24 – 26 Feb 2010 in Ljubljana, Slovenia, and on 23 Mar 2011 in Tirana, Albania.
[2] in Sofia, Bulgaria in 2010 and in Celje, Slovenia in 2011.
[3] in Zagreb, Croatia in 2010 and in Celje, Slovenia in 2011.
[4] on 13 – 14 Nov 2007 in Vienna, Austria; 29 Sep – 2 Oct 2008 in Podgorica, Montenegro; 28 – 30 Sep 2009 in Sarajevo, BiH.
[5] 10 draft agreements.
[6] Guille, 2010.
[7] Robertson, 1994: 112.

four elements:

1. Firstly, awareness in Contracting Parties is still very low.
2. Secondly, additional efforts have to be invested in capabilities. On one hand, capabilities of the PCC SEE Secretariat have to be upgraded (especially in terms of funding). On the other hand, the 'absorption' capabilities in the Contracting Parties are not sufficient. Contracting parties shall invest more efforts to increase their operational and functional capabilities, which will bring states from the region to higher level.
3. Thirdly, the discontinuity, overlapping, and inconsistency in programs and projects in Southeastern Europe are still present.
4. Operational cooperation is therefore still not implemented.

CONCLUSIONS

European Union's police cooperation standards are based on the EU acquis. The biggest part of the EU acquis has been transferred into the PCC SEE. Due to the fact that Convention was ratified in all SEE states, the legal base for modern way of the police cooperation already exists.

The human rights are protected sufficiently and the data protection is the key element for fair and balanced police cooperation. Due to the fact that PCC SEE contains provisions on data protection at least in legislative area, the solid ground for efficient cooperation exists. However, some gaps can still be found in practise. Thus, the states of SEE region shall exercise this area with greatest interests.

The security within EU depends on internal security, situation in neighbourhoods, and global situation. Keeping that in mind, the PCC SEE has impact not only to the SEE region security but consequently to the security within the EU as well. If the EU member states want to increase internal security, more attention shall be invested to the SEE region.

Legal base for police cooperation with and within the SEE region exist, therefore the operational capabilities and transfer of know-how is needed. The PCC SEE shall be seen as a window of opportunity. The process and activities for the full implementation of the PCC SEE will have a dual effect. In one hand, the positive impact to the security situation is expected. On the other hand, the full implementation of the PCC SEE will bring states from the SEE region closer to the EU membership. To achieve this effect, more resources and higher investments (from EU and SEE states) are required. Also, the above-discussed process shall attract more attention within the scientific and educational society in the future.

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SPECIAL POLICE MEASURES PROTECTING HUMAN RIGHTS OF MEMBERS OF VULNERABLE SOCIAL GROUPS

***Abstract**: The nature of police profession makes it one of the most difficult professions within the social division of labor. The consequence of this is that police officers frequently find themselves in contradictory situations – to protect human rights limiting them at the same time. Such circumstances are favorable to violation of human rights, especially of the members of vulnerable social groups. Therefore, this paper deals with special police measures aimed at protection and respect of human rights of the members of particularly sensitive social groups such as juveniles, women, refugees, internally displaced persons, non-residents, victims and witnesses.*
***Key words**: police, juveniles, women, refugees, internally displaced persons, non-residents, victims, witnesses.*

INTRODUCTION

Police is obliged to take particular care when dealing with certain categories of people such as juveniles, women, refugees, internally displaced people, victims, witnesses and non-residents. The stated categories of people are divided as particularly sensitive or vulnerable social groups because of some of the features which make them susceptible to violation of their human rights, either temporarily or permanently. The requirements set before the police regarding the protection of the rights of the stated categories of people result from the international documents on human rights, domestic legislation and various by-laws (executive regulations).

The obligations set before the police regarding the protection and respect of the members of particularly sensitive social groups refer to non discrimination and positive discrimination. Nondiscrimination related to the members of particularly sensitive social groups means the obligation by the

police to treat them in a manner not worse than other people would be treated in the same situation. On the other hand, positive discrimination refers to the obligation by the police to demonstrate special care of the members of the particularly sensitive social groups.[1] This kind of attention is demonstrated in the form of adapted police measures in relation to the features of people which classify them into particularly sensitive social groups.[2]

POLICE DEALING WITH JUVENILES

Juvenile delinquency (according to some authors[3] – the starting phase in the development of criminal behavior) is increasingly engaging both Serbian and world public. The research conducted in the USA schools have shown that about 900 teachers are exposed to threats on a daily basis, over 2000 students and 40 teachers are physically attacked, about 100.000 young people carry guns to school and about 40 are either hurt or killed by these weapons.[4] The results of the research on violence against children in Serbia are also devastating. About 7% of students carry weapons and their number increases with age while 3.8% of children are exposed to physical violence.[5] Everyday newspaper articles, public debates and comments suggest that juvenile delinquency and the problem of protection of children and young people are the occurrence which requires a special treatment.

International Covenant on Civil and Political Rights[6] was the first binding instrument which protected the rights of the minors. When it was adopted, the UN *Convention on the Rights of the Child*[7] was the first international instrument which contains a set of provisions relevant for the rights of the children who are in conflict with the law (both convicted and indicted children). According to the provisions of the Convention, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."[8]

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[1] Milosavljević B., *Ljudska prava i policija, standardi ljudskih prava i policija*, priručnik, Centar za antiratnu akciju, Beograd, 2004, p. 71.
[2] *Ibid.*
[3] Žunić V, Jovanić G, *Uloga škole u prevenciji nasilničkog ponašanja učenika*, Prevencija kriminaliteta (Zbornik), Beograd, 1998, p. 204.
[4] *Ibid*.
[5] See more in: Milosavljević M. i saradnici, *Nasilje nad decom*, Fakultet političkih nauka, Beograd, 1998.
[6] *International Covenant on Civil and Political Rights*, UN Resolution No. 2200A (XXI), dated November 16, 1966.
[7] *Convention on the Rights of the Child*, UN Resolution, No. 44/25, dated November 20, 1989.
[8] *Ibid*, Article 1.

The Convention on the Rights of the Child has regulated a set of issues referring to the protection of rights, principles and procedures in cases of violation of law when children are involved. The protection of rights, but also the procedures include the treatment of children by the police. The signatories (the countries) who have ratified the Convention have agreed that:[1] a) no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; b) no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; c) every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; d) every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

The important segment of the Convention from the aspect of police conduct refers to the following: "Every child alleged as or accused of having infringed the penal law has at least the following guarantees: a) to be presumed innocent until proven guilty according to law; b) to be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense; c) to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians; d) not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality; e) if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a

[1] *Ibid*, Article 37.

higher competent, independent and impartial authority or judicial body according to law; f) to have the free assistance of an interpreter if the child cannot understand or speak the language used; g) to have his or her privacy fully respected at all stages of the proceedings."[1]

As for particular data on a juvenile which become available to the police, it should be very careful regarding them in the sense that they should not be released to public. These data refer to the course of criminal proceeding related to the juveniles and the decision reached during this process where there is a ban to release any data without the prior consent by the court. In addition to this the name of the minor should not be released or any data based on which the conclusion may be made on the identity of the juvenile in question.[2]

Serbia is obliged to apply the principles determined by *the Convention on the rights of the Child*. Accordingly, the provisions of the Criminal Code, the Criminal Procedure Code, the Law on Enforcement of Penal Sanctions and other general regulations are applied if they are not contrary to the Law on juvenile delinquents and criminal justice protection of minors.[3] Namely, the last stated law contains the provisions applied on juvenile delinquents (minor, younger minor, older minor and young adult)[4] within the material criminal law, the organs applying them, criminal procedure and enforcement of penal sanctions towards these offenders.[5]

Starting from the set standards, principles and procedures which are used by the police in case of juvenile offenders and based on the Law on Police, the Minister of the Internal Affairs has passed the Guidelines on conduct of police officers with minors and young adults.[6] The guidelines differentiate between two categories of minors, children and underage persons.

Children[7] are persons who at the time of commitment of a crime or offence have not reached 14 years of age. This category of minors enjoys a special treatment by the police. Namely, the following rules should be followed when treating children: a) children should be treated only by criminal police officers in charge of juvenile delinquency; b) if police officers within other lines of duty get in contact with children, they are obliged to notify the officers of criminal police (juvenile

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[1] Article 40, paragraph 2, item b, *The Convention on the Rights of the Child*, UN Resolution No. 44/25, dated November 20, 1989.

[2] *Ibid*.

[3] Article 4 of the *Zakon o maloletnim učiniocima krivičnih dela i krivičnopravnoj zaštiti maloletnih lica*, "Službeni glasnik RS", br. 85/05. (*Law on juvenile delinquents and criminal justice protection of minors*, The Official Gazette of the Republic of Serbia No. 85/05.).

[4] *Ibid*, Article 3.

[5] *Ibid*, Article 1.

[6] The Minister of the Interior of the Republic of Serbia passed the *Uputstvo o postupanju policijskih službenika prema maloletnim i mlađim punoletnim licima*, 01 broj 4898/06 od 01. maja 2006. *(Guidelines on conduct of police officers with minors and young adults*, 01 number 4898/06 dated May 01, 2006.)

[7] A child is a person under the age of fourteen, article 112, point 8 *Krivičnog zakonika*, "Službeni glasnik RS", br. 85/05. (Criminal Code, Official Gazette of the Republic of Serbia No. 85/05.).

delinquency) immediately, who shall then take over the further work with a child; c) children are not kept in the official police premises but they are put into the nearest reception camp (social work offices); d) children cannot be called in the capacity of a suspect or any legal powers can be undertaken against them such as deprivation of liberty, interrogation in the capacity of a suspect, detention in custody, taking fingerprints and other methods of identification; e) whole means of coercion must not be used with children except in cases they directly threaten the lives of police officers or some other persons; f) children may be summoned in order to obtain information only through their parents or a person responsible for them from the residential institution where a child has been sent to; g) gathering information related to a crime from a child, the crime being prosecuted within the line of duty (*ex officio*), is possible only with the presence of parents, guardian or a professional guardianship expert; h) if health changes are noticed at a child who has been brought to official premises, it is necessary to seek the professional medical assistance from the nearest medical institution without any delay.

Minors are the persons who at the time of commitment of a crime or offence have reached the age of 14 but have not yet reached 18 years of age.[1] The police may undertake official activities towards the minors who are suspected for a particular crime (all lines of work) taking into account the following rules: a) summoning of minors is carried out exclusively through parents or guardians; b) gathering information from minors is carried out in the presence of parents or guardians; c) minors must be informed on their rights during the pre-trial procedure without delay according to the provisions of the Criminal Procedure Code; d) record of the interrogation of a suspect is signed by a minor, parent or guardian, hired defense attorney and public prosecutor; e) a competent social work institution is notified about all activities undertaken; f) all legally allowed measures and activities may be undertaken against a minor as against an adult (the measures defined by Criminal Procedure Code, Infraction Law, Law on Public Peace and Order, Police Law and other legal regulations determining the issue of police powers); g) if in the course of police procedure any health changes are noticed on a minor or a minor asks for medical assistance it is necessary and without any delay to seek professional medical assistance by the nearest health institution; h) a competent public prosecutor, investigating judge, a parent or a guardian and the competent social work institution are immediately notified on the measure of arrest and detention of a minor.

POLICE DEALING WITH WOMEN

Violence against women includes all forms of physical, sexual and psychological violence they are exposed to in a society, family (domestic violence) or at the hands of public officials which is based on gender discrimination. The most frequent manifestations of violence over women are rape, sexual assaults, physical assaults, sexual abuse, emotional abuse, trafficking, domestic violence,

[1] Younger juveniles are persons of 14-16 years of age and older than 16-18 years.

battering, stalking, prostitution, genital mutilation and sexual harassment.[1] Massive scale and serious consequences of violence against women represent an important social problem with a high degree of danger so that the protection in this sphere is standardized by many international acts the most important among them being: the UN Declaration on the Elimination of Violence against Women (1993), Beijing Declaration and Platform for Action to Suppress Violence against Women (1995), the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (1998), as well as a number of recommendations and guidelines by European regional organizations.[2]

There is a wide capacity of women treated by the police, i.e. as victims of violence, as offenders, suspected persons, arrested, detained. It is particularly limited police treatment of women whose pregnancy is visible. Each of these situations requires special police measures of protection and respect for the rights of women. Due to the small size of this paper they will be processed only in principle.

From the most general point of view, police should be a part of overall social response to violence against women. They accomplish both preventive and repressive tasks at that. In addition to this, police must strengthen their own managerial and executive capacities of prevention and suppression of violence against women, for instance, by establishing a special line of work dedicated to this problem, by developing procedures of their work and the protection of victims of this form of violence.

Various concrete measures for the protection of women who are victims of violence are made concrete in many international documents passed at various levels. The most important recommendations within the domain of security protection of women have been passed in the UN, the Council of Europe and the European Union. For instance: "Member States are urged, within the framework of their national legal systems: (a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system; (b) To develop investigative techniques that do not degrade women subjected to violence and minimize intrusion, while maintaining standards for the collection of the best evidence; (c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise and that these procedures also prevent further acts of violence; (d) To empower the police to respond promptly to incidents of violence against women; (e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any

[1] *Understanding Violence Against Women / Panel On Research Of Violence Against Women*, Committee On Law And Justice, Commission On Bihavioral And Social Sciences And Education, National Research Council, Wsahington, 1996, p. 9.

[2] Milosavljević B., *Ljudska prava i policija, standardi ljudskih prava i policija*, prirucnik, Centar za antiratnu akciju, Beograd, 2004, p. 76.

infringement thereof; (f) To encourage women to join police forces, including at the operational level."[1]

In order to supplement the above mentioned recommendations by the UN, the European Union adopted the principles of police response to violence against women. Namely, the stated Principles of the European Union referring to police response to violence against women include the following: a) every police organization should make both annual and long-term policies where they will describe their operational strategies for prevention of violence and for the protection of victims as well as allocate sufficient financial means to implement such activities; b) police should appoint a member of organization responsible for the application of organizational policy (in this field); c) every police organization should have members specially trained for issues of violence against women; d) police should use government and private experts in order to help develop specific procedures and special courses in order to improve training to combat violence against women on basic, operational and leadership levels; e) police should provide that each officer is capable of preventing repeated victimization of a victim and apply efficient measures of law enforcement in order to ensure the victim's safety; f) police should provide for the basic support, help and relevant information to the victim and to refer him/her to appropriate (competent) services; g) every police organization should organize a system for constant registering and monitoring of calls for help, nature of police intervention, demographic details and record information on arrests, indictments and judgments. The development of such a system is required (and serves) to police organization, but also to the experts beyond police; h) every police organization should prescribe policy dealing with issues of gender equality and equality of minorities and take care to cultivate to a required measure the environment to apply such policy, including the approach of so-called zero tolerance to violence against women within the organization; i) police should take active participation in networking and in partner coalitions with other government and non-government organizations on local, regional and national levels; j) within their organization police should establish special projects which would result in innovative experience that could be integrated into day-to-day practice.[2]

The above mentioned recommendations and principles (attitudes) may seem abstract and difficult to apply. However, it is possible to point out that it is not the case by the following example illustrating the police treatment of arrested women. Namely, in such situations police officers must keep women and men in separate

[1] *Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice*, Chapter III, quoted according to: Milosavljevic B., *Ljudska prava i policija, standardi ljudskih prava I policija*, prirucnik, Centar za antiratnu akciju, Beograd, 2004, p. 77.

[2] Milosavljević B., *Ljudska prava i policija, standardi ljudskih prava i policija*, prirucnik, Centar za antiratnu akciju, Beograd, 2004, p. 78, 79.

premises.[1] In addition to this, the control of arrested women should be carried out by female police officers only.[2]

POLICE DEALING WITH REFUGEES AND INTERNALLY DISPLACED PERSONS

In order to be able to think about the protection of refugees and displaced persons, it is necessary to define these terms. The term ‘‘refugee’’ is applied to any person who as a result and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable, or owing to such fear, is unwilling to avail himself [or herself] of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it. On the other hand, the internally displaced persons are persons or groups of persons who have been forced to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border.[3]

Persons falling within the definition of refugees are entitled to the general protection of their rights offered by all documents on human rights[4] as well as the additional protection based on the provisions of the Convention relating to the Status of Refugees (CRSR) of 1951[5] and the UN

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[1] Article 33 *Pravilnik o policijskim ovlašćenjima*, "Službeni glasnik RS", br. 54/06. (*Regulation on the police powers*, Official Gazette of the Republic of Serbia No. 54/06).

[2] Article 63 of *Zakon o policiji*, "Službeni glasnik RS", br. 101/05. (*Police Law*, The Official Gazette of the Republic of Serbia, No. 101/05.).

[3] Rover de C., Služiti i štititi, MCKC, Ženeva, 1998, p. 362.

[4] According to the refugees should be treated without discrimination, they should not be expelled, they have the right to identity documents and judicial protection and refugee status can be denied to those who committed the worst crimes against humanity and international law. Refugees enjoy freedom of movement and they can choose their place of residence, and they are free to leave the country. If they are illegally residing in the state territory, they may be restricted freedom of movement in the interest of public safety and health (*Convention relating to the Status of Refugees (CRSR)* of 1951). Internally displaced persons are citizens who are forced to move from one place to another within their own country. Therefore, they should not be subjected to any acts of discrimination or denial of rights. In this regard, the police officers are obliged to come up with special attention relates to their rights, especially considering their plight (*UN Declaration on human rights of persons who are not residents in the country where they live* (1985)).

[5] The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that he [or she] has committed a crime against peace, a war crime, or a crime against humanity. They also shall not apply to any person if he [or

Declaration on human rights of persons who are not residents in the country where they live (1985).[1] On the other hand, the internally displaced persons are entitled to all human rights and freedoms as the persons who are residents and which are guaranteed by the rules relating to human rights and humanitarian law. Therefore, the refugees (for instance, persons who have fled to Serbia from Croatia and Bosnia and Herzegovina) do not have the same rights as internally displaced persons (for instance, persons internally displaced from Kosovo and Metohija but who are still within the internationally acknowledged Serbian borders).[2]

In accordance with the stated documents, the refugees should be treated without discrimination, they must not be expelled, they are entitled to identity papers and court protection, and they can move freely, become residents and leave the country. In case they unlawfully stay on the territory of a certain state they can be limited to move freely in order to preserve health and public order. Police obligations towards them refer to their security protection, prevention from discrimination and exercising of rights which are otherwise exercised by the engagement of police.[3]

POLICE DEALING WITH NON-RESIDENTS

Non-residents include foreigners and stateless persons. Their status depends on whether they stay in a country legally or illegally. In addition to this, when we talk about non-residents who stay legally in certain countries, their status is determined by whether they enjoy immunity or not.[4]

All non-residents enjoy basic human rights whereas they are limited in enjoying certain political rights[5] as well as some other rights such as those referring to possession of real estate or work (situation in the Republic of

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she] has committed a serious non-political crime outside the country of refuge prior to his [or her] admission to that country as a refugee (*Ibid*, p. 362)

[1] Milosavljević B., *Ljudska prava i policija, standardi ljudskih prava i policija*, prirucnik, Centar za antiratnu akciju, Beograd, 2004, p. 79.

[2] The legal foundations for regulation of refugees and internally displaced persons in Serbia, in addition to these conventions are: *Nacionalna strategija za rešavanje pitanja izbeglih i interno raseljenih lica*, Vlada Republike Srbije, Beograd, 2002 (National strategy for solving the problems of refugees and internally displaced persons, the Government of the Republic of Serbia, Belgrade, 2002) and Zakon o izbeglicama „Službeni glasnik RS“, br. 18/92 i 45/02 (and the Law on Refugees Official Gazette of RS, no. 18/92 and 45/02), that in addition to the police immediately conducted by the Commissariat for Refugees.

[3] Milosavljević B., *Ljudska prava i policija, standardi ljudskih prava i policija*, prirucnik, Centar za antiratnu akciju, Beograd, 2004, p. 80.

[4] *Ibid*.

[5] Voting rights, freedom of association (association), freedom of press and public information, freedom of speech and public expression, freedom of assembly and association and the right of public criticism of state bodies (situation in the Republic of Serbia).

Serbia). Police should deal with non-residents who behave within the law carefully (enable them to enjoy the rights and give all the assistance), in a manner which increases the dignity of a country abroad. On the other hand, when dealing with those non-residents who behave unlawfully, police should act in such a manner that every action undertaken should include their contact with relevant diplomatic or consular representations, when the conditions are created for this.[1]

The important features of protecting the rights of non-residents refer to limitation regarding their expelling. Namely, it is forbidden to expel foreigners collectively. Individual expelling is allowed if it is the result of a lawful decision by a competent authority to which a foreigner is entitled to file an appeal and assuming that the procedure was carried out during which the foreigner had a legal representation.[2]

POLICE DEALING WITH VICTIMS AND WITNESSES

In order to provide safety police takes the side of those people whose security and safety are threatened, opposing those who make those threats. Special importance in police conduct is the protection of safety of victims and witnesses. Namely, if and while there are grounded suspicion for it, police will undertake the appropriate measures to protect a victim or any other person who has given or can give information important for criminal proceedings or a person who has been in contact with the said persons, if there is danger by crime perpetrators or other persons.[3]

Adequate relationship between state bodies and crime victims, which implies respect of the right of a victim and maximum protection of their security can influence the trust of citizens in police, can result in increase of the rate of reported crimes and reduction of crime dark numbers, particularly certain forms of victimization (family violence, sexual crimes and similar). Namely, in the majority of cases police will be the first state body a victim gets in contact with following the committed crime. Police are expected to respond timely, to offer appropriate help and solve the case, but also to have a corresponding relationship with the victims. The relationship of the police

[1] As for the police intervention related to persons enjoying diplomatic immunity, there is a separate part of the book dedicated to this which refers to police powers.

[2] Milosavljević B., *Ljudska prava i policija, standardi ljudskih prava i policija*, prirucnik, Centar za antiratnu akciju, Beograd, 2004, p. 80, 81.

[3] Article 73 *Zakon o policiji*, "Službeni glasnik RS", br. 101/05. (*Police Law*, The Official Gazette of the Republic of Serbia, No. 101/05.).

and a victim can best be illustrated by their conduct when preventing domestic violence.[1]

Upon arriving to the scene, police officers should undertake the following activities: they should assess the situation, notify the service on duty about the conclusion of their assessment, they should carry out the order by their boss (head of the duty), check the data collected so far (what, where, when, who…), separate the victim and the suspect, stop violence and enforce order, shelter the children and inform the service on duty about their presence at the scene so that it would be possible to include the police officer authorized to work with minors, provide medical and other help to persons at the scene, check the identity of the persons present (both involved in violence and witnesses), cease objects temporarily, arrest the suspect and bring him/her to the police or some other premises. After that it is necessary to interview the victim, witnesses and suspect(s) and all should be documented. Parallel to that, the data on possession of weapon(s) by the suspect(s) are checked and in case there is a weapon, it is ceased. After that, medical documentation is collected and added to the case file.[2]

The important help to the victim of violence is offered in such a manner that the police officer is informed on available legal procedures and on organizations dealing with the protection of victims of violence, such as the social work center, health center, safe houses for victims of violence, etc. After the victim decides what activities to undertake following victimization,[3] police officer will help him/her about the possible movement to the safer location, etc. All measures undertaken related to the intervention and further help to the victim of violence are documented in the form of reports and appropriate appendices.

In the course of police intervention on suppression of violence (for instance, in a family), many problems may occur which are the consequence of indecisiveness of the victim to be protected by sanctioning the bully. These problems are the result of victim's fear that upon the return to the household the bully will be even more violent, that he will lose the job,

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[1] Article 35 (*Ibid*) Article 13 *Pravilnik o načinu obavljanja policijskih poslova*, "Službeni glasnik RS", br. 27/07. (*Regulation on the manner the police tasks*, The Official Gazette of the Republic of Serbia, No. 101/05.).

[2] List of police powers in case of family violence contents: warning and order, the possible use of force, checking the identity of participants and witnesses of violence, temporarily confiscated objects, deprived of the suspect and bring him to the police or other premises, collect needed information, verify the data on firearms possession by the suspect in the case that it has , it is taken, shall be charged and brought to the suspect competent authorities.

[3] It is not always victim's decision. Namely, if children are subjected to violence, than then immediately inform the competent public prosecutor, the investigating judge, a parent or guardian and the competent center for social work, who require and are taking measures to protect from their own jurisdiction.

which would make the situation even worse for the victim and her family as a whole, the frequency of the fact that the victim is blamed for its own victimization, etc. However, any lenient attitude of the police before such a caused fear gets the victim further from the possibility to protect herself/himself.

Within the framework of protection it is possible to apply following measures: 1) physical protection of person and property, 2) change of residence or transfer to another prison facility, 3) the concealment of identity and ownership information, and 4) change of identity. Still, list the police powers contains is common, and within it, the key ones are the means of coercion. Also, there are situations where the security of victims and witnesses cannot be achieved by regular protective measures but there appears a necessity to apply special (extraordinary) measures. Such measures are applied only in case of most serious crimes, primarily in cases of organized crime. Namely, in order to provide evidence in criminal proceedings for the following crimes: 1) crimes against constitutional order and security, 2) crimes against humanity and other goods protected by the international law and 3) organized crime, the competent government institutions, police being among them, provide protection and help to the individuals involved in the proceedings and the persons close to them, who are, because of the fact that they have given deposition or information important for evidencing procedure, exposed to threats to their lives, health, physical integrity, freedom or property.

The protection of participants in the criminal proceeding is carried out by the Witness Protection Program. This program represents a set of measures foreseen by the Law on Witness Protection Program which is carried out by the protection unit as an organizational unit of the police directorate.[1]

Upon the final court judgment, the protection unit has powers to file a request either to include an individual into the witness protection program or to extend, to discontinue or to terminate the witness protection program. This unit has the right and obligation to submit to the Commission in charge of implementation of Witness Protection Program the assessment of circumstances which are important for the decision on whether to include or continue the protection or an opinion on the existence of the appropriate reasons to discontinue the program. After the decision is made to include a

[1] *Zakon o Programu zaštite učesnika u krivičnom postupku*, "Službeni glasnik RS", br. 85/05. (*Law on Witness Protection Program*, the Official Gazette of the Republic of Serbia, no. 85/05.)

certain person into the protection program, the head of the unit is obliged to make an agreement on protection with this person.[1]

Even before the decision on the inclusion in the protection program has been made, a person can be protected by using measures within the powers of this unit, if there is a threat to his/her life, health or other protected values. When a head of the unit is notified by the public prosecutor and the acting judge on such circumstances, he immediately orders the application of urgent protective measures, notifies the commission for implementation of protection program immediately, as well as the competent public prosecutor and the judge.[2]

Finally, we should consider the time- and space-related features of the protection of witnesses and people close to them. Namely, protection program can be implemented before, during and after the final court judgment related to criminal procedure, on a participant in criminal procedure and persons close to him/her. The protection program can be realized both in the country and abroad, based on international agreements or mutuality.

Significant progress in protecting victims and witnesses in the Republic of Serbia has made by changes to the Code of Criminal Procedure. The changes are mainly related to strengthening the role of victim or victim in relation to the prosecution. This is especially evident in recreating the proposed victim as a condition for the prosecution, to expand the rights of the injured party to the appeal, etc., and introduced some provisions that, if consistently implemented in practice, intended to protect victims and witnesses of the offensive conduct and intimidation. In the case of violence or serious threats, the court is obliged to inform the state prosecutor to take over prosecution. Also, the proposal of the judge or the presiding judge, chief judge or prosecutor may request that the law enforcement authority to take necessary measures to protect a witness or victim.[3]

CONCLUSION

Police conduct towards the particularly vulnerable social groups is systematized in legal system as special measures of protection and respect of

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[1] Ilić P. G., Majić M., Nikolić B., *Komentar Zakona o program zaštite učesnika u krivičnom postupku sa uporednopravnim pregledom i merama procesne zaštite*, OEBS, Misija u SCG, Odeljenje za vladavinu prava i ljudska prava, Beorad, 2006, p. 63

[2] *Ibid*.

[3] Ristanović Nikolić V, *Podrška žrtvama i sprečavanje sekundarne viktimizacije: savremena zakonska rešenja i praksa*, http://www.doiserbia.nb.rs/img/doi/1450-6637/2003/1450-66370301003R.pdf. p. 8.

human rights and they include goals, principles, methods (starting points, procedures and means), subjects (their competence, connections and mutual cooperation) and the system of regulations relating to this field. In this, the measures of protection and respect of human rights represent appropriate combinations of police powers applied in an adjusted manner on the features of the members of vulnerable social groups with the aim to create as favorable as possible conditions to preserve their lives, health and enjoyment of their rights and freedoms. The principles of protection and respect of human rights require the police to respect the attitudes during long-term performance of police tasks during which police officers act with the members of vulnerable social groups so that they would be performed in as legal and efficient manner as possible. The methods of protection and respect of human rights represent the entirety of starting points, procedures and means by which professional tasks of police officers are carried out in an adjusted manner in relation to the characteristics and needs of the members of vulnerable social groups (there are separate measures and procedures prescribed for in the law). Subjects of protection and respect of human rights of the members of vulnerable social groups, as well as their connection depend on the characteristics of certain individuals from the stated category of people, and most often they are the police, social work centers, health institutions, and safe houses for the victims of violence, etc. Finally, the regulations referring to the field of protection and respect of human rights of the members of particularly vulnerable social groups are classified into international and domestic, legal and sub-legal.

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ПОСЕБНИ МЕРКИ НА ПОЛИЦИЈАТА ЗА ЧОВЕКОВИ ПРАВА НА ОДРЕДЕНИ РАНЛИВИ СОЦИЈАЛНИ ГРУПИ

Апстракт: *Во природата на професијата, полицијата го прави еден од најтешките во социјалната поделба на трудот. Поради тоа, често носејќи полицајци во контроверзниот став - да ги заштитува човековите права, исто така, се ограничени. Ваквите состојби се поволни за кршење на човековите права, особено членовите на ранливите социјални групи. Затоа, на работа се занимава со посебна полициска заштита и почитување на човековите права особено за ранливите групи, како што се малолетници, жени, бегалци, раселени лица, лица без државјанство, жртвите и сведоците.*
Клучни зборови: *полиција, малолетниците, жените, бегалци, раселени лица, не-државјани, жртви, сведоци.*

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IMPACT OF INFORMATION AND COMMUNICATION TECHNOLOGY IN THE CONTEMPORARY POLICING IN THE REPUBLIC OF MACEDONIA

Abstract

In Macedonia, the processes occurring as a result of the transition and implementation of the Euro and Euro-Atlantic aspirations imposed the need for harmonization of legal standards and institutions practices to EU norms in the relevant areas. With the implementation of security sector reform, police had undergone several changes regarding the overall police functioning. The segments of the police structure regarding the information and communication technology (ICT) with some changes were covered partially, while with others they were covered in details. Moreover, the objective of this paper is to explain the progress of the introduction of information and communication technology for the period 1990-2011, through two forms of information collected: a) by means of interviews with three experienced experts from the Ministry of Internal affairs, b) by analysing information and documents related to information and communication segment of the police reforms in Macedonia.

The main source of data are interviews conducted in Macedonia within the work packages of information and communication technology of the project "Composite: Comparative Police Studies in the EU" (2010-2014), laws and acts respected by the police and governing activities related to information and communication technology as well as the experiences of the dynamics in the same area, obtained through comparative analysis of materials from other nine countries participating in the project. The paper should present the impact of international factor and the interest of police management structures for the development and implementation of ICT in the Ministry of Internal affairs of the Republic of Macedonia, needed in police work in contemporary society. By analyzing the content it should be identified several parameters: lessons learned, experiences and impact of services

on international factors and domestic experts. The identification of the above parameters should serve to determine the extent of progress in relation to: a) identification of needs related to ICT and b) the representation of information and communication technology in strategic documents, budget and priorities of the Ministry of Internal affairs.

The conclusions derived from the analysis of the implemented, on-going and planned projects in the field of informatics and communications should provide recommendations for future implementation of solutions, their characteristics and method of use within the work of the police of Republic of Macedonia.

***Key words**: police, crime, technology, development and project*.

Introduction

At the end of '80s of the last century when globalization enabled a smooth transfer of information, information and communication technology (ICT) became an integral part of every modern society. In that sense, technology has found a place in the work of national executive authorities. In order to improve efficiency and speed of implementation of police tasks, also as part of the police reforms, the management structures of the police declaratively accepted the need for modernization of the organization following the European trends prompted by the development of technological solutions, social change and dynamics of crime. With the introduction of technological solutions in the police organization and with increasing the level of ICT culture, it came easier to explain the motives, means and modes of action of the perpetrators of criminal acts.

In the '90's, the Department of Informatics and Telecommunications as a main stakeholder of ICT activities within MOI, led the training and supply all requirements for ICT solutions needed for each service in MOI. Using few innovations, Department succeed to make an important step forward because it exceeds the previous concept of manually searching the databases that was based on search of queries of official documents such as bills of paper. Use of ICT solutions gave an opportunity for profound researches, sorted by perpetrators, age, prior conviction, recidivism, type of drug (perpetrators of crime associated with marijuana, heroin, etc.), the manner of performing the crime, nationality, etc.

Initiatives for the introduction of sophisticated ICT solutions in police work were product of ideas that come from the external entity - usually foreign embassies and missions in Macedonia, international police organizations or requirements from the Stabilization and Association Agreement with European Commission. In that period, MOI solved with problems because there was no one to maintain the donated systems. There was not any authorized service or sales representative in the country. In the development of ICT sector within MOI, officials took as the key criteria the

duration of training, portfolio of partner country and its experience in the field. Domestic users increased the level of English and ICT terminology.

Today's picture of ICT's involvement into Macedonian police is completely different. New generations come with good IT knowledge and in the last five years there is no problem with such situations. However, each service needs to know what he wants to get as ICT solution. Operational services know how to handle with ICT equipment but it is still difficult for them to identify what can help them in their work. Manufacturers of ICT equipment have their own solutions and they could incorporate everything that client wants to. Companies are ready to hire experts who will help them in adapting the software.

ICT projects within MOI are focused on: development of civil, criminal and forensic database, integrated database for foreigners, including data from the field of asylum, migration and visas; permanent developing a national database and establishing a network for cooperation between borders polices from the region; integrated border management and development of regional and cross border initiatives; regional cooperation in Criminal Justice, i.e. strengthening the capacities in the fight against cybercrime; development and further support for the implementation of a digital police radio communication system TETRA, upgrading and development of IC technology of other entities within Integrated Border Management and other law enforcement institutions.

The application of ICT has created standards in operational policing. It enables cooperation of national police services with police in the region and states within Interpol and other international organizations and initiatives which are involved in the activities of police cooperation. In the implementation of ICT and cooperation between governments institutions should be mentioned the case of 2005 when Macedonia for first time installed equipment and video conference link from the Primary Court in Tetovo.[1]

On journalist question to Minister of Interior "Does the number of issued ID cards and biometric passports, in the state with two millions population, MOI responds adequately to the needs whereas that certain terms

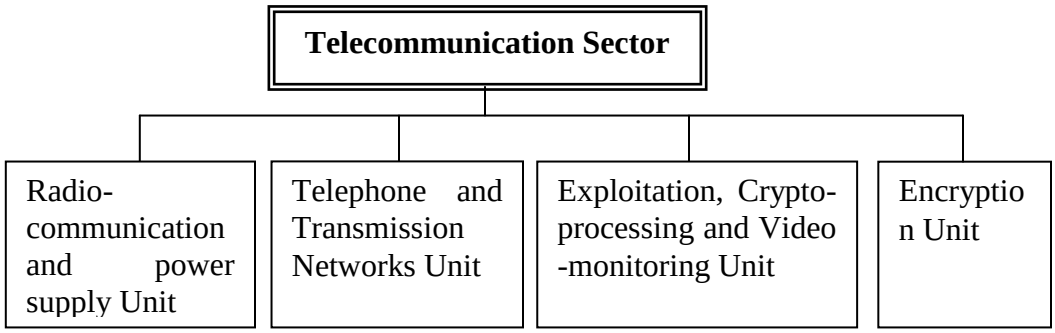
[1] 23-year-old Moldovan woman Lyudmila Diakonu is the first witness who testified in the Macedonian courts through video conferencing link. On April 28, 2005 that as a victim of trafficking from Moldova directly gave his testimony in a court case against Jovica Pejkovski, Ali Gajur, Zulhani Rexha and Hasami Iseni. Direct video link Moldova-Tetovo was provided by FBI and the SECI Center was involved in the process. Thus, the first time in Macedonia were applied the special measures during the questioning of a witness. This reduces costs, but the threats and opportunities for the victims of regional prostitution, is a position of experts in the Ministry of Interior. By then the victims of trafficking were often expelled and then it was difficult to find and bring as witnesses in trials.

are scheduled for next year and citizens wait for the documents that are already prepared for several days?" Minister Interior explained that at the beginning of April 2010, the Ministry of Interior issued more than 1.61 million biometric documents, which certainly is a good figure, but obviously it does not fully meet the demands of citizens.[1] Earlier it was impossible to reach this number because of manual search and difficult access to information. Through the digital collection of the civil data, police achieves greater efficiency in their work. Through the connection of the border crossings with the Forensics Department provides better overview on the records of the movement and sojourn of domestic and foreign citizens. Now, database includes all citizens in the state, not just those who were subject to police investigation. Database could be very useful in many cases. For example, when we make the new ID document, it confirms the person's identity of the people who previously have taken out any kind of biometric documents, at the same time when they registers the biometric entry. However, this is more useful for civil collection of data, which is significantly different from the crime data collection.

Main stakeholders of ICT solutions within MOI

Functioning of ICT into police means completed process of education, functional setting of the system and work engagement of personnel (active input of files, information and getting the first analytical results). Computer engineers have the tasks to administer the software solution (it first began to use Oracle, SQL Server and others), and the rest as analysts were trained to use it. This has raised the knowledge of the use of informatics tolls from MS Office such as Excel, Access and others.

a) Most of activities regarding to implementation of ICT within police are seconded to **Department of Telecommunication and Informatics**



[1] Mirjana Spasovska, "Interview with Minister of Interior", Radio Free Europe (program on Macedonian language), April 11, 2010, http://www.makdenes.org/content/article/2008351.html

The sector's tasks are:

- Following the latest developments of telecommunication technology
- Education of technical staff
- Preparing new projects
- Participation in the tenders for purchase of telecommunication equipment
- Implementation of new projects
- Installation of new telecommunication equipment
- Maintenance of existing telecommunication equipment in the Ministry of Interior
- Providing telecommunication services to other Government Institutions
- Responsibility of encryption and security of the telecommunication networks in the Ministry of Interior
- Providing Internet in the Ministry of Interior and taking care of the protection from the internet attacks

b) **Border security system** basically has a need for purchasing the following necessary equipment: lap top computers, database and software, computers for crime intelligence, printers, scanners etc. Recently, within **Border security system** of the MoI was established the Risk Analysis Model. Model increased the needs for the appropriate databases which should contain all important information that are the basic preconditions to conduct risk analysis. The equipment used by border police officers is in accordance with the contemporary EU/Schengen standards of border surveillance. Sensitivity of borders should be overlapped with providing of long range vision cameras for night monitoring, as well as equipment for detection of illegal crossings. Purchasing of adequate equipment requires previous expert's analysis.

c) **Department** of **organized crime**, in term to be operative for activities related to National Intelligence Database, possess general equipment such as: hardware, software, start-up services, development tools etc. Out of standard equipment, in direction to obtain maximum administrative, physical and IT security of the classified information should be fitted with: security cameras, security bullet-proof doors, and metal cases with number codes, anti-burglary system (alarm-system), entry-exit cards, movement sensors, and window bars.

ICT solutions used into Macedonian Police

Criminalistics database

The main goal of criminalistics database is to standardize the operational and analytical procedures of use of the criminal analytical basis for faster and more effective dealing with crime, especially in the fight

against drug trafficking, corruption and the forms of organized crime on national, regional and international level. Database is compatible with the software solutions of Interpol and other international police organizations, UNDCP, regional initiatives etc. In order to constantly expand the database's capacity, it was upgraded several times. It actually contains the information, crime reports, data of the arms' originated crimes, and judicial conviction related to drugs and arms. Database clearly shows which are the routes and hotspots of drug, where the drug consumers are gathering in every city and municipality, what are the most critical border crossings etc. It facilitates the communication between operational employees and analysts in the database centre in term that they could receive message very quickly about their findings and expectations of subjects involved in the case. If any of the operational employees acted previously with persons who are a subject to investigation, then it could be suppressed to avoid contact with the person. This is especially important after 2005 when the special investigative measures began to apply.

Success in creating a criminalistics intelligence database showed that knowledge is not a private property (refer to the applications, associates etc.), but it belongs to the entire institution. Information is available for all employees and all of them can contribute to greater efficiency. It broke the myth that a police officer may decide for the case. That stopped the manner in which people went into retirement and did not share their knowledge. Also, the path of movement of information has changed. That opened the opportunity to build the instruments for measuring the quality of the work of inspectors related to quality and the source of information.

The database that the police had until the '90s was relatively closed (intended only to users of MOI). After the '90s, it started to connect with other governmental systems. Through the standardization of collection, compatible entering and change of criminal data and analysis of criminal data, police and other state institutions achieves greater efficiency in their work. Thus, it saves time, people, and resources and reduces the number of administrative procedures in communication. The database manages commission with representatives from the Ministry of Interior, the Ministries of Justice and Defence and from the Public Revenue, the Financial Police, and the Public Prosecution. With the new protection can be an insight into the use and can restrict the users' access to data. Before any police officer could enter in the database, but now with every access it records the time, person, causes of access etc. The database will not include all citizens of Macedonia, but only individuals who are suspected of committing a crime, as perpetrators and victims of crimes.

Macedonian police developed a regional project together with Bulgaria and Romania. The idea was to import the data into English.

Romanians inserted the information on Romanian. The logic was that it is easier available for operational employees if they entered in their native language. Macedonians submitted data on English until 2006, then on Macedonian but Latin letters. Bulgarians introduced into English, thus enabling the implementation and planning of joint police operations between Bulgarian and Macedonian police services.

Criminal Forensic database

The technology, used for forensic proposes, facilitates the work of police officers and contributes to shortening the time in performing forensic tasks, reducing the people on the ground and simplifying procedures. In airplane accidents, for example, with permission from the investigating judge or prosecutor, in term to identify and implement police procedures, police requests and immediately receives information about individuals in electronic form. For example, if a mobile phone records the fingerprint and transport it in the Department of forensics, they could get shortly detailed information about the person.

Forensic database is very useful for the **Border police**, even if they have a base for original passports, they should have a database of forged documents and partially they must have forensic knowledge. **Department for organized crime** processes additional types of data such as plates of vehicles, identification of persons under the parameters and therefore they should have appropriate training procedures for maintenance of the computers, software and other ICT equipment within department. Each law enforcement institution should find a correlation with other state institutions. Each institution has its own database and runs on its methodology and needs. **Customs** has its base, but requires information of the Forensics Department of the MOI on the purity of the drug and its features because MOI has better technology and equipment. Forensic technologies support **judiciary system** in the cases where police and judiciary tasks are interconnected, such as activities for efficient fight against organised crime and corruption, enhancing the legal security and the protection of human rights.

Macedonia has such an opportunity because the bases as AFIS, IBIS and other software solutions are excellent. MOI started thinking on use of mobile forensic labs, which are not so expensive solutions. Type of labs depends on the frequency of crime forms. The laboratories should be able to search in the central database, so the police officers can easily and quickly solve the case.

Tetra (terrestrial trunked radio)

The existing radio equipment of the Ministry of Interior is partly analogue. The various police forces use a number of different types of radio-communication equipment/systems from the same manufacturer, some of them over twenty years old. New ICT solutions offer technical base for exchange of information in real time not only within the territory of the Republic of Macedonia, but also allows exchange of information with neighbouring countries' border services, using compatible radio communication services based on the TETRA (terrestrial trunked radio) standards. The National strategy for Integrated Border Management - IBM (2003) stipulates that the personnel working in the field, especially the Border police must have communication with their base. They should also be trained on the procedures for radio reporting, in order to provide a transfer of the right information in the right way. Thus, the action plan, which derives from the National Strategy for IBM (2005), foresees activity for "Purchasing of equipment for the TETRA radio system" also as by the requirements for EU accession and introduction of the Schengen Border Code.

TETRA communication system includes base stations; fixed, mobile and portable terminals; switches and dispatcher centers equipped with appropriate hardware and software packages. With system's implementation, Ministry of Interior started transition from analogue to digital mobile radio communication system and to establish the standards of the European Institute of Telecommunication Standardisation. Due to set of digital microwave radio-communications system, Ministry of Interior is linked with twenty international border crossing points.

The TETRA system as ICT solution enables a joint action of police forces from the countries in South-eastern Europe and wider. Macedonia with Bulgaria and Albania has installed a mixed border crossing points (derived from the Vienna Convention) for better coordination. Some Balkan countries have already developed a form of border crossings (between Bulgaria-Romania and Albania-Montenegro). The police officers from both countries together control the travel documents from same point because they have access to compatible collections data. Some of the tasks that use ICT device are part of ILECUs (International Law Enforcement Coordination Units[1]) and the Police Cooperation Convention for Southeast Europe. ILECUs aims at setting up 24/7 centres in Europe, which connect the countries and can solves any security problem.

[1] EU project started in 2008. More information available on: http://www.secicenter.org/p391/28+January+2008 and http://ec.europa.eu/europeaid/tender/data/d70/AOF80770.doc

Implementation of the TETRA standards increased: radio signal coverage to approximately 95% of the country's territory, number of registered cases of unauthorized access to the system and information leakage, number of staff members trained and number of successful joint actions. Trained technical staff from Ministry of Interior has capacities to manage the communication system, to deal with any failure and train the end users of the system. Every year, the Ministry of Interior budget plans sufficient financial means for maintenance of the telecommunication network. Now the TETRA team from the Telecommunication Sector is more experienced. Expectations are that the number of staff of the sector will further increase.

In future, this telecommunication system will enable the implementation of data transfer with higher capacity, serving the different services, such as fast and reliable identification of persons, transfer of pictures, and fast access to the central data base of the Ministry of Interior.

Trends in ICT implementation within Police

Experiences from analysis of Composite partners

Analysis of ICT within the police from other nine countries included in the project is based on a cross-country and cross-organizational analysis. The following themes describe major trends in ICT for European policing:

a) Integration of Integration of intelligence data systems - in the partner countries is established or is pending establishment of a database (information system), web based toolsets that allows to police officers to share information from different sources across the organization, introduction of ICT solutions into police cars (digital map of area and other geo-referenced systems), development of solutions for qualitative analysis of texts content, audio and video released to media, support current investigations by visualizing information related to different types of crimes etc. It is useful not only to police departments, but for all other law enforcement agencies. Services are network-connected or connection is in progress, despite the obstacles that are influenced by the position of decentralized police in some countries or the existence of two or more police services. For burglary for example, already some of the countries exchanges data via email attachments (that are automatically parsed and stored in a central database) in term of international police cooperation.

b) Adoption of mobile computing – several programs from this area are already present in the countries, such as: computing in cars, use of mobile and handheld PCs, digital radios, and special equipment. In some of the countries police cars should become mobile contact and coordination centres that will in the case of emergency provide the public with basic information

such as police stations or call centres. The other have digital labs and command post within police buses; computing system in vehicles that can be controlled by voice commands or via a touch screen; access to internal police databases, automatic number plate recognition and video surveillance systems and in special situations also connected to systems of the tax authorities etc. Mobile and handheld PCs are used as a fingerprint scanner, reader for digital documents and a printer. Due to image performance, smart phones are used for searching wanted or missing people.

c) Use of video surveillance technologies – the use of these devices comprises: observation, automatic recognition, border control and lawful interception. In-car system consist cameras mounted on the vehicle and portable cameras that transmit video signals wirelessly, recording system with monitors and video encoders and decoders. In this category are the solutions as centres for the management of road safety, display video surveillance footage from shops, automatic plate recognition from police cars, infrared-based video analysis system to automate border surveillance etc. All countries have a great progress in this area.

d) Application of digital biometrics – The system of digital fingerprint technology is especially used to check drivers who were previously identified by the plate recognition system; handheld devices allow police officers to take digital fingerprints while they are patrolling in trains and airports and to verify the digital identity documents.

e) Crosscutting issue of user acceptance – Users have problems with technical malfunctions and limitations, frequent problems in hardware or software put the usefulness of new systems into doubt, centrally managed systems confront users with interfaces that are different from the interaction learned with standard operating systems etc. e-learning platform provides a means of training officers in the use of new technologies and updated procedures.

f) Emerging challenge of social media applications – As a part of police-public relations and public relations strategies of police service, police makes interactions with media, citizens and other public factors. Connections is established trough making active use of social media, using a social Media as a publication channel, and trough defining the role of police in social networks. Part of activities of police services, as a sign of transparency, are present on social networks such as Facebook, Twitter, blogs, SMS, YouTube etc. Police services are interested to obtain higher level of openness which contributes for better cooperation and building a trust in police-public relations. In the same time, police uses media performances to promote activities and to achieve the aims of prevention programs and other campaigns.

Other experiences

The use of geographic information systems (GIS) by crime analysts in law enforcement is growing. In England and Wales, large majority of crime analysts surveyed used GIS in their analysis. Analysis used in crime reduction and community safety can extend beyond crime data alone. Analysts make use of a large number of multiagency datasets in order to better understand crime problems and more effectively target interventions.[1] Use of GIS in crime mapping (burglary and other types) clusters in space and time.[2] Network analysis might be applied by using shortest-path algorithms to identify associations in criminal networks. Effective and efficient link analysis techniques are needed to help law enforcement and intelligence agencies fight organized crimes such as narcotics violation, terrorism, and kidnapping.[3]

A strategic move that makes prevention, detection, and repression of organized crime more effective has to do with strengthening the technological capabilities of the police force. When Italian police launched their recent anti-Mafia strategies, funding was provided for information and communication technology in terms of an integrated system of satellite telecommunication, modern sensors located in the area and operative interconnected control rooms:[4]

> *A targeted and effective use of new technologies can be devastating to Mafia activities. "Men of honour" usually speak very little, but they cannot avoid a certain amount of crucial communication, both between themselves as well as with their victims. In the past (and often still today) the Mafia moved without anybody seeing or hearing anything, but if phone calls and conversations can be tapped and acts can be filmed, there is no need for witnesses anymore, and the work of Mafia men becomes much more difficult. As is well-known, Bernardo Provenzano—the boss of all bosses in Cosa Nostra—used an archaic medium (small slips of paper, so-called pizzini), to avoid interception. But even small sheets need "postmen" to deliver them and postmen can be detected. Provenzano was caught in April 2006, after having*

[1] Ruth Weir and Mark Bangs, "The use of Geographic Information Systems by crime analysts in England and Wales" (Online Report 03/07, Home Office, UK, 2007), http://www.homeoffice.gov.uk

[2] Shane D Johnson et al., "Prospective crime mapping in operational context," (Online Report 19/07, Home Office, UK, 2007), http://www.homeoffice.gov.uk

[3] Jennifer J. Xu and Hsinchun Chen, "Fighting organized crimes: using shortest-path algorithms to identify associations in criminal networks," *Decision Support Systems* 38 (2004), 473–487.

[4] Antonio La Spina, "Recent Anti-mafia Strategies: the Italian Experience," in *Organized Crime: Culture, Markets and Policies*, eds. Dina Siegel and Hans Nelen (New York: Springer, 2008), 195–206.

spent more than 40 years on the run, because the police were able to monitor his relatives and the people who brought him clean underwear.

In the USA (Shelby, North Carolina), Police Department has built a GIS-based system that is helping to lower crime rates and better share information. Map-based tools help the agency see exactly where crimes have been reported and effectively respond to events in a dynamic fashion. The department implemented ESRI software-based Crime Analysis Tools (CAT), an ArcGIS extension that analyses crime patterns and calls for service. Viewing and analysing incidents by crime type and on a weekly, monthly, and annual basis helps commanders comb through volumes of data stored in record management systems. They use GIS to look at district breakdowns of reported incidents, repeat calls, and areas where particular crimes have spiked above average. These analyses help district managers compare and contrast what is happening in other districts. Spatial analysis is used for all types of crimes including homicide, sexual assault, robbery, larceny, and car theft. The query results, once visualized on a map, are then shared agency-wide.

Conclusion

ICT does not create conditions, but to apply ICT conditions should be made available. Generally speaking, Macedonian Police accepts the dynamics of modernization of ICT sector. Use of Intranet by police officers gives optimal effects – shortened time of transmission of data and information and many other benefits. The numerous projects in this area speak about it. Today, most of the project budgets are supported by the IPA funds and domestic funds of the Government and the Ministry of Interior. The effects of initiatives for developing the ICT contributed to recognition of ICT solutions' needs and expectations which exist in the police organizations worldwide. From learned lessons, experiences and progress could be assumed that domestic experts recognize the needs and future strategic directions related to budget and introduction of new IC technologies within the MOI. Since the police reforms begun, the Ministry of Interior started predicting funds for buying and maintenance of ICT.

The impact of human factor will stay crucial. No matter how skilled the unit is, the vision and the quality of the good staff, still the Head of the unit that uses ICT solutions should know what he wants to get from the results. He needs to know the subject, jurisdiction, and what parameters to enter. Even the police officers had seen the need for ICT equipment and it became part of their routine work, they need to increase their IT culture in terms of handling data and request, precisely and timely. If the pressure of

expectations from superiors will be reduced, it will be much easier to all police officers to recognize the needs and to change their attitudes about needs of ICT.

Commercial software used worldwide is comprised of solutions derived from scientific knowledge and experience. Due to international involvement and interest of Macedonian police authorities, Macedonia got the complex database software adapted according to its specifics while the market is offering solutions that are made according to the experiences of several countries.

Apart from supporting the system of values within the frames of the profession and making the values and results measurable, information technology sharpens the conflicts between the old concept and the needs of the 21st century, i.e. about what is and what should be the police. It reduces the operating time and leaves more space and time to dedicate to other priorities.

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ВЛИЈАНИЕТО НА ИНФОРМАТИЧКО-КОМУНИКАЦИСКАТА ТЕХНОЛОГИЈА ВО СОВРЕМЕНОТО ПОЛИЦИСКО РАБОТЕЊЕ ВО РЕПУБЛИКА МАКЕДОНИЈА

Резиме

Во Македонија, процесите кои се јавија како причина на транзицијата и реализацијата на евро и евроатлантските аспирации, наметнаа потреба од усогласување на законските стандарди и праксата на институциите со нормите на ЕУ во соодветните области. Со спроведувањето на реформата на безбедносниот сектор, полицијата претрпе неколку промени кои се однесуваа на целокупното полициско работење. Сегментите од структурата на полицијата кои се однесуваат на информатичката и комуникациската технологија (ICT) со некои промени беа опфатени делумно, а со другите подетално. Притоа, цел на трудот е да се објасни напредокот од воведувањето на информатичката и комуникациската технологија за периодот од 1990-2011 година, преку две форми на собрани информации: а) по пат на интервју со тројца искусни експерти од МВР; б) со анализа на информации и документи кои се однесуваат за информатичко комуникацискиот сегмент од реформата на полицијата во Македонија.

Главен извор на податоци претставуваат интервјуата спроведени во Македонија во рамки на работниот пакет за информатичката и комуникациската технологија на проектот „Композит: Компаративни студии за полицијата во ЕУ“(2010-2014), законите и актите по кои постапува полицијата, а со кои се уредуваат дејностите поврзани со информатичко-комуникациската технологија и искуствата за динамиката во истата област добиени преку компаративна анализа на материјалите од останатите девет земји кои учествуваат во проектот. Трудот треба да го покаже влијанието на меѓународниот фактор и интересот на полициските раководни структури за развој и имплементација на информатичко-комуникациската технологија во Министерството за внатрешни работи на Република Македонија, како нужност во работата на полицијата во современото општество. Со анализа на содржина треба да се препознаат неколку параметри: научените лекции, искуствата и ефектот од услугите на меѓународните фактори и домашните експерти. Идентификацијата на споменатите параметри треба да служи за одредување на степенот на постигнатиот напредок во однос на: а) препознавањето на потребите поврзани со информатичко-комуникациската технологија и б) застапеноста на информатичко-комуникациската технологија во стратешките документи, буџетот и приоритетите на Министерството за внатрешни работи.

Заклучоците од анализата на досега реализираните, тековните и планираните проекти во областа на информатиката и комуникациите треба да дадат препораки за воведување на идни решенија, нивните карактеристики и начинот на употреба во рамки на полицијата на Република Македонија.

***Клучни зборови**: полиција, криминал, технологија, развој и проект.*

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REFORM OF BASIC POLICE TRAINING IN SERBIA - THE WAY TO POLICE PROFESSIONALIZATION

***Abstract**: No police organization can bear the epithet of modern and efficient if it is not based on a good system of professional staff development. Investment in human resources is of the utmost importance for any profession including the police. Therefore, the reform of police training and education is given priority within the overall reform of the Ministry of Internal Affairs of the Republic of Serbia. In the Republic of Serbia, for a long time, basic police training has been conducted at the Police High School in Sremska Kamenica (four-year education) or during six-month police training course. Organized in this way, training of police personnel has proved inadequate; hence in cooperation with the OSCE mission in Serbia, police training reform process started and shortly after that, the Center for Basic Police Training (BPTC) was established. The establishment of the BPTC was preceded by a detailed analysis of a police officer job profile – activity conducted jointly by distinguished experts from Serbian police (police station commanders) and OSCE experts. Based on analysis of the job profile, a comprehensive list of occupational duties and tasks were created. Based on them, the knowledge, skills, abilities and positions necessary to competently perform basic police duties were determined, and based upon them police training program was created. New police training course lasts 12 months and is divided into three phases. Upon their completion, a final exam is to be passed. Police training in the BPTC is carried out through different training modules, using modern training aids and methods. During the training course, students are referred twice to the police field duties (inside regional police departments). After passing the final exam, field training phase is to be completed under the supervision of field training officers (mentors) and field training coordinators. First experiences from the field have shown that new police training program raised the skills and competencies of basic police officers to the much greater extent than the previous police training program. In this regard, the paper points out the basic contents of the new police training system in the Republic of Serbia, the importance of using modern training methods, and some practices that may be useful for those who are involved in police training reform processes elsewhere. Reformed police training produces significant*

prerequisite in building police professionalism, however, there are still some practical problems the authors also point out to.
***Key words**: police, police training, police reform, police skills, police professionalism*

PREFACE

Police reforms in countries of developed democracy, but not in countries in transition, are constantly evolving. Those are processes that last. Tendency is to secure quality citizen services based on high professionalism and universal values of human rights and freedoms. Processes, i.e. reforms, run differently in certain countries, and that, naturally, depends on their social regulation, economic development, achieved level of democratic relations, tradition in the police work...but also on other characteristic factors.[1]

After the democratic changes in the Republic of Serbia that took place in 2000, police reform was stated as priority of the Republic of Serbia Government, and within the reform, priority was given to the reform of basic police training system. Reforms in the police received generous support and encouragement of the international community. The reforms were particularly motivated by a wish to fulfill the requirements for joining the EU, and adjustment of the police work to European standards represents an important part of that process.

For a number of years, basic police training for police profession was done in the Internal Affairs High School in Sremska Kamenica (hereinafter the School), all in compliance with the educational system of the Ministry of Education for High Schools. Apart from the School, training for police work was also done through courses. While in the first case we are talking about four-year education, the latter refers to six-month training, where successful trainees from both kinds of training started working at the same job (policeman), with the same status and without differences in possibilities of advancement[2].

Four-year training for the police job, during which understanding of theoretical contents dominated, was long abandoned in most European countries. Irrationality of such basic police training system was also noticed in Serbia, that resulted in establishment of an institution where, in compliance with the latest standards, police recruits are trained in order to make them capable of responding efficiently to challenges included in the police profession in the 21st century – we are talking about the Basic Police

[1] Spahić, T.: Policijska obuka u Evropi: Jedinstvo različitosti, Felix Verlag – holzkirchen/Obb, Germany, 2005. p 3.
[2] Milić, N.: Obuka policajaca pripravnika, Bezbednost, MUP R. Srbije, 1-2/2009, p. 356.

Training Center – BPTC (hereinafter the BPTC). The establishment of the BPTC was preceded by detailed analysis of a police officer job profile where eminent experts in practice (police station commanders) had significant place. On the basis of the job profile, a list of professional duties and tasks was made and knowledge, skills, abilities and positions necessary to competent performance of basic police duties were identified, on the basis of which the training program and the curriculum were created.

In this paper, the authors point to some of the basic features of the basic police training program in the BPTC, but also of a training that shall follow after the admission to the police force (during a period of probation). During the basic police training, trainees meet the police organization, its goals, values tasks, etc. for the first time. Also, during the basic police training the trainees also meet with distinct system of values, positions and beliefs the police officers adopt in regard to their work – we are talking about the police subculture[1]. Eventual faults made in the phase of police officer training can be cause of their unprofessional behavior after admission in the force, which can ultimately result in violation of citizens' freedoms and rights, as well as reputation of the entire police organization. For example, due to lack of training rookie police officers are often unable to properly assess whether the specific situation gives them enough grounds (legal basis) to use force or they use it in an inadequate way (e.g. excessive use of force) etc.

DYNAMICS OF BASIC POLICE TRAINING IN THE BPTC

Basic police training is one of the most important factors for successful proceeding of police officers during performance of police jobs. During the training in the BPTC, future police officers acquire basic knowledge for performance of general (not specialized) policing duties.[2] Upon completion of the police training in the BPTC, future police officers are trained to perform the following jobs:

- maintenance of public order and security,

[1] Formal rules and management orders are not, thus, the only factors determining the way of behavior of police officers, but are also a distinct system of values, positions and beliefs the police officers adopt in regard to their work, individual categories of citizens, courts, law and different occurrences in the society that affect their work. Such system of values, positions and belies is called the police poly-culture (should it be observed from an angle of relations towards the value system that makes the culture of the society as a whole). Cited according to: Milosavljević, B.: Nauka o policiji, Policijska akademija, Beograd, 1997, p. 587.

[2] Training can be attended by young men and women age 18 to 26 with completed high school.

- prevention and suppression of crime,
- application of police authorities and use of force,
- control and regulation of traffic.

The training in the BPTC lasts for 12 months and is conducted in three phases:

First phase includes training in the BPTC in duration of 14 weeks and practical training in regional police departments, in duration of 2 weeks during which the trainees are introduced to organizational structure of the regional police department and acquire general insight in jobs performed within it.

Second phase includes training in the BPTC in duration of 8 weeks and practical training in regional police departments in duration of 4 weeks during which the trainees are evaluated. The grade is entered in the log file and represents one of the grades from the module *Application of police authorities and use of enforcement measures*.

In the third phase, training in the BPTC in duration of 14 weeks is realized. Upon completion of the third phase, the trainees having positive grades in all subjects and modules take the final exam. The final exam consists of a test and practical procedure in the assigned situation.[1]

Trainees' work is evaluated after each training phase in the BPTC, practical and professional trainings in police stations/local offices. Basic goal of the evaluation is to determine, on the basis of received data, the level predefined goals and outcomes of basic police training are achieved. Evaluation showed that the quality of training improved significantly thanks to modern and efficient methods of work with the trainees, set clear and measurable training outcomes and increased number of practical situational training classes.[2] That the last statement is true is shown by great interest of young people to enroll to the basic police training and interest of different organization units of the Ministry to hire BPTC graduates after they pass their final exams.[3]

[1] Final exam is taken before the examination committee appointed by the Police Director. Student who does not pass the exam is directed to correctional exam. The correctional exam is taken within the period that cannot be shorter than 30 days or longer than 60 days from the day the final exam was taken. The correctional exam is taken before the examination committee appointed by the Police Director. Should the student not pass the correctional exam, his/her capacity of a trainee of the basic police training terminates.

[2] Puškar, B., Umićević, M., Mijailović M.: Reforma osnovne policijske obuke, Bezbednost, MUP R. Srbije, 3/2010, p. 357.

[3] Ibid., pp. 357-358.

Part of the final exam referring to practical procedure in the assigned situation consists of resolving practical situation (problem), and practical argumentation of the way it can be solved (discussion with the examination board). Trainee who passes the final exam is awarded a certificate on completed basic police training. Trainee who has completed the basic police training and fulfills administrative requirements prescribed by the law starts employment in the Ministry of Internal Affairs, acting as a probationary officer (Article No.115, Law on police, 2005).

MANNER OF TRAINING IMPLEMENTATION IN THE BPTC

One of the basic requirements that should have been realized in the process of training police recruits for the police profession was that whatever is taught should be connected with practice. Otherwise, regardless of how good the police instructors and training methods they use are, such curriculum remain at the level of abstract and is nothing more than taking notes that need to be reproduced in order to pass the exam or some other testing procedure. In the new training model, training methods of case studies, demonstrations, role plays, simulations, etc. are more frequently used. However, as overstating of theoretical aspect in training aggravates the application of knowledge in life reality, so overstating only the practical leads to blind practicism. The fact is that theoretical and practical contents need to be accessible both during training, but finding their optimal balance, in our practice, often is not an easily solved task.

Training in the BPTC is theoretical and practical and is based on adult teaching principles. It is carried out in smaller groups, not larger than 24 students. When it comes to the structure of curriculum, two approaches are applied:

1. discipline/subject based programs
2. problem based education programs

In the first case, training content is divided into subjects mainly corresponding to different scientific disciplines and fields. In the second case we deal with combination of contents from different disciplines and scientific fields, which enable a student to attain the level of competency necessary for a specific problem solving. In the process of curricula structuring and the organization of training contents, problem based programming is becoming increasingly dominant, that is, modular based programming as its specific variation and a fundamental manner of content and training structuring. Module is defined as a set of functionally related knowledge, skills and abilities (work competence) necessary for a particular

job or an assignment. Modules are considered to be relatively independent training units and as such can be organized and acquired either individually or as a part of wider program or organizational units. They are structured in such a manner that they provide for a variety of skills and competencies, the development of set of skills as well as for interdisciplinary and subject interrelatedness. Through analysis of training requirements and considering the age of participants, it was found that the most optimal didactic and methodical manner of training delivery at the BPTC is modular training. Besides the modular training, the BPTC implements subject based programs, content of which serves as support to different knowledge and skills acquired through the modules. Therefore, the curriculum of the vocational training of participants at the BPTC is of subject –modular structure and is implemented through three basic blocks with the following number of hours:

Block 1: General policing: 1. Police officer - rights, obligations and duties (25)[1]; 2. Criminal and Criminal Procedure Code (55), Administrative issues and misdemeanor procedure (16); Human rights and code of ethics (35); Fundamentals of security (9); Mental hygiene (45). Total: 185 hours.

Block 2: Policing skills: 1. Defensive skills (109); 2. General fitness (21); 3. Communication skills (76); 4. Handling fire arms and shooting training (71); 5. First aid (18); 6. Foreign languages- English or German (68); 7. Information and communication system (26); 8. Connections system (16). Total: 405 hours.

Block 3: Vocational modules: 1. Security sector (50); 2. Community policing (30); 3. Use of police powers and use of force (256); 4. Crime control (114); 5. Public order (98); 6. Traffic control and regulation (100). Total: 648 hours and 1238 hours of practical training.

Modular training is held according to realistic scenarios. As much real situations as possible that trainees as future police officers can face are prepared. For that purpose, a special training facility – tactical house – was built, with different contents (police office, bank, post office, an apartment, a square and a restaurant) representing true image of the surrounding where future police officers can end up during performance of their everyday duties. In the tactical house, in compliance with previously prepared scenario, situation training is conducted where instructors from different fields of specialty participate jointly. For example, during realization of the modular unit 'Deprivation of liberty of a suspect', it is necessary that, apart from the trainer from the field of crime suppression, trainer, from the fields of law, defense skills, communication skills, foreign language, first aid and

[1] Number of classes is in the parenthesis.

others also take part in the training. Also, an interdisciplinary approach is required during evaluation. The interdisciplinary approach to teaching also requires team work of instructors during class realization. When evaluating success of demonstration of trainees practical knowledge and skills, the grade is formed on the basis of the number of points received for each evaluated field individually. Besides the tactical house, in the BPTC there is also a laser shooting range (Laser Shot) which gives opportunity of practicing use of firearms with situation assessment. In such shooting range, the students are trained according to scenarios from the police practice in applying firearms from the aspect of legal regulations.

We will give an example of an outcome of firearm use that is covered in the laser shooting range and the tactical house. 120 professional situations were recorded (video clips) where real events are simulated with appropriate software support and the trainees practice using firearms with use of a gun with laser pointer inserted. Tanks to a camera acting as an "eye" of a police officer coming to the venue (or driving, or entering in someone else's apartment or other rooms, or proceeds following the police authorities), trainee has an impression of the situation reality. Every situation has several outcomes recorded; e.g. the perpetrator proceeds according to the police officer's orders, the perpetrator does not proceed according to the police officer's orders and continues with violence or the perpetrator attacks the police officer. Tactical scenarios and professional situations include the most often interventions of police officers in practice, such as school violence, street violence, violence of an aggressive driver during control and regulation of traffic. Roles from the aforementioned scenarios are played by the BPTC trainees together with co-trainers and trainers, and goals than need to be achieved are: assessment of conditions for firearm use, humanity and respect of human rights when using firearms, safe firearm handling and stress management.[1]

This kind of training demands a lot of practice and exercises trainees use to practice solving policing situations in a lawful and professional manner, by correlating legal, communicational and tactical topics that are time determined and in line with training within a module, where knowledge and skills from different teaching matters are merged. The special brunt lies upon police intervention trainings, from the very first notice up to final handling, as well as trainings of situations when police officers are exposed to high levels of stress[2].

[1] Puškar, B., Umićević, M., Mijailović M., *op.cit*., pp. 355-356.

[2] Puškar, B.: Reformed police education and training, Paper presented at the International Scientific Conference "Archibald Reiss Days" organized by The Academy of Criminalist and Police Studies, Belgrade, March 3-4, 2011.

Efficient conception of police officers training program requires precise definition of police procedure standards. If police procedure standards are defined in general, that leaves space for inconsistencies and arbitrary interpretations in performance of specific police actions during interventions. Without standardization of police procedure, it is hard to talk about professionalization of the police. In regard to that, B. Simonovic says: "In the last couple of years, there is no dilemma in the world: police professionalization means standardization and accreditation"[1]. Standardization of police procedure and accreditation of police organization units are roads that together with quality additional training and education in police departments lead to police professionalization. Aiming to quality additional training and education in police administrations, and with it improvement of efficiency and legality of police procedure, it is necessary to systematize special organization units (or executors) in police administrations, whose assignment would be to secure quality police officers professional training process.

SIGNIFICANCE OF PROBATIONARY POLICE OFFICER TRAINING

Regardless of how quality is the training that a policeman passes before joining the force, he cannot be expected to just by entering the service perform the jobs in a way experienced police officers do. Certain period of 'adaptation' is needed during which he/she shall be slowly introduced to the practice and trained for independent work, while on the other hand, the police organization also needs certain time to assess if probationary police officer has enough quality and amount of knowledge and skills necessary for

[1] *Standardization* of the police implies clear definition of standards regarding all aspects of police work. Professional police is one that fulfills prior clearly defined standards and acts in compliance with the procedures. Standardization is a process. Police procedure standards are brought by specialized bodies, i.e. independent bodies, or national boards consisted exclusively, or mostly, of professional police officers. Prior defined standards are revised, amended and improved. The idea is to define examples of best police practice and to turn them into standards in order to raise quality of work of the whole system. *Accreditation of police* units (departments) started adding to standardization in the police (somewhat later). The accreditation process is a clearly defined, objectified inspection procedure to determine if a police agency (e.g. police station) fulfills the prior adopted national or international standards. Cited according to: Simonović, B.: Primena savremenih metoda i sredstava u suzbijanju kriminaliteta – problemi i načini prevazilaženja, U: *Primjena savremenih metoda i sredstava u suzbijanju kriminaliteta*, Internacionalna asocijacija kriminalista, Brčko, 2008, p. 35.

efficient performance of police duties, but also to eventually discover faults made during selection, training process etc.[1].

In time when mentor training was being introduced in police organizations, probationary training was based on a simple way of learning - observing the role models and learning through imitation. Probationary police officers ended up being in a passive role because they were instructed to 'watch and learn' how things are done. It was often much more important for them to satisfy their mentors' expectations, and not the police organizations' ones, therefore they accepted their mentors' instructions without objections. As in those times there were no instructions and guidelines to specify precisely what and how the probationary police officers should be trained, as well as no selection and training of mentors, the probationary police officer's training largely depended on mentors' personal assessment and enthusiasm. As a consequence of that, there was a non-standardized training, where different probationary police officers within the same police organization received different training. Also, mentors had a very important role in forming positions, beliefs and work habits of a probationary officer. Manner in which a probationary police officer would experience his/her job, the police organization and community was often more subject to impact of the mentor than formal rules that exist within the police organization[2].

Considering the significance of training conducted after the acceptance in the service (during the probationary police training), this segment of training too was subject to reform. Bearers of this kind of training were police mentors and mentors coordinators (hereinafter the mentors) chosen from regional police departments in the whole territory of the Republic of Serbia, and who fulfilled certain selection criteria for performance of mentoring jobs. *Police mentors* are police officers or police sector leaders, while *mentor coordinators* are managers in police offices and inspectors in the Police Directorate and its field offices. Apart from their participation in probationary police training, the mentors also work with police cadets during the practical phases of their basic police training (field training during training course in BPTC)[3].

Aiming to standardization of practical training during police officer probationary period, the BPTC has organized training for police mentors and mentor coordinators. The basic idea is that the mentors build their knowledge

[1] Milić, N., *op.cit.*, p. 361.
[2] Ibid., p. 361.
[3] During basic police training, police cadets are directed twice to regional police administrations where practical training is conducted and that firstly in duration of two weeks (informative practice), and later, after completion of the second phase of training, in duration of four weeks.

on the course and adjust them to the new methodology of work, as well as to accept full responsibility for proper development of basic police training cadets and prospective police officers. During the two-week course in the BPTC, the mentors are familiarized with the curriculum of the basic police training, i.e. with knowledge that students of the basic police training will adopt, skills they will master and attitudes they will build, as well as with methods and manner of conducting the training, and particularly conducting modular training.

During probationary police officer training, the police mentor assists and directs the performance of everyday police duties required from probationary police officers to perform. The police mentor takes care that probationary officer implements the process of self evaluation. He/she helps them in realization of the training plan; speaks with them on daily basis and helps them in mastering the training plan and making reports on conducted activities. On the other hand, the mentor coordinator is a kind of a supervisor who controls the work of the police mentor. During the police probationary training, the mentor coordinator visits the police mentor and probationary officers at least three times and controls the implementation of practical training plan and the assignments realized from the plan both of the probationary officers and the police mentor through consulting and assessment.[1]

Training in real police practice is a good opportunity for evaluation of the level of adoption of knowledge and skills during the basic police training. Received feedback can significantly lead to training improvement. In that regard, the BPTC management organizes seminars with mentors and mentor coordinators on annual basis. On the seminars, mentors and mentor coordinators present their observations during the probationary police officer training and make suggestions aiming to overcoming the weaknesses observed (e.g. they point to necessity of correction of the number of classes of certain subjects and professional modules, (in)adequacy of presented contents, etc.). Considering the suggestions of mentors and mentors coordinators, the BPTC management made amendments to curriculums and class structure, reducing the number of subject classes that are excessive and increasing the number of classes of certain professional modules (for example, the overall number of classes referring to 'Application of police authorities and use of force' training content is increased as a result of such

[1] Consultation and assessment is the term for a meeting of mentor coordinators, police mentors and police apprentices where work of police probationary officer is analyzed, aiming to make systematic evaluation of his/her general progress, as well as to evaluate how professionally probationary police officer completes police assignments. Assessment should help probationary police officer to exploit the training, individually and in cooperation with others, in the best way.

feedback received from police practice). BPTC staff at least once during probationary pay a visit to trainees and make direct insight into work of mentor and mentor coordinators and the way field training is implemented in particular regional police department[1]. Besides observing probationary training problems, these visits are good opportunity for them to observe training needs in police practice, which consequently should become part of police training curriculum (i.e. incorrect tactic of taking the person to the police station that results in attacks on police officers). Communication of the BPTC's employees with mentors and mentor coordinators (during visits, seminars, informal contacts) enables the problems to be noticed timely and solved efficiently. Final outcome of that is well trained and skilled police officer.

During the practical training and the probationary training, mentors enable the trainee/apprentice to easily master the duties from the training plan. As police practice is often unpredictable and requires prompt decision making, it is certain that there is a possibility to make mistakes, especially when we are talking about a rookie police officer. If such possibility already exists, then it is best for it to happen in the presence of and under supervision of 'the best and the most experienced police officer' – we are talking about mentors. Manner in which the police probationary training is organized shows that professional development of future police officers is devoted great deal of attention from the moment they 'step' into the BPTC, all the way until the moment of taking the final police exam and acquiring the official status and becoming certified police officer.

Adopting skills and knowledge necessary in order to conduct everyday police duties in professional and lawful manner is not onetime activity. Learning and brushing up on the police skills must be continuous activities inside police organization. In the context of necessity of constant professional advancement of police officers, in-service training classes are organized in police stations which all police officers are obliged to attend. In-service training is conducted in accordance with the program defined by the specialized MOI's unit responsible for training and professional advancements (MOI Directorate for Police Education, Specialist Training, Professional Development and Science). Regarding that, in cooperation with the OSCE mission in Serbia, certain number of police officers is trained to use contemporary teaching methods and equipment, all in compliance with adult teaching principles. Having such knowledge and skills is a prerequisite for conducting training in police departments. However, police officers who should attend in-service training classes are often engaged in operative,

[1] There is no formal obligation of mentors or mentor coordinators to report BPTC on the progress of particular trainee.

every day tasks and due to performance of their regular work duties and achievement of satisfactory monthly results (i.e. crime clearance rate) they usually do not have time for quality preparation and realization of these classes, as well as for the overall training needs assessments. As a consequence, such training does not give the expected results and it often comes to fulfillment of a form.

INSTEAD OF CONCLUSION

Modernization of work and the overall reform of the police are unimaginable without modern system of police training. This is a possible explanation why the largest number of reforms of police organizations starts exactly in the field of police training. The reform of basic police training, furnishing the BPTC with modern equipment, introduction of new, contemporary training methods, i.e. interactive teaching, more practical training classes, situation trainings, field training in regional police administrations, all influenced on training quality and level of knowledge and skills of the BPTC graduates be improved and adjusted to contemporary trends in police training of the most developed European countries. All that has been done represents an important step towards the overall professionalization of the Serbian police.

All that has been done in the last couple of years, and refers to the reform of police training in the Republic of Serbia, has shown improvement. On the basis of feedback received from mentor coordinators, police mentors and heads of regional police departments, one conclusion can be made - the quality of police training is enhanced. This is also confirmed by the public surveys which showed an increase in public confidence in the police[1]. In the Republic of Serbia, police officers are now trained on the basis of standards which are in line with modern principles of policing, and these police officers will be ready to provide the citizens with high quality service at any moment, while respecting moral, ethical and professional norms and generally accepted civilization values. However, we should not stop there. Police officers training should be flexible and with its contents it should respond to social, scientific-technical and other developments that also reflect on the manner of performance of police work. Modern society is characterized with constant and fast changes, what is mainly a consequence of development of science and technology and their greater penetration into all aspects of everyday life. Today, it is not possible to conduct a short-term training for a profession; therefore, we should not allow training of a police

[1] For exampl*e, www.mup.gov.rs/cms/resursi.nsf/OEBS-**Istrazivanje**.ppt* (available in December, 2010)

officer end where it begins – in the BPTC. Training and learning should last during the whole police officer career. For that reason, in the future period, more attention should be paid to motivation and training of police officers to independently reacts in numerous problem situations they are to face in everyday performance of their jobs. They should be taught how to identify and define problems, assess what information they will need to solve a particular problem and how to learn them to use various information sources in order to apply them in solving a particular work problem. In other words, they should be taught how to solve problems they will meet during everyday performance of their jobs using their earlier acquired knowledge, experiences and different sources of information available to them. In such way, they are trained to overcome the 'gap' between what they are familiar with and what they should learn, and what is of essential importance for 'life long learning' in any profession, even the police one.

What is expecting us in the future period is finding ways how to make objective evaluation of achieved results. We cannot say, for example, that we have changed curriculums and teaching programs not looking back at what and how much we have achieved with it – is the change recognized in practice. Thus, every evaluation of police training should begin and come from practice. If we look at it carefully, it can give us an answer on the question where we are now, but also show us which direction we should follow.

At the end, no matter how high the quality of police training, training alone cannot change the police. New organizational design, better management and community leadership are also necessary conditions to change. Reform of the police itself and of police training must be closely linked. Only well trained police officers are ready and able to help plan and implement reform[1].

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INTEGRATING GRAMMAR IN MATERIALS FOR TEACHING ENGLISH IN THE AREA OF SECURITY

Abstract

Creating appealing teaching materials for ESP (English for Specific *Purposes) students is a great challenge for teachers, which cannot always be easily achieved. It requires extensive reading of specialist texts related to the particular area and their adaptation, with the aim to satisfy students' needs. This process encompasses adaptation of specialist texts to students' level of knowledge of English, and their transformation into exercises which will attract and keep students' interest and attention.*

This paper focuses on the integration of grammar in texts and exercises related to topics in the area of security, in a manner that would make grammar more interesting and would make students more motivated for acquiring grammar knowledge. Since new approaches in creating ESP teaching materials favor the use of content-based model based on the integration of the four language skills, in this paper we will present examples of successful integration of grammar in various types of activities based on texts dealing with security-related topics.

Key words*: language, grammar, ESP, teaching materials, security-related topics*

INTRODUCTION

Integrating grammar elements in the ESP[1] curriculum has always been considered a thorny issue by English teachers. This is mainly due to

[1] The acronym ESP stands for English for Specific Purposes, a separate branch of EFL (English as a Foreign Language) teaching which originated in the period after the Second World War as a result of the worldwide spread of English as the lingua franca of international communication. According to According to Hutchinson and Waters, the development of ESP was fostered by three major factors: 1) The rise of English as the international language of technology and commerce after the end of the Second World War and redefinition of the reasons for learning English; 2) Revolution in linguistics which shifted its aim from defining the formal features of language usage to discovering the ways in which language is actually used in real communication; and 3) New developments in educational psychology which led to the emphasis on the central importance of the learners and their attitudes to learning. In the post-war period a new generation of English learners occurred, all of them with different needs based on their professional qualifications, which

students' perception of grammar as an incomprehensible set of rules which are always hard to acquire and memorize and contribute to a great extent to their indifference and sometimes even aversion to such issues. On the one hand, we can agree on the complexity of grammar and the negative attitudes it may stimulate among English learners, but on the other hand we must be aware of the fact that learning a foreign language does not solely mean accumulation of vocabulary and expressions without appropriate knowledge of the language structure. In order to achieve adequate language proficiency level, the ESP curriculum should be designed in a manner that would enable integration of all components of the language, including grammar as its inseparable dimension, as well. This also refers to the ESP curriculum in the area of security, which, inter alia, is due to the urge to educate professionals who will be capable of communicating in a foreign environment on topics relevant to their profession.

The aspirations of the Republic of Macedonia towards the integration into the European Union and NATO membership implies greater need for professionals, particularly in the field of security, with a high proficiency of English as the international lingua franca, along with their necessary professional qualifications. In this sense, it is of crucial importance that the ESP curriculum of future law enforcement professionals incorporates language/grammar issues integrated in exercises or activities aimed at the development of the four skills: reading, speaking, listening and writing. It is only through the successful integration of all these elements that a deepened knowledge of English among this target group can be achieved. In this paper we will present different ways for integrating grammar in exercises and activities related to specific topics in the area of security. They have been implemented in the ESP curriculum of the students of the Faculty of Security in Skopje and proved to be very helpful for their successful acquisition of English language skills.

APPROACHES TO TEACHING GRAMMAR

Bearing in mind the importance of grammar skills for learners of English, it is essential that grammar activities are successfully integrated in the teaching materials. This goal is not always easy to achieve, which is mainly due to the difficulty of transforming this seemingly boring and uninteresting issue into practical exercises and activities that would attract and keep students' interest and motivate them for successful acquisition of the English

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implied the development of new teaching methodology that would meet their interests and expectations. (Hutchinson and Waters, 1987: 6-8)

language. In order to achieve this challenging goal, various approaches for teaching English grammar have been used, all of them having different levels of success among learners of English.

The **traditional approach** in teaching grammar has the longest history compared to the other ones. It refers to studying a foreign language through grammatical analysis and translation of written forms. The use of this approach means that English is used mainly through translation into the native language and memorization of grammar rules and vocabulary. At the end of the 19th and the beginning of the 20th century, the traditional approach was replaced by **structural approach**, which deals with analyzing language through three subsystems: phonology, morphology and syntax. After the Second World War, when spoken fluency of the foreign language was required, the **audio-visual approach** was developed as a reaction to the traditional model. The aim of this approach was to make learners competent to use the language communicatively, but it failed to achieve its aim completely, since it was mainly based on drills and repetitions for accurate production of the target language.

In order to meet the communicative needs of the learners, in 1960s the British linguists developed the **functional approach** to language instruction, which referred to presenting grammar content on the basis of the forms required for particular communicative or situational activities. In the 1970s and 1980s, grammar content was presented through the so called **communicative approach**, which focused on fostering communicative skills on the learners without formal grammar instruction. Learners were presented with meaning-focused input and they were supposed to acquire the forms and vocabulary naturally, by comprehending and responding to the input (Hinkel and Fotos, 2002: 2-5).

The analysis of the approaches mentioned above shows that in spite of their advantages and positive effects in presenting grammar content, none of them actually enables completely successful acquisition of grammar by the students, if used as a single approach. The structural approach is viewed as boring and monotonous for students, and has been abandoned by a majority of English teachers. The audio-lingual approach has also received criticism, since the language was still presented in a highly structured form and the acquisition of language was based on mere repetition. As far as the functional approach is concerned, although it offered a new method for addressing specific functions, it also had structural basis, which made him not wholly acceptable by the learners. Finally, the communicative approach received wide approval among English learners, mainly as a result of its lack of formal language instruction, but its application revealed many disadvantages. Namely, the sole exposure to language input, and the reliance on the students' capability for inferring language structure, without any

formal grammar instruction, was far from sufficient for educating learners able for proficient and correct communication in the foreign language in various contexts and at different levels.

INTEGRATING GRAMMAR IN COURSE MATERIALS FOR TEACHING ENGLISH IN THE AREA OF SECURITY

From what was previously presented, we can draw a conclusion that in order to achieve a high level of language proficiency, the English curriculum should be designed in a manner that would allow a combination of several different approaches which incorporate both contextual use of the language and formal presentation of language structure. This task is not always easy to achieve, especially if we take into account learners' low interest in grammar issues, which usually associates them with mechanical memorization of rules and definitions. As far as ESP teaching is concerned, the situation regarding this question is even more complicated. ESP teaching materials are supposed to support learning through stimulating cognitive processes and provide a structure for learners to follow, to motivate learners through proving achievable challenges and interesting content, and to provide a resource for self-study outside of the classroom (Richards, 2001: 251-252). Seen from this perspective, ESP teachers' role differ from the role of other English teachers in that they should not only design adequate and appealing course materials, but they should also organize them around specific topics related to specific profession. So, in our particular case, the ESP teachers in the area of security should create materials centered around security topics by adapting and modifying authentic security- related sources and transforming them into lessons that would be interesting for the students and would raise their motivation for learning English. They should think of the most appropriate teaching approach which would meet students' needs and expectations. Moreover, they should also integrate grammar content, which makes their task even more challenging and hard to achieve without exhaustive, hard, and time-consuming work on this subject.

In this section, we will present some of the models for successfully incorporated grammar content in ESP curriculum, based on the teaching materials used with the students at the Faculty of Security in Skopje. All the lessons within the course are based on the integrated teaching approach which refers to the integration of the four basic language skills: reading, writing, speaking and listening, through content-based exercises covering relevant security topics. We will try to show how grammar content can be integrated into the English language course in a manner that fosters students' creativity and stimulates their motivation for the acquisition of the language. The exercises which will be presented here are all related to the development

of the four skills as part of the integrated approach and received a very positive feedback from the students of English at the Faculty of Security.

a) Integration of grammar in exercises aimed at developing students' reading skills

Although the process of integrating grammar exercises in a text aimed at developing students' receptive reading skills might seem relatively easy, our experience proved the opposite. The written text should be related to a specific topic, and should be adapted on the basis of reading and comparison of various authentic sources. This process actually involves adaptation of a complex text to the students' level of knowledge of English, and integration of adequate grammar content. In order to illustrate a successful solution to this twofold challenge, we present here an excerpt from a text about the legal procedure and its different stages. The text provides basic introductory information about the legal procedure, and as far as grammar is concerned, it contains a lot of examples of passive voice and transition signals (*when, after, first, at the beginning, meanwhile, finally* etc.). The reason for choosing passive voice is that it is usually used in formal texts where a particular procedure is described, and we combined it with transition signals which are always used for putting events in a chronological order when we describe a procedure like this one. In order to make the exercise more challenging, the different paragraphs/sentences corresponding to different stages in the legal procedure are given in the wrong order, so the students should rearrange them and put them in the appropriate order with the help of the transition signals. After the rearrangement of the legal procedure stages, the students are encouraged to infer the form and the use of the passive voice and the function of each transition signal used in the text. We will present an excerpt from the text with the wrong order of the paragraphs/sentences (the correct order in written next to each paragraph/sentence) and the passive verb forms and transition signals written in bold:

At the end of the legal procedure*, the defendant may* ***be found*** *not guilty and set free. But, if they* ***were found*** *guilty, the judge passes a sentence, which may be a fine, probation, community service, conditional discharge or prison. (Key: 8)*

During the trial*, evidence* ***is presented*** *and witnesses* ***are cross-examined****. The public prosecutor and the lawyers may object to each others' questions and the judge may sustain or overrule the objection. (Key: 6)*

After *the convict has served their prison term, they* ***are set*** *free. They may* ***be released*** *earlier on parole for good behaviour. (Key: 9)*

At the beginning *of the trial, the defendant pleads guilty or not guilty.(Key: 5)*

Meanwhile*, the investigative judge takes statements from witnesses and suspects, if any. (Key: 3)*

When *a crime* ***is committed*** *and then* ***reported****, the police launch an investigation. (Key: 1)*

After *the police have finished their investigation, the public prosecutor files a case against the suspect.If there is no danger of the person committing a further offence,* ***s/he is released*** *on bail. However, if the charges are serious, the accused* ***is remanded*** *in custody and a trial date* ***is set****. (Key: 4)*

Finally*, closing arguments* ***are made*** *and the jury and the judge reach the verdict. (Key: 7)*

First*, a team of investigators goes to the crime scene and collects and records evidence which is sent for analysis. (Key: 2)*

Along with the acquisition of passive forms and transition signals as a segment of grammar, the aim of this activity is to foster students' ability to connect different parts of a text into a logical and meaningful unit. As a follow-up, students are asked to think of other processes from everyday life consisting of different stages and describe the whole procedure using transition signals as well as passive constructions.

b) Integration of grammar in exercises aimed at developing students' listening skills

Listening skills belong to the group of the receptive language skills, and adequate listening comprehension exercises are truly helpful for learning the language because in this way students are directly exposed to the language which is used in a particular context. Listening exercises are more complicated for the students compared to the reading ones, which is logical since the comprehension depends on the way the words are pronounced by the speakers without having the actual words in a written form and the comprehension task is not always easy to fulfill.

In order to illustrate a possible method for integrating grammar content into a listening comprehension activity, we chose an excerpt from an exercise related to description of events and people. The exercise is taken from a lesson dealing with descriptions, where the protagonist provides a detailed description of a particular event and a particular person. In this example, the students are given a short introduction about a case of mugging, where a girl is physically attacked in the street. The students are given the background of the event, the setting, the time and the place of the incident and other necessary information. The girl was walking home, late in the night, and was attacked by a man. After a short fight she managed to defend herself while the perpetrator ran away. The girl went to the nearest police station and reported the attack. Since all the events in the story refer to the past, it is logical that in this exercise students are supposed to practice the use of past simple and past continuous tense, so the introductory sentences are also in these two tenses. However, at this stage they are not given any formal explanation of the rules for using these tenses. The aim of this activity is to enable them to infer the grammar rules themselves by drawing analogies and deductions. They are supposed to listen carefully and to try to infer from context the situations in which these two tenses are used. Here is the excerpt from the listening part, with the past simple and past continuous forms written in bold:

*... As I **was walking** past an abandoned building, I **heard** some strange noise coming from behind. Thinking it was a jogger or walker I **slowed down** and **made** way for the person to pass, but it never **happened**. I **got** scared a bit, but **thought** it **was** just my imagination. As the footsteps **were getting** closer and closer I **realized** I was being followed. I **went on** walking, not paying too much attention, but after a few moments I **felt** the sound **was getting** louder and the footsteps **were getting** closer and closer. I **started** walking faster, but this person's pace **quickened**, too. Finally, I **turned** around and **saw** it **was** a man. He **was wearing** dark glasses. I **felt** my heart **was racing**; I **was** so scared, trembling with fear. I **was** one block away from my house. As I **was entering** a dark street, he suddenly **grabbed** me from behind, and **covered** my mouth with his hand. He **threatened** to kill me if I **tried** to resist. As he **was trying** to drag me into the bushes at the side of the footpath, I **took** my bag with my free hand, and **hit** him on the head. I **bit** his fingers with my teeth; they **started** bleeding, so I **could** finally free my mouth. I **screamed** for help, **hoping** that someone **would** hear me. Suddenly, the neighbors' dogs **started** barking and growling. The man **grabbed** my bag, **pushed** me in the gutter and **ran away**. The moon **was** bright enough so I **could** easily see him. He **was** between the ages of 35 and 40, about 6 feet*

tall, athletic, but not muscular, with short wavy dark hair, a long pale thin face, with a scar just above his lip…

After they finish with the listening part, there is a short discussion with the students about the uses of past simple and past continuous with sentences taken from the girl's monologue. After they acquire the formal rules regarding these two tenses, they are given a short practice. One of the options for an adequate follow-up is to ask the students to imagine themselves in a situation similar to the one of the girl from the previous activity. They should imagine that they were victims of an attack and they should try to tell the rest of the class what exactly happened to them and try to provide a description of the attacker. These activities are very useful because they foster students' creativity and engage them in a very interesting context-based practice of grammar issues.

c) Integration of grammar in exercises aimed at developing students' speaking skills

The follow-up activity from the previous section was actually an example of grammar content in the context of developing adequate speaking skills. In this section we will provide two more examples so as to illustrate this aspect of language acquisition. Speaking skills belong to the group of productive skills, which means that they require students' effort in producing meaningful units based on the input received from the receptive skills. From our practice, we have learned that students are most productive when they are engaged in activities involving pair work or group work. They find it much easier to communicate their ideas and thoughts when they work with someone else, rather than working alone. This is the main reason why most of the speaking activities in our course materials involve two or more students at a time.

To illustrate this, we chose speaking exercises related to different grammar units and different topics. The first example is taken from a lesson about domestic violence, where students are supposed to practice the use of Wh-questions and yes/no questions. The activity is organized in a form of an interview where students are given different roles. In this case, the story is about a woman who was a victim of domestic violence and reported the abuse she suffered to the police. She is at the police station and she is telling the police officer what happened to her. The students work in pairs and their task is to role-play the interview between the police officer and the victim. As a pre-speaking task they are given formal explanation of the basic rules for forming this type of questions which should help them perform their task. These are some sample questions they might use in the interview:

When *were you last abused by your husband?*
Have your children ever witnessed the abuse?
When *did your nightmares begin?*
Have you ever talked to someone about your problems?
Why *didn't you call the police the first time your husband attacked you?*
Do *your parents know about your problems? etc.*

This type of exercise is particularly useful if the pairs are made up of a stronger and a weaker student so that the stronger ones can help their partners if they find it difficult to express themselves. By engaging themselves in such activities with someone with better proficiency, the weaker students feel more encouraged to speak without paying too much attention to their fluency and the possible errors. The main goal is to make them speak and use the language, and an exercise like this one can help them achieve this goal.

The other example is taken from a lesson about traffic police. Again, we have an interview where the students' task is to ask each other questions about their driving habits. This time they do not play any roles. They should talk about their own driving habits, and in their interviews they are supposed to practice the use of gerund and the infinitive. Before they start, they are given a list of verbs which are followed either by the infinitive or the gerund, which should help them in the questions for their interviews. They are given several sample questions, but they should also add other questions based on the verb list. Here are some of them:

Do you ***enjoy*** *driv****ing*** *during the night?*
Do you ***like*** *listen****ing*** *to loud music while driving?*
Have you ever ***tried to ignore*** *the police while driving?*
Do you ever ***forget to put*** *the seatbelt on?*
Have you ever ***refused to take*** *an alcohol test? etc.*

For this activity it would be most appropriate to form pairs in which at least one of the students is a driver, in order to get true answers on the basis of their personal experiences.

d) Integration of grammar in exercises aimed at developing students' writing skills

As far as the writing skills are concerned, our experience shows that students do not show great interest for activities of this kind, unless they are designed in a way that stimulates their creativity especially through group

work. These skills are also considered as productive ones and require much effort and time by the students. In this part of the paper we will describe two writing activities including different grammar issues.

The first example is taken from the same lesson related to traffic police. This time the aim of the activity is to practice the use of different modal verbs. The students are asked to work in groups and write an e-mail to a friend who lives in England but has decided to visit them. He wants to travel by car, but he is not familiar with the driving rules in the students' country. The students have the task to explain to him the driving rules in their country and tell him about the things that he *must/ mustn't, should/shouldn't, have to/ don't have to do* etc.

The second example is taken from a lesson about foreign police missions. The grammar focus here is the use of reported speech. The lesson is about police missions abroad and the experiences of police officers who have worked as mission members in different countries worldwide. In the writing section the students are divided into groups of four and are given a headline which is the same for all the groups. In this case, the headline is: "*UNMIK Officer Killed During Shooting at Grocery Store"*. They are supposed to write the story on the basis of the headline, but they should pay attention to the use of reported speech, especially in the cases when they are re-telling the statements of the people involved in the events described in the story.

CONCLUSION

Taking into consideration the complexity of designing ESP courses, we can definitely agree that successful integration of language skills in specific content-based teaching materials is a highly demanding and challenging task for ESP teachers. The issue is made even more complex when the teachers are faced with the challenge to incorporate grammar content into course materials based on the integrated approach which refers to the integration of the four language skills. The sample activities presented in the paper, implemented within the English language course with the students at the Faculty of Security in Skopje are a good example of a successful integration of grammar into the ESP curriculum, which fosters students' interaction and contributes to raising their interest and motivation for acquiring English language skills. The acquisition of high proficiency of English is necessary for them, especially in the period when Macedonia is on its path to the integration into the European Union and NATO membership, which undoubtedly imposes the need for the education of professionals in various areas, among which the area of security, who will be able to communicate in English as the language of international communication. This type of ESP curriculum development can surely contribute to achieving this goal.

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ВГРАДУВАЊЕ НА ГРАМАТИЧКИ СОДРЖИНИ ВО МАТЕРИЈАЛИ ЗА ИЗУЧУВАЊЕ НА АНГЛИСКИОТ ЈАЗИК ОД ОБЛАСТА НА БЕЗБЕДНОСТА

Апстракт

Создавањето интересни материјали за изучување на англискиот јазик за студенти коишто изучуваат АПЦ (англиски јазик за посебни цели) претставува голем предизвик за наставниците, којшто не секогаш е лесно остварлив. Ваквиот потфат подразбира долго и напорно читање на стручни текстови од соодветната област и нивно прилагодување со цел да се задоволат потребите на студентите. Овој процес на прилагодување се однесува како во однос на нивото на знаење на англискиот јазик което го имаат студентите, така и во однос на нивната преобразба во соодветни вежби коишто ќе го привлечат и одржат вниманието и интересот на студентите.

Авторот на трудот се сосредоточува на вградувањето на граматички содржини во текстови и вежби коишто се однесуваат на теми од областа на безбедноста, на начин кој ќе ја направи граматиката поинтересна и ќе ги мотивира студентите за совладување на истата. Со оглед на фактот дека новите пристапи при создавањето материјали за изучување на англискиот јазик за посебни цели упатуваат на користењето на моделот заснован на конкретни теми, а кој пак од своја страна се базира на интегрирањето на четирите јазични вештини, во овој труд ќе бидат претставени примери на успешно вградување на граматички содржини во различни видови активности коишто обработуваат теми од областа на безбедноста.

Клучни зборови: *јазик, граматика, АПЦ, наставни материјали, безбедносни теми*

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SITUATED LEARNING IN THE FIELD OF TECHNIQUES IN CRIMINAL INVESTIGATION

Abstract

Following the achievements of the so called "cognitive revolution" in psychology, new insights into the approach to certain areas of education, especially in the field of natural sciences, have been acquired. Supporting the thesis that situated learning is an optimal way of acquiring knowledge and skills - competences in the field of criminal investigation, especially techniques in criminal investigation, long before Bologna process was institutionalized in Croatia, the existing subjects in the field of techniques in criminal investigation were adapted. Thus, the ex cathedra approach was transformed into situational approach. This paper shows the educational system at the Police College in Zagreb, regarding the field of techniques in criminal investigation based on situated learning, such as: situations based on concrete cases, real-life situations and circumstances, a step-by-step approach which does not allow the transfer to the new area before the previous one has been successfully completed. The step-by-step approach is important because it leads to self-elimination of students who are unable to accomplish the previous task, and proceed to the next one. Situations must be concrete and simple (abstract, imaginary situations, according to Anderson, J.R et al., in "situated learning and education are of little use"). Finally, the acquired competences must be at the level which is sufficient for conducting independent and simple procedures at the crime scene and in the lab, i.e. knowledge and utilization of methods and resources in the criminal investigation of mass crime, which are competences of professional baccalaureus/baccalaurea in criminal investigation.

Key words: cognitive revolution, situated learning, competencies, techniques in criminal investigation, investigation of mass crime, professional baccalaureus/baccalaurea in criminal investigation

INTRODUCTION

Before the Bologna process, the Police College was sometimes criticized for inadequate professional competences of its graduated students. Such criticism most often came from Heads of Police Departments and was related to the insufficient application of acquired knowledge and skills.

Long before the implementation of Bologna reform, some adaptations of the existing courses in Criminal Investigation studies, especially those concerning techniques of criminal investigation, have been reviewed. Even then, it was clear that theoretical knowledge for acquiring relevant competences was not sufficient. Consequently, the methodological approach to the educational program adaptation became a combination of lectures, practical exercises and seminars, with the lectures' content not exceeding 50%.

The beginning of reforming the system of Croatian University Education according to the principles of the Bologna Declaration has given an exceptional opportunity for a well organized and planned curriculum redesign with the goal of achieving better personal and professional competences of the students.

Accepting the previously mentioned criticism in the advantage of the reform, we analyzed the existing situation and came to results which have confirmed the need of transformation of the existing approach to the theoretical-practical-situated teaching. What we expect to gain from our labor is increased competence in simple technical procedures both at a crime scene and in the laboratory. In other words, it means knowing and practicing simple methods and resources in the investigation of crime.

Initially, several questions arose and the answers to them seemed easy. The first question refers to competences: Which are the quantitative and qualitative determinants for competences in the field of techniques of crime scene investigation for students, after completion of undergraduate studies in Criminal Investigation i.e. after acquiring a Bachelor's degree?

As to the competences, there are some theoreticians who advocate *measuring* of competences as an essential determinant for anticipation of job efficiency.[1] But on the other hand, there are skeptics who indicate the problem of competence assessment as a doubtful possibility of their exact

[1] McLeland, C., David: Testing for competence rather than for „inteligence", American Psychologist, USA, 1973.

evaluation and psychometric testing of instruments for their measuring.[1,2] For example, Huić and his research fellows all emphasize the self-evaluation of competencies in some professions[3] , while Thompson and Cole advocate that "strategic leaders must establish their unique mix of competences".[4]

Considering both opinions - the unquestionable importance of competence criteria and the inability of their exact determination, our estimation of competences was based on the data gathered from the police practice, students' feedback and teachers' experience, taking into account Bologna process principles from the documents included in the European system of university education[5,6].

COMPETENCES AND SITUATED LEARNING

The reforms of the university education have led to a reformulation of educational goals that refer less to what a teacher is supposed to do, and more to what a student can do after the active participation in the teaching process. Consequently, university education teachers are faced with demands of formulating teaching goals in terms of competences and teaching outcomes. For achievement of those goals, the new strategies of teaching are based on interactive learning and among them the problem-based and situated learning are probably the most important.[7]

The easiest way to define the competence is "an ability to perform duties to the standards required in employment, using the appropriate mixture of knowledge, skills and attitude".[8] All three aspects must be present if someone is to be effective at the workplace.

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[1] Sparrow, R., Paul: Organizational competences: creating a strategic behavioural framework for selection and assessment. In N. Andreson& P. Herriot (Eds.) International Handbook of Selection and Assessment, Chichester, John Wiley. P.p. 343-368, 1997.

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[4] Thompson, John; Colle, Melissa, Strategic competency - the learning challenge, Journal of Workplace Learning, Huddersfield, UK, 1997.

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[6] The European Higher Education Area, Towards the European Higher Education Area, Bologna process, Wiena, 2009.

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[8] Dessler, Gary; Cole, Nina, Sutherland, Virginia, Human Resources Management in Canada. 9th Canadian Edition, Toronto, Canada, 2005.

If we define knowledge as a sum of facts, information and skills acquired through experience or education, the competence represents such knowledge that allows solving of a particular issue, or simply, it is "the knowledge of the application of knowledge".[1] Competence criteria emphasize the desirable and key attributes of the system and therefore the assessment of the adequate person for a job is not based on the job description but on specifications of the person's competences.[2]

There is no simple answer to an apparently very simple question: "Which competences are required for a Bachelor's degree in criminal investigation?"

Theoreticians classify competences into social, professional and working.[3] Considering our students, the most important social competences are estimated as follows: communication skills, teamwork, capability of sharing the knowledge and information, decision-making, activity, leadership and creativity. As to professional competences, the most important are: knowledge of the system, usage of resources, skills and knowledge, proactive acquisitions, standardized procedures and direction towards the goal. Eventually, the most important work competences are: being acquainted with the organization, use of IT, operative decision making, knowledge of foreign languages, orientation towards citizens, ability in conflict and problem solving.

The next question which should be answered is: "Which methods of teaching are the most effective for gaining the required competences?"

While investigating didactic and pedagogical-psychological methods which are to be applied in university education, particularly in the area of adult education (for the reason that our students mostly belong to this category), we became acquainted with the principles of situated learning which we accepted as a desirable framework for gaining the required competences.

Situated learning has been developed as an alternative to traditional cognitive learning.[4] It is based on the fact that students cannot learn at school what exactly the real world is like. Situated learning is learning that takes

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[1] Svetlik, Ivan, Pavlin, Samo, Izobraževanje in raziskovanje za družbo znanja, Demokratizacijom profesinoalizacija in odpiranje v svet, Teorija i praksa, Slovenija, Ljubljana, 2004. (in original: "Menimo da competence predstavljajo posebno znanje: znanje o uporabi znanja").

[2] Bratton, John; Gold, Jeffrey, Human Resources Management: Theory and Practice, 3. edition, New York, USA, 2003.

[3] Boyatzis, E., Richard, The competent manager, a model for effective performance, New York, John Wiley, 1982. (his model was tailored to the competencies of the police officer).

[4] Fox, Stephen, Situated Learning Theory Versus Traditional Cognitive Learning Theory: Why Management Education Should Not Ignore Management Learning, Systems Practice, vol. 10, No. 6, The Management School, Lancaster University, Lancaster, UK, 1997.

place in the same context in which it is applied. First advocated by Jean Lave and Etienne Wenger, situated learning is based on two main principles: 1. Knowledge needs to be presented in authentic contexts - settings and situations that would normally involve that knowledge; 2. Social interaction and collaboration are essential components - learners become involved in a "community of practice" which embodies certain beliefs and behaviors to be acquired.[1]

Situated learning process presumes learning in social and physical context, in a real and specific situation, through activities of recognizing important information, their separation from irrelevant and applications of relevant information, methods and theories in the decision-making and the problem solving. Situations have to be real, or based upon real.[2] Comparing the situation with the first-hand experience helps us to adjust the acquired knowledge and apply our competences in other similar situations.[3]

Such approach allows acquiring and developing relevant competences instead of tiresome learning of theory. This is the crucial difference between the traditional and the competence-based learning. Traditional learning system is about knowledge acquisition while situated learning is contextualization of knowledge.

Indeed, situated learning approach does not imply neglecting of the cognitive learning. Competences are a result, a synthesis of knowledge and skills gained by miscellaneous learning modes which could be expressed by the flow chart:

READING → LISTENING TO the LECTURER → SEMINARS → EXERCISES → the SITUATION → the PROBLEM → the DECISION MAKING → the SOLUTION

Therefore, supporting the thesis that the situated learning is an optimal way of acquiring knowledge and skills in the field of criminal investigation, especially of techniques in criminal investigation, the existing subjects were adapted, so that the traditional *ex cathedra* approach was transformed into situational approach. The new concept was started in 2008 with the implementation of the course "Practicum of the techniques in crime investigation".

[1] Lave, Jean; Wenger, Etienne, Situated learning, Legitimate peripheral participation, Cambridge University Press, 1991.

[2] Anderson, R., John; Reder, M., Lynne; Simon A., Herbert, Situated Learning and Education, Educational Researcher, vol. 25, no. 4. Harvard, 1996.

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SITUATED LEARNING OF THE TECHNIQUES IN CRIMINAL INVESTIGATION AT THE POLICE COLLEGE IN ZAGREB

Preparatory contents

Curriculum was designed according to the principle of "step by step" learning: the course content is elaborated by a logical sequence, from easier to more difficult; in each semester the known is repeated, new knowledge and experiences are added, taking into consideration that students have completed the preceding course in order to be able to continue the following one.[1]

Students already become acquainted with the basic terms relevant to crime investigation techniques in the first semester of the course 'Introduction to Criminology' (15 hours of lectures + 30 hours of exercises, 4 ECTS). This includes the case study with relevant evidence and its role in further police investigations. Case study approach allows students to start developing some skills at the very beginning of the learning process.

Within the course 'Tactics of Crime Investigation' (30 hours of lectures + 30 hours of exercises, 6 ECTS) in the second semester of study, students gain an insight of interaction and the importance of integration of knowledge of the tactics and the techniques of crime investigation.

Throughout the course 'Techniques in Criminal Investigation' (30 hours of lectures + 10 hours of seminars + 20 hours of exercises), which is on the schedule in the third semester of study, students are provided with more knowledge of the application of natural sciences and modern technology in the investigation of crime. Teaching is performed by lectures, seminars and practical laboratory exercises.[2] Syllabus includes the crime scene, evidence collection and preservation and analysis of physical evidence as well as methods of identification.[3]

As most of our students have previous poor knowledge of natural and technical sciences, the first part of lectures was outlined as a review of those natural sciences (physics, chemistry and biology) essential for understanding of the scope that techniques in crime investigation actually are dealing with. Seminars are the forms of work in which students actively participate referring to the selected subject based on previously studied literature, or on a case from their practice.

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[1] Qualitative Thinking – Qualitative Education, CEPOL – European Police College, Luxemburg: Publication Office of the European Union, 2011.

[2] Kolar-Gregorić, Tatjana, Practicum of Criminological Techniques, Ministry of Interior of the Republic of Croatia, Police Academy, Zagreb, 1999.

[3] Kolar-Gregorić, Tatjana, Drills in the curriculum of Criminological Techniques, Collection of works at the Faculty of Criminological sciences 1992/93, Ministry of Interior of the Republic of Croatia, 1994.

The Introduction to the situational approach

In order to better adopt acquired theoretical knowledge there are also practical exercises that involve application of criminal investigation techniques. The first among them, the introductory exercise, is the type of demonstration in which experienced technicians demonstrate the processing of the simulated crime scene (finding of a corpse in an apartment). Students' task is to prepare the appropriate documentation, while gathered evidence is later examined in the laboratory. Solving the specific tasks of exercises students get acquainted with the most significant methods, instruments and the equipment used in crime scene investigation. Practical laboratory exercises are organized through the teamwork. Students are supplied with the necessary textbook with detailed instructions for their practical work.[1] For each exercise students have to be informed in advance on "why, what and how" it is being performed. During their work they have to make notes and discuss the obtained results.

Practicum of the techniques in crime investigation

Learning in the field of techniques in criminal investigation continues in the fourth semester of study through a facultative course named Practicum of Techniques in Criminal Investigation (5 hours of lectures + 25 hours of exercises, 3 ECTS). This course provides for evaluation of the theoretical knowledge and skills acquired in already completed courses of tactics and techniques in criminal investigation, and it is a synthesis of acquired knowledge and skills in the specific area of police praxis - the crime scene. Classes are conducted through group exercises in which groups of students independently, as well as with the assistance of the teacher, perform crime investigation - the technical investigation of a criminal act simulated according to the real event from the practice. It includes four selected examples of crime-scene cases: crime scenes of robbery and burglary, finding a corpse - a suspicious death, and of a traffic accident. The prepared situations (scenarios) on the scene are actually slightly modified real events, cases from the police practice. Students in the group discuss roles ("role plays"), decide who will secure the crime scene, who will lead the investigation and prepare crime scene reports , who will make the technical documentation (sketches, photographs) and eventually, who will be in charge to collect and preserve the evidence. Students process the scene using the appropriate equipment and procedures to prevent contamination and to ensure continuity of evidence. Processing a crime scene begins with isolation to preserve the scene, followed by documentation through sketches,

[1] Radmilović, Želimir, Krimarak 12: Work on the Crime Spot, Ministry of Interior of the Republic of Croatia, Police Academy, Zagreb, 2008.

photographs and written notes, and finally the systematic search, recovery, packing and labeling of the physical evidence. This evidence is then suitably logged and stored for subsequent laboratory analysis. In the laboratory the evidence is selected by relevance criterion and testing is carried out according to their evaluation. Using instruments and laboratory equipment, students carry out selected preliminary tests and write requests for further testing and expert evaluations. Further, they are obliged to make the "case file" compiled from reports and other documentation pertaining to the crime scene investigation. This documentation includes the report about securing the crime scene, official annotation about the work on the scene, photographs and sketches, evidence documentation and other reports. And eventually each group of students presents their work and the achieved results.

For this course the teaching material came in a written form, partly as an outline of crime techniques and tactics necessary for solution of tasks. The first part of the material refers to the crime and technical procedures on the crime scene, the basic assumptions of personal protection and protection of evidence to exhaustive descriptions of activities during crime investigation on particular stages. The other part is an outline of theory and praxis in the field of physical evidence, while the third part contains the scenarios of the cases with detailed instructions.[1]

After completing the course students acquire knowledge and skills which enable them to take independent procedures at a crime scene, to deal with objects and evidence in different stages of police procedures, to recognize and interpret particular evidence and situations on the scene, to use appropriate equipment and simpler procedures for processing the evidence, to know the possibilities and the scope of using evidence in the crime investigation as well as in the presentation of evidence in courts.

CONCLUSION

The course curriculum of Crime Techniques field at the Police College in Zagreb, made according to modern didactical, methodical, pedagogical and psychological principles, has been adjusted according to the requests of the reform of university education based on the Bologna Process.

The *ex cathedra* teaching has been significantly reduced, and the interactive relationship student – teacher has been established; in it, the students equally participate as individuals and as a team. The significant part of the teaching process has been outlined in the principles of active learning

[1]Kolar-Gregorić, Tatjana; Radmilović, Želimir, Krimarak 14: Practicum of Criminological Techniques, Ministry of Interior of the Republic of Croatia, Police Academy, Zagreb, 1999.

through a practical team work and learning from situations based upon specific cases from the police practice.

In this kind of systems of studies, the student is a subject and not just the faculty's teaching object, and the importance is attached to the learning outcome and not to adopted contents; further on, students are encouraged to their independent work and to draw conclusions, and especially to adopt the skills required in their further professional life. All of this will inevitably contribute to the acquisition of the needed competences of the Bachelor in Criminal Investigation. But, regarding the short period of teaching according to the principles of situated learning, it is not possible to see its actual effects on the police practice yet.

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CHALLENGES TO THE CRIMINAL JUSTICE REFORMS THROUGH THE PERSPECTIVES OF EURO-ATLANTIC AND EUROPEAN INTEGRATION PROCESSES

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THE DISPUTE BETWEEN THE REPUBLIC OF MACEDONIA AND GREECE BEFORE THE INTERNATIONAL COURT OF JUSTICE

Abstract

On November 17, 2008, the Republic of Macedonia initiated proceedings before the International Court of Justice (ICJ), alleging that Greece objection to its application to join the NATO breaches the 1995 Interim Accord between these two states. Article 11.1. of the Interim Agreement states that Greece "agrees not to object to the application by or the membership of" Macedonia in international, multilateral and regional organizations and institutions of which it is a member, if the application is under the provisional name. In the Bucharest NATO Summit Declaration, on April 3, 2008, is quoted that "an invitation to the former Yugoslav Republic of Macedonia will be extended as soon as a mutually acceptable solution to the name issue has been reached". In its application Macedonia argued that Greece's actions blocked the delivering of NATO's invitation.

This paper deals with and comments on the procedure at the International Court of Justice. In the first phase the two parties submitted written pleadings and evidence (Macedonia by July 20, 2009, and Greece by January 20, 2010). In continuation of this phase Macedonia submitted a written Reply by June 9, 2010, and Greece submitted a Rejoinder by October 27, 2010. The second phase, which is oral and public and scheduled for March 21- March 30, 2011, will also be commented and analyzed, as well as the options for possible judgment. The judgment, which is expected to be delivered by the end of this year, according to Article 60 of the Statute, is final, without right of appeal, and has binding force.

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1. Background of the Dispute

With the dissolution of the former Yugoslav Federation in the early 1990s, the Republic of Macedonia declared independence on 17 September 1991, following a referendum. After adoption of a new Constitution, on 17 November 1991, the Assembly of the Republic of Macedonia, on 19 December 1991, adopted a further declaration seeking wider international recognition as a sovereign and independent State.

The Badinter Commission, established by the Council of Ministers of the European Union (EC Council), recommended that the European Community (EC) accepts the Republic of Macedonia's request for

recognition. The Commission takes the view that "the Republic of Macedonia satisfies the tests in the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union and the Declaration on Yugoslavia adopted by the Council of the European Communities on December 1991; and that it has, moreover, renounced all territorial claims of any kind in unambiguous statements binding in international law; that *the use of the name "Macedonia" cannot therefore imply any territorial claim against another State…*" [1]. However, Greece blocked EC recognition arguing that Macedonia's name, flag and some provisions in its Constitution implied territorial claims against it[2].

The Republic of Macedonia was admitted to membership in the United Nations in 1993 under the provisional name "the former Yugoslav Republic of Macedonia" [3]. Security Council Resolution 817 (1993) contains the following unique expression: "*Recommends* to the General Assembly that *the State whose application is contained in Document S/25147* be admitted to membership in the United Nations, this State being provisionally referred to for all purposes within the United Nations as "the former Yugoslav Republic of Macedonia" pending settlement of the difference that has arisen over the name of the State". It should be noted that additional conditions for Macedonia's admission in UN are contrary to UN Charter [4]. However, it is not the intention of this paper to comment UN's violation of its own Charter.

After a first escalation in 1994, which led to embargo measures by Greece, the two States concluded an agreement in 1995 on Greece's recognition of Macedonia, on the establishment of liaison offices and on normalization of economic relations. Macedonia agreed to change its national flag featuring the ancient Macedonian "Star of Vergina". This

[1] The Commission was set up by the Council of ministers of the EEC to provide legal advice on matters resulting from the dissolution of the Socialist Federal Republic of Yugoslavia, including applications for recognition made by former Yugoslav States. See: International Court of Justice. Application on the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), 17 November 2008, Annex III, available at: http://www.icj-cij.org/docket/files/142/14879.pdf.

[2] *See* the Greek Memorandum annexed to UN Doc. S/25541 (1993).

[3] *See* Security Council Resolution 817 (1993) at para. 2.

[4] Additional conditions for Macedonia's admission in UN are contrary to articles 2(1) and 2(7) and 4 from UN Charter. Article 2(1) refers to sovereign equality of state members, article 2(7) states that the United Nations are not authorized to intervene in matters which are essentially within the domestic jurisdiction of any state, while article 4 refers to the procedure for admission in UN with explicitly regulated conditions. See Igor Janev, Legal Aspects of the Use of a Provisional Name for Macedonia in the United Nations System, American Journal of International Law, Vol. 93, No. 1, January 1999.

"Interim Accord"[1] included an undertaking to continue negotiations under the auspices of the UN Secretary-General "with a view to reaching agreement on the difference" that has arisen over the name. The Interim Accord remains in force [2] pursuant to Article 23, paragraph 2, not having been superseded by a definitive agreement or withdrawn from by 12 months' written notice from either of the Parties.

2. Republic of Macedonia's Application

Republic of Macedonia expected to receive an invitation to join NATO during the 2-4 April 2008 Bucharest Summit of NATO. Namely, since 1995, following the adoption of the Interim Accord, Macedonia gained membership of NATO's Partnership for Peace programme, under the provisional reference provided for by resolution 817. In 1999 Macedonia started to participate in the NATO Membership Action Plan (MAP), also under the provisional reference. Macedonia's military forces have since then participated in numerous NATO exercises and contributed to a number of NATO campaigns, including the NATO-led Kosovo Force (KFOR) mission. Republic of Macedonia has contributed to the NATO-led operation in Afghanistan since 2002, and currently has approximately 170 personnel operating under NATO command[3]. It should be noted, that the number is larger than the number of Greek NATO staff.

The Bucharest Summit Declaration provided instead that "an invitation to the former Yugoslav Republic of Macedonia will be extended *as soon as a mutually acceptable solution to the name issue has been reached"* [4]. Macedonia's Application to the International Court of Justice [5] alleges that Greek actions have denied its membership in NATO. NATO admission procedure provides that an invitation to join the Organization can

[1] Interim Accord (with related letters and translations of the Interim Accord in the Languages of the Contracting Parties), Greece—the former Yugoslav Republic of Macedonia (signed in New York 13 September 1995; entered into force 13 October 1995) 1891 U.N.T.S. I-32193; 34 I.L.M. 1461.

[2] The Interim Accord entered into force on 13 October 1995, pursuant to its Article 23, paragraph 1. It was registered by Greece with the United Nations (with number 32193) on the same day and has been binding on the Parties since that date.

[3] See Professor Philippe Sands, The Factual Background: 1991 to the Interim Accord, Public sitting held on Monday 21 March 2011, at. 3 p.m., in the case concerning Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), p.33, available at: http://www.icj-cij.org/docket/files/142/16362.pdf

[4] Bucharest Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008, Press Release (2008)049 at para. 20, *available at* http://www.nato.int/docu/pr/2008/p08-049e.html.

[5] See Application to the International Court of Justice, note 1 at para. 5.

only be extended by unanimous agreement of all NATO Members[1]. The position taken by Greece in the lead-up to the Bucharest Summit made it clear that Greece opposed the extension of such an invitation. For example, Prime Minister, Kostas Karamanlis, in his speech before Parliament on 22 February 2008, stated that "without a mutually accepted solution to the main issue (to the name difference), there can be no invitation to participate in the Alliance" [2]. Two days before the Bucharest Summit, the Greek Foreign Minister Dora Bakoyannis, in an article published in the International Herald Tribune entitled "Macedonia and NATO. The View From Athens", stated: "As long as the problem (issue of its name) persists, we cannot and will not endorse FYROM joining NATO or the European Union. [3]".

Therefore, Macedonia claims that Greece has violated Article 11(1) of the Interim Accord, which provides: "The Party of the First Part agrees not to object to the application by or the membership of the Party of the Second Part [4] in international, multilateral, and regional organizations and institutions of which the Party of the First Part is a member; however, the Party of the First Part reserves the right to object to any membership referred to above if and to the extent the Party of the Second Part is to be referred to in such organization or institution differently than in paragraph 2 of United Nations Security Council resolution 817 (1993)". Macedonia's strong argument is principle **pacta sunt servanda** - the fundamental principle of treaty law that treaties are binding upon the parties to them and must be performed in good faith. As arguably the oldest principle of international law, pacta sunt servanda was reaffirmed in article 26 of the 1969 Vienna Convention on the Law of Treaties and underlies every international agreement. The law of treaties rests upon this principle since the whole concept of binding international agreements can only rest upon the

[1] North Atlantic Treaty (signed 4 April 1949, entered into force 24 August 1949) 34 U.N.T.S. 243, Article 10.

[2] Professor Sean D. Murphy, The Factual Background: The Respondent's Opposition to the Applicant's NATO Membership, Public sitting held on Monday 21 March 2011, at. 3 p.m., in the case concerning Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), p.45, available at: http://www.icj-cij.org/docket/files/142/16362.pdf.

[3] *See* Dora Bakoyiannis, 'Macedonia and NATO: The View from Athens', International Herald Tribune, 31 March 2008, *available at* http://www.iht.com/articles/2008/03/31/opinion/edbakoy.php.

[4] To avoid the name issue, and according to the principle of reciprocity in international law, this provision refers to Greece and Republic of Macedonia as "the Party of the First Part" and "the Party of the Second Part" respectively. Article 1, paragraph 2 of the Interim Accord makes it clear that "The Party of the First Part shall as promptly as possible establish a liaison office in Skopje, the capital of the Party of the Second Part, and the Party of the Second Part shall as promptly as possible establish a liaison office in Athens, the capital of the Party of the First Part."

presupposition that such instruments are commonly accepted as possessing that quality [1].

In its Memorial submitted on 20 July 2009 [2] the Republic of Macedonia emphasized the essential facts in relation to the current proceedings:

• In signing the Interim Accord, the Respondent agreed not to object to the Applicant's membership of international, multilateral or regional organizations or institutions of which it was already a member, unless the Applicant was to be referred to within those bodies as anything other than 'the former Yugoslav Republic of Macedonia'.

• Following the Interim Accord coming into force, the Applicant became a member of a large number of organizations and institutions of which the Respondent was a member [3].

• In a series of statements and démarches over the course of late March/early April 2008 at the NATO Bucharest Summit on 3 April 2008, the Respondent objected to the Applicant's membership of NATO, despite the fact that the Applicant was to be – and had agreed to be – referred to as 'the former Yugoslav Republic of Macedonia' within the organization.

• In the lead up to the Bucharest Summit and when objecting to the Applicant's membership of NATO, the Respondent did not seek to justify its objection by reference to the single permissible ground for objection, as set out in Article 11(1) of the Interim Accord. Greek Prime Minister Kostas Karamanlis, on the 3 April 2008, stated that "Due to Greece's veto, FYROM is not joining NATO. I had said to everyone – in every possible tone and in every direction – that 'a failure to solve the name issue will impede their invitation' to join the Alliance. And that is what I did. Skopje will be able to become a member of NATO only after the name issue has been resolved" [4].

Republic of Macedonia requests the Court to order Greece to cease objecting to its membership to NATO or any other international organization. **The first request is retrospective**, in the sense of looking to the past conduct of the Respondent, asking the Court: "to adjudge and declare that the Respondent, through its State organs and agents, has violated

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[1] See Brownlie, *Principles*, pp. 591–2, and McNair, *Law of Treaties*, vol. I, chapter 30. See also article 26 of the Vienna Convention on the Law of Treaties, 1969.

[2] See: International Court of Justice, Case Concerning the Application of Article 11, Paragraph 1, of the Interim Accord of 13 September 1995 (The Former Yugoslav Republic of Macedonia v. Greece) Memorial, Volume I, 20 July 2009, p.65, available at: http://www.icj-cij.org/docket/files/142/16354.pdf.

[3] Actually, Macedonia became member of OSCE on 12 October 1995, one day before Interim Accord entered into force (!), and of Council of Europe in November 1995, which is clear sign that Greece withdrew its objection to Macedonian membership immediately after signing Interim Accord.

[4] See Note 11, p. 47.

its obligations under Article 11, paragraph 1 of the Interim Accord". **The second request is prospective**, in the sense of looking to the present and future conduct of Greece, and asks the Court to adjudge and declare that: "the Respondent immediately take all necessary steps to comply with its obligations under Article 11, paragraph 1 of the Interim Accord, and to cease and desist from objecting in any way, whether directly or indirectly, to the Applicant's membership of the NATO and/or of any other "international, multilateral and regional organizations and institutions" of which the Respondent is a member, in circumstances where the Applicant is to be referred to in such organization or institution by the designation provided for in paragraph 2 of United Nations Security Council resolution 817 (1993). [1]"

In its Memorial Macedonia emphasized that the effect of the Order should be to require the Respondent to communicate to all members of NATO that it does not object to the Applicant's membership of NATO in circumstances where the Applicant is to be referred to in NATO by the designation provided for in paragraph 2 of Security Council resolution 817. The need for such an Order arises because the effect of the Respondent's violation of Article 11(1) is of a continuing character. The Order sought is not limited to the issue of NATO membership, but also relates to other ongoing or future applications on the part of the Applicant for membership of "any other 'international, multilateral and regional organizations and institutions'", including any procedures related to the Applicant's application for membership of the European Union.

3. Jurisdiction of the International Court of Justice

According to Article 36, paragraph 1, of the Statute of the International Court of Justice "The jurisdiction of the Court comprises all cases which the parties refer to and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force". As Member States of the United Nations, according to Article 93 of the UN Charter, Macedonia and Greece are *ipso facto* parties to the Statute of the Court and are entitled to refer cases to it. Furthermore, under Article 21(2) of the Interim Accord, "[a]ny difference or dispute that arises between the Parties concerning the interpretation or implementation of [the] Interim Accord may be submitted by either of them to the International Court of Justice, except for the difference referred to in Article 5, paragraph 1", this being the difference concerning the name. Republic of Macedonia relies on Article 21(2) to establish the Court's jurisdiction.

[1] See Note 15, Ch.VI: The Relief Sought, p. 114-122.

Greece has raised objection on the assertion that the dispute before the Court is actually the difference over the State's name, i.e. it is political issue, and also that it is specifically excluded from the Court's jurisdiction under Article 21(2) of the Interim Accord. However, in its Application Macedonia preemptively rebuts such an objection. It stated that "The subject of this dispute does not concern — either directly or indirectly — the difference referred to in Article 5, paragraph 1, of the Interim Accord and, accordingly, the exception to jurisdiction provided for in Article 21, paragraph 2, of the Interim Accord does not apply" [1].

Article 36(2) of the Statute of the Court requires that a matter brought before it should be a legal dispute. While political aspects may be present in any legal dispute brought before it, the Court was only concerned to establish that the dispute in question was a legal dispute "in the sense of a dispute capable of being settled by the application of principles and rules of international law". The fact that other elements are present cannot detract international law from the characterisation of a dispute as a legal dispute [2]. The Court has also referred to the assessment of the legality of the possible conduct of states with regard to international legal obligations as an "essentially judicial task" [3]. Accordingly, "the task of the Court must be to respond, on the basis of international law, to the particular legal dispute brought before it". As Malcolm N. Shaw [4] stated, the fact that the issue before the Court is also the subject of active negotiations between the parties [5], or the subject of good offices activity by the UN Secretary-General [6] or the subject of consideration by the Security Council [7] or regional organisations [8], will not detract from the competence of the Court or the exercise of its judicial function. Security Council has functions of a political nature, while the Court itself has functions of a legal nature, and therefore both organs

[1] See Application to the International Court of Justice, note 1, at para. 10.
[2] ICJ Reports, 1988, p. 92; 84 ILR, p. 247. See also the *Iranian Hostages* case, ICJ Reports, 1980, pp. 7, 19–20; 61 ILR, pp. 530, 545–6 and *Legality of the Threat or Use of NuclearWeapons*, ICJ Reports, 1996, pp. 226, 234; 110 ILR, pp. 163, 184.
[3] See the Advisory Opinion on the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, ICJ Reports, 1996, pp. 66, 73; 110 ILR pp. 1, 13.
[4] Malcolm N. Shaw, International Law, Sixth Edition, Cambridge University Press, 2008, p.1064-1067.
[5] See the *Aegean Sea Continental Shelf* case, ICJ Reports, 1976, pp. 3, 12; 60 ILR, pp. 562, 571.
[6] See the *Iranian Hostages* case, ICJ Reports, 1980, pp. 7, 21–2; 61 ILR, pp. 530, 547–8.
[7] See the *Nicaragua* case, ICJ Reports, 1984, pp. 392, 431–4; 76 ILR, pp. 104, 142–5.
[8] ICJ Reports, 1984, p. 440 and *Cameroon* v. *Nigeria* (*Preliminary Objections*), ICJ Reports, 1998, pp. 275, 307.

could perform their separate but complementary functions with respect to the same events [1].

4. Greece's Counter-Memorial

In its Counter-Memorial submitted on 19 January 2010 [2], Greece stated that it committed itself to withhold its objections to the Applicant's participation to international organizations of which Greece was a member in exchange for its commitment: to cease its irredentist and other antagonizing behaviour; to be referred to as the Former Yugoslav Republic of Macedonia in international organizations; and to negotiate in good faith. As stated in the Greece's Verbal Note dated 15 May 2008: "the former Yugoslav Republic of Macedonia has been materially breaching the Interim Accord since its conclusion, by asserting and supporting territorial claims against Greece (material breach of Articles 2, 3 and 4), by promoting and condoning irredentism (material breach of Article 6(2)), by allowing and not discouraging acts inciting violence, hatred and hostility against Greece (material breach of Article 7(1)), by continuing, without any justification, the inappropriate use of symbols pertaining to the historic and cultural patrimony of Greece despite the protest of the latter (material breach of Article 7(3)) and by prohibiting historical research [...] which constitutes a material breach of Article 8(1)" [3].

Greece asserted that, even though Applicant has the obligation under Article 6(2) of the Interim Accord and the 1992 amendment to its own Constitution not to interfere in Greece's internal affairs, it has violated this obligation "by promoting and condoning irredentism", in particular in the statements by its officials about the existence of a "Macedonian minority" in Greece. Athens declared that one additional violation of the Interim Accord is to be found in the continued improper use by the Applicant of the "Sun of Vergina", breaching article 7(2) of the Interim Accord by using Greek symbols. Macedonia is also alleged for breaching of Article 7(3), by use of Greek historical and cultural symbols. Namely, "the decision to name the main stadium of Skopje after 'Philip II, the Macedon'" is characterized as

[1] ICJ Reports, 1984, p. 435; 76 ILR, p. 146.

[2] See: International Court of Justice, Case Concerning the Application of Article 11, Paragraph 1, of the Interim Accord of 13 September 1995 (The Former Yugoslav Republic of Macedonia v. Greece) Counter-Memorial, Volume I, 19 January 2010, available at: http://www.icj-cij.org/docket/files/142/16356.pdf.

[3] See Memorial, Annex 51, Verbal Note dated 15 May 2008 from the Hellenic Republic Liaison Office in Skopje to the Ministry of Foreign Affairs of the Republic of Macedonia.

attempt to appropriate Greece's historic and cultural patrimony[1]. Also, Greece stated that Macedonia has breached Article 11(1) of the Interim Accord in many different occasions, notably by insisting on using its constitutional name in the U.N.

The Greek point is that, since Macedonia "has grossly breached its part of the obligations imposed upon the parties by Article 11(1), this would have been a more than sufficient basis for Greece not to comply with its own part of those obligations"[2].

5. Legal Aspects of the Dispute

The key question in this dispute is how to interpret Greece's undertaking "not to object to the application by or the membership of" Macedonia in international organizations of which Greece is a member. Greece only reserved its right to object if Macedonia seeks to be identified by any name other than "the former Yugoslav Republic of Macedonia".

One possible interpretation of this provision would be that it obligates Greece "not to object" to any application for membership to an international organization that Macedonia submits irrespective of any (other) admission criteria, and that Greece *only* reserved the right to object if Macedonia "is to be referred to in such organization" differently from the name "Former Yugoslav Republic of Macedonia". If such an interpretation were to be adopted, then Greece would appear to have breached Article 11(1). If a member of an international organization can unilaterally waive its discretion to determine whether a candidate State fulfills the organization's admission criteria, then Greece would appear to have done so, and to have agreed to support any Macedonian application under the agreed name.

Greece asserted, however, that as a matter of the law of international organizations, evaluation of a prospective member's conformity with admission criteria is a duty to the other members or to the organization itself which an individual member cannot unilaterally waive. This principle is a corollary to the established principle that members are obligated not to condition admission to an organization on criteria other than those in the organization's constitution [3].

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[1] Verbal Note from the Hellenic Republic Liaison Office in Skopje to the Ministry of Foreign Affairs of the FYROM, No. 141.1/48/AS 488, dated 15 April 2009: Annex 71.

[2] See Counter-Memorial, Note 27, p.195.

[3] *Cf. Conditions of Admission of a State to Membership in the United Nations*, Advisory Opinion, [1948] I.C.J. Rep. 57 at 62-63 and 64-65, which of course refers specifically to the interpretation of Article 4 of the UN Charter. However, this approach to admission criteria could be seen as applying to all international organizations whose constituent instruments provide for general admission conditions.

Indeed, there is only one circumstance in which the Greece may lawfully object: if Macedonia sought to join NATO under circumstances in which it would be referred to in that organization differently than as provided in Security Council resolution 817. This was not the case, and there is no dispute before the Court that the Applicant sought membership in NATO in the expectation that the practice in that organization would be the same as that in the United Nations.

Greece argues that there was no breach of Article 11 because Article 22 of the Interim Accord protects and preserves its rights as a NATO member and the duties it owes to that organization and to all other NATO members. The other argument, although it disclaimed any intention of raising it in its Counter-Memorial, is that its objection can be excused as a lawful countermeasure to a wrongful act by the Applicant. It should be noted that none of these justifications was raised before April 2008: they are all ex post facto explanations; they are all invented in the course of this litigation to justify patently unlawful actions [1]. Greek defense seeks to replace a system designed to ensure the stability of treaty relations with arrangements that allow a State party to a treaty to circumvent its obligations, without giving notice, without being required to meet any procedural requirement or without being based on any standards capable of objective application.

Next important issue in the dispute could concern the permissibility of countermeasures by Greece in response to alleged previous breaches of the Interim Accord by Macedonia. Greece has accused the Macedonian side of violating the Accord a number of times in the past. It remains to be seen whether Greece will claim the NATO veto—if found in breach of Article 11(1) of the Interim Accord—to have been a countermeasure justified under general international law [2]. Such a claim could lead the Court to explore whether such countermeasures were justified or proportional [3].

However, three conditions have to be met for a State to be able to exercise lawful countermeasures. First, the measures can only be taken in response to a previously committed wrong. Second, countermeasures can only be taken after the injured State has given notice to the State committing the allegedly wrongful act and calls upon it to discontinue the wrongful

[1] See Professor Philippe Sands, The Respondent's Breach of Article 11(1) Cannot Be Excuse, Public sitting held on Tuesday 22 March 2011, at. 10 a.m., in the case concerning Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), p.49-62 available at: http://www.icj-cij.org/docket/files/142/16364.pdf

[2] International Law Commission, Articles on the Responsibility of States for Internationally Wrongful Acts, UN Doc. A/56/10 (2001), Articles 22 and 49.

[3] *Ibid.*, Articles 51-52.

conduct in question. And third, countermeasures must be proportionate. Greece has failed to establish that any of these three conditions has been met.

Greece's new claims of material breach are part of its overall strategy to divert attention from its violation of Article 11, yet another ex post facto attempt to justify unlawful conduct. It has not been able to identify a single occasion prior to its acts of objection in April 2008 when it confronted Macedonia with a claim that it had acted in material breach, a substantial violation of the Interim Accord. The first Note Verbale that does this is dated 15 May 2008, more than a month after the Respondent objected at the Bucharest Summit to the Applicant's membership of NATO. Also, this was only sent in response to a Note Verbale that Macedonia sent in which raised the Respondent's conduct as being a violation of the Interim Accord; a violation by objecting to NATO membership on a ground not permitted by Article 11 (1). In its Note Verbale, the Respondent accuses the Applicant of "materially breaching the Interim Accord since its conclusion"– the Respondent alleges violations of various provisions of the Accord. There is no evidence of allegations of material breach before April 2008 brought to the attention of the Applicant. These allegations of the Respondent are factually baseless and they are incapable of amounting to an "internationally wrongful act" within the meaning of Article 49 of the Law Commission's Articles. None of the Respondent's allegations amount to breaches of the Interim Accord, and the Respondent is in no way an "injured State" entitled to exercise lawful countermeasures [1].

6. Conclusion – possible outcome

This is the first time that Republic of Macedonia has appeared as a party in the International Court of Justice, and the first time that Greece has appeared in the Court as a respondent.

The Court has freedom to select the ground upon which it will base its judgment and when its jurisdiction is challenged on diverse grounds, it is free to base its decision on one or more grounds of its own choosing, in particular "the ground which in its judgment is more direct and conclusive" [2]. Once the Court has reached a decision on jurisdiction, that decision assumes the character of *res judicata* [3], that is it becomes final and binding upon the

[1] See Professor Philippe Sands, The Respondent's Breach of Article 11(1) Cannot Be Excuse, Public sitting held on Tuesday 22 March 2011, at. 3 p.m., in the case concerning Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece), p.19-24 available at: http://www.icj-cij.org/docket/files/142/16364.pdf

[2] *Serbia and Montenegro* v. UK, ICJ Reports, 2004, pp. 1325.

[3] See the *Genocide Convention (Bosnia* v. *Serbia)* case, ICJ Reports, 2007, paras. 117 ff.

parties. It is also necessary that the application be admissible [1]. Admissibility refers to the application of relevant general rules of international law, such as exhaustion of local remedies in cases concerning diplomatic protection [2]. Objections to admissibility normally take the form of an assertion that, even if the Court has jurisdiction and the facts stated by the applicant state are assumed to be correct, nonetheless there are reasons why the Court should not proceed to an examination of the merits [3].

What is the outcome of the proceedings before the International Court of Justice? Court delivers its judgment at a public sitting, around six months after finishing oral proceedings. However, a case may be brought to a conclusion at any stage of the proceedings by a **settlement between the parties** or by **discontinuance**. In the latter case, an applicant State may at any time inform the Court that it is not going on with the proceedings, or the two parties **may declare that they have agreed to withdraw the case**. The Court then removes the case from its List.

The judgment of the Court under article 60 of the Statute is final, binding on the parties to a case and without appeal (at most it may be subject to interpretation or revision). Any judge wishing to do so may append an opinion to the judgment. Under article 94 of the UN Charter, a State Member of the United Nations undertakes to comply with any decision of the Court in a case to which it is a party. A State which contends that the other side has failed to perform the obligations incumbent upon it under a judgment rendered by the Court may lay the matter before the Security Council, which is empowered to recommend or decide upon the measures to be taken to give effect to the judgment.

There are a few examples of non-compliance with Court's judgment: e.g. Albania in the *Corfu Channel* case [4], Iceland in the *Fisheries Jurisdiction* case [5] and Iran in the *Iranian Hostages* case [6]. However, despite initial reservations, both Libya [7] and Nigeria [8] accepted the judgments of the Court in favour of their opponents in the litigation in question. The political

[1] See e.g. *Serbia and Montenegro* v. *UK*, ICJ Reports, 2004, pp. 1307, 1322.
[2] See e.g. *Democratic Republic of the Congo* v. *Uganda*, ICJ Reports, 2005, pp. 168, 276 and the *Diallo (Guinea* v. *Democratic Republic of the Congo)* case, ICJ Reports, 2007, paras.33 ff. See also Rosenne, *Law and Practice*, vol. II, pp. 817 ff.; Tomuschat, 'Article 36', p. 646 and article 79 of the Rules of Court.
[3] See the *Oil Platforms (Iran* v. *USA)* case, ICJ Reports, 2003, pp. 161, 177; 130 ILR, pp. 323, 337.
[4] ICJ Reports, 1949, p. 4; 16 AD, p. 155.
[5] ICJ Reports, 1974, p. 3; 55 ILR, p. 238.
[6] ICJ Reports, 1980, p. 3; 61 ILR, p. 530.
[7] See the *Libya/ Chad* case, ICJ Reports, 1994, p. 40.
[8] *Cameroon* v. *Nigeria*, ICJ Reports, 2002, p. 303.

costs of non-compliance have to be taken into account by potentially recalcitrant states [1].

It is possible the judgment to be subject to interpretation or revision. According to Article 60 of the Statute: "In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party". Rule 98(1) states that in the event of dispute as to the meaning or scope of a judgment any party may make a **request for its interpretation** [2]. The object of the request must be solely to obtain clarification of the meaning and the scope of what the Court has decided with binding force and not to obtain an answer to questions not so decided [3]. Accordingly, a request for interpretation must relate to the operative part of the judgment and not the reasons for the judgment, unless these are inseparable from the operative part [4].

Under article 61 of the Statute, an **application for revision of a judgment** [5] may only be made when based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, provided that such ignorance was not due to negligence. The application must be made within six months of the discovery of the new fact and within ten years of the date of the judgment. The fact must have been in existence at the date of the judgment and discovered subsequently. Drawing legal consequences from post-judgment facts or reinterpreting a legal situation *ex post facto* would not fall within the terms of article 61. In the *Application for Revision of the Judgment of 11 September1992 Concerning the El Salvador/Honduras (Nicaragua Intervening) Case* [6], El Salvador sought revision of one sector of the land boundary between it and Honduras that had been determined by the Court in the earlier judgment. The Court

[1] See e.g. C. Paulson, 'Compliance with Final Judgments of the International Courtof Justice since 1987', 98 AJIL, 2004, p. 434. See Malcolm N. Shaw, International Law, Sixth Edition, Cambridge University Press, 2008, p.1104.

[2] See e.g. Rosenne, *Law and Practice*, vol. III, pp. 1616 ff., and Rosenne, *Interpretation, Revision and Other Recourse from International Judgments and Awards*, Leiden, 2007.

[3] See *Request for Interpretation of the Judgment of 20 November 1950 in the Asylum* case, ICJ Reports, 1950, p. 402; 17 ILR, p. 339 and *Application for Revision and Interpretation of theJudgment of 24 February 1982 in the Case Concerning the Continental Shelf (Tunisia/Libya)*, ICJ Reports, 1985, pp. 191, 214–20; 81 ILR, pp. 420, 447.

[4] See *Request for Interpretation of the Judgment of 11 June 1998 (Cameroon* v. *Nigeria)*, ICJ Reports, 1999, pp. 31, 35. See Malcolm N. Shaw, International Law, Sixth Edition, Cambridge University Press, 2008, p.1105.

[5] See e.g. Rosenne, *Law and Practice*, vol. III, pp. 1623 ff., and Rosenne, *Interpretation*, chapter 6, and Kaikobad, *Interpretation and Revision*, part IV.

[6] ICJ Reports, 2003, pp. 392, 398–9.

detailed the requirements of article 61 [1], and held that each of the conditions laid down in the provision had to be fulfilled, otherwise the application would be dismissed [2].

СПОРОТ НА РЕПУБЛИКА МАКЕДОНИЈА ПРОТИВ ГРЦИЈА ПРЕД МЕЃУНАРОДНИОТ СУД НА ПРАВДАТА

Р Е З И М Е

На 17 ноември 2008 година Република Македонија започна процедура пред Меѓународниот суд на правдата, обвинувајќи ја Грција дека со попречувањето на НАТО да испрати покана Македонија да стане членка на оваа организација ја крши Привремената спогодба меѓу двете земји од 1995 година. Во членот 11(1) од Привремената спогодба е наведено дека Грција „се согласува да не го попречува аплицирањето или членството“ на Македонија во меѓународни, мултилатерални и регионални организации и институции во кои е член, доколку истото е под привременото име. Во Декларацијата од Самитот на НАТО во Букурешт, на 3 април 2008 година, се наведува дека „поканата до Поранешна Југословенска Република Македонија ќе биде упатена веднаш штом ќе се постигне заемно прифатливо решение за спорот со името“. Во својата апликација Македонија аргументира дека акциите на Грција го попречиле упатувањето на поканата од НАТО.

Во овој труд ќе биде прикажана и коментирана процедурата пред Меѓународниот суд на правдата. Во неговата прва фаза двете страни поднесоа пишувани поднесоци и докази (Република Македонија до 20 јули 2009, а Грција до 20 јануари 2010 година). Во продолжение на оваа фаза Македонија поднесе писмена реплика, до 9 јуни 2010, а Грција одговори на тоа со контра-реплика, до 27 октомври 2010 година. Втората фаза е јавна, закажана е за периодот од 21 до 30 март 2011 година, и таа исто така ќе биде коментирана и анализирана, како и опциите за можна пресуда. Пресудата, која се очекува Судот да ја донесе до крајот на оваа година, според членот 60 од Статутот, е конечна, без право на жалба и има обврзна сила.

[1] The application should be based upon the ‘discovery’ of a ‘fact’; the fact the discovery of which is relied on must be ‘of such a nature as to be a decisive factor’; the fact should have been ‘unknown’ to the Court and to the party claiming revision when the judgment was given; ignorance of this fact must not be ‘due to negligence’; and the application for revision must be ‘made at latest within six months of the discovery of the new fact’ and before ten years have elapsed from the date of the judgment.

[2] ICJ Reports, 2003, pp. 392, 399 and 404.

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PROTECTION OF INJURED PARTY IN CRIMINAL PROCEEDINGS

Abstract. *The position of an injured party in the criminal proceedings is one of the issues that nowadays gets a growing attention. That is due to the acknowledging the state's obligation to secure the protection of fundamental freedoms and rights, which is highly significant considering the injured parties, especially in the case of particularly vulnerable victims. The authors particularly analyze the present solutions of victim/witness protection in Serbian criminal procedure legislation in the light of relevant international standards, and find it is necessary to further develop specific protection measures for injured parties, especially for those highly vulnerable, whose physical, mental or sexual integrity was severely harmed or jeopardized by the criminal offence. Thus, circumstantial attention in the article has been paid to the solutions concerning victim/witness protection contained in the new working version of the Serbian Criminal Procedure Code.*

Key words: *injured party / victim / criminal proceeding / victimization / protection measures*

INTRODUCTION

The issues of crime victims' rights and the standing of injured party in the criminal proceedings are getting a growing attention. Within the attempts to respond to well-known victimological critiques and claims that crime victim is "forgotten party" in the criminal justice system and perceived as only

another witness to the crime,[1] a range of international instruments containing catalogues of rights that should be granted to victims within the criminal justice system have been issued in the last few decades (Groenhuijsen, Pemberton, 2009: 58).

The risks of revictimization, secondary, and even tertiary victimization are often directly determined by the level and quality of the protection of victims as injured parties in criminal proceedings, which is of particular significance in the case of especially vulnerable victims – child victims and victims of serious violent crimes. Thus, a highly significant segment of the protection of crime victims is the protection of victims participating in the criminal proceedings as injured parties and witnesses. The international standards concerning the protection of victims, witnesses and other persons who may be subjected to intimidation or revenge because of giving testimony at a hearing or trial are contained largely in the Recommendations of the Council of Europe Committee of Ministers. Even non-binding, these instruments were considerably effective in raising states' awareness of victims' rights (Wolhuter, *et al.,* 2009: 120). The most important of them include the Recommendation No. R (85) 11 of the Committee of Ministers to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure,[2] the Recommendation No. R (87) 21 of the Committee of Ministers to Member States on Assistance to Victims and the Prevention of Victimization,[3] the Recommendation No. R (97) 13 of the Committee of Ministers to Member States Concerning Intimidation of Witnesses and the Rights of the Defence[4], the Recommendation Rec (2005) 9 of the Committee of Ministers to Member States on the Protection of Witnesses and

[1] As put by Wallace and Roberson, the prevailing attitude was, for many years, „that the real victim was the 'People of the State' in which the crime was committed" (Wallace, Roberson, 2011: 216).

[2] Recommendation No. R(85)11 of the Committee of Ministers to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure (adopted on 28 June 1985 at the 387th meeting of the Ministers' Deputies).

[3] Recommendation No. R(87)21 of the Committee of Ministers to Member States on Assistance to Victims and the Prevention of Victimisation (adopted on 17 September 1987 at the 410th meeting of the Ministers' Deputies).

[4] Recommendation No. R(97)13 of the Committee of Ministers to Member States Concerning Intimidation of Witnesses and the Rights of the Defence (adopted on 10 September 1997 at the 600th meeting of the Ministers' Deputies).

Collaborators of Justice,[1] and the Recommendation Rec(2006)8 of the Committee of Ministers to Member States on assistance to crime victims.[2]

Protection of the participants in criminal proceedings is also the subject of several legally binding international instruments – besides the International Covenant on Civil and Political Rights and European Convention on Human Rights and Fundamental Freedoms, a particular significance have also the Rome Statute of the International Criminal Court[3] adopted on July 17, 1998[4] and United Nations Convention against Transnational Organized Crime[5] adopted in Palermo from 12 to 15 December 2000.[6] An important legally binding regional document in this respect is the European Union Framework Decision on the standing of victims in criminal proceedings[7] that bind the EU member states. This instrument provides victims with a right to: respect and recognition at all stages of the criminal proceedings (Art. 2); provide information to officials who make decisions concerning the offender (Art. 3); receive information, including those on the progress of the case (Art. 4); communication safeguards to assist their understanding and participation in the proceedings

[1] Recommendation Rec(2005)9 of the Committee of Ministers to Member States on the Protection of Witnesses and Collaborators of Justice (adopted on 20 April 2005 at the 924th meeting of the Ministers' Deputies).

[2] Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims (adopted on 14 June 2006 at the 967th meeting of the Ministers' Deputies).

[3] The Rome Statute of the ICC obligates the court to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses, having regard to all relevant factors including age, gender, health, and the nature of the crime, in particular, but not limited to crimes involving sexual or gender violence or violence against children. It also foresees that the Chambers of the Court may, in order to protect victims and witnesses, conduct any part of the proceedings in camera or allow the evidence presentation by electronic or other special means. In particular, such measures are implemented in case of a sexual violence victim or a child who is a victim or a witness (Art. 68). The rule 88 foresees special protection measures of a traumatized victim or witness, a child, an elderly person or a victim of sexual violence. It is especially emphasized the possibility to permit the attendance of a counsel, legal representative, psychologist or family member during the victim's or witness's testifying.

[4] In the Republic of Serbia, this document is enacted by the Law on the Ratification of the Rome Statute of the International Criminal Court („The Official Gazette of the FRY – International Agreements", No. 5/01).

[5] This Convention in the Article 24 foresees taking of appropriate measures in order to protect the witness from revenge or intimidation.

[6] In the Republic of Serbia, this document is enacted by the Law on the Ratification of the UN Convention against Transnational Organized Crime and additional protocols („The Official Gazette of the FRY – International Agreements", No. 6/01).

[7] Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings (adopted on 15 March 2001 and published in the Official Journal of the European Communities (OJEC) 22.3.2001 L 82/1).

(Art. 5); specific assistance (Art. 6); victim's expenses relating the criminal proceedings; protection (Art. 8); compensation[1] in the course of criminal proceedings (Art. 9); penal mediation (Art. 10); victims resident in another Member State (Art. 11), and specialist support services (Art. 13).[2]

International standards of the protection of witnesses, collaborators of justice and persons close to them are particularly important for the suppression of organized crime, terrorism and violations of international humanitarian law.[3] In the light of present standards two mechanisms of protection may be distinguished - the first one is designated as the *protection measures*, and the second as the *protection programme*. According to Appendix to Recommendation Rec(2005)9, "protection measures" include all individual procedural or non-procedural measures aimed to protect the witness or collaborator of justice from any intimidation and/or dangerous consequences of the decision to cooperate with justice. While the application of procedural measures requires specific rules of evidence for the interrogation of participants in criminal proceedings and adequate protection of vulnerable witnesses in order to prevent their secondary victimization, the non-procedural measures aim at protection by which the state secures the exercise of basic freedoms and human rights. Non-procedural protection measures are applied to participants in criminal proceedings and persons close to them, while the judicial organs are, as a rule, authorized to make the decision in that respect.[4]

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[1] Apart from the EU Framework Decision on the Standing of Victims in Criminal Proceedings, another international documents also stress the crime victims' right to compensation, including UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (adopted by General Assembly resolution 40/34 on 29 November 1985); the Council of Europe Convention on the Compensation for Victims of Violent Crimes (ETS No. 116, 1983), and the EU Council Directive 2004/80/EC relating to compensation to crime victims (adopted on 29 April 2004 and published in the Official Journal of the European Union (OJEU) 6.8.2004 L 261/15).).

[2] The Framework Decision also calls for the training for personnel who come into contact with victims in the course of criminal proceedings (Art. 14).

[3] *Conclusions du rapport final sur la protection des témoins et des repentis en relation avec des actes de terrorisme*, Document élaboré par le Comité d'experts sur la protection des témoins et des repentis en relation avec des actes de terrorisme (PC-PW), PC-PW (2003) 18, Srasbourg, 18 septembre 2003, 2.

[4] From the standpoint of the European Court of Human Rights's jurisprudence, there has to be clear and serious threat of endangering before the protection come to the level that involves a limitation of defendant's rights. According to the interpretation of the Court, the nature and the level of the witness's protection depend on particular circumstances; however, the Court has accepted the following kinds of protection as allowed in certain situations: trial without presence of the public and/or media; reading the witness's statement without his/her presence; giving the testimony by a disguised witness; non-identification of witness at trial or giving only selected identity details; witness's voice distortion; giving the

On the other hand, the "protection programme" means a standard or tailor-made set of individual protection measures which are, for instance, described in a memorandum of understanding, signed by authorities and the protected person (Appendix to Recommendation Rec(2005)9).[1]

One of the important aspects of the protection of victims and witnesses in criminal proceedings is the assistance to the crime victims. Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims calls the states to identify and support measures to alleviate the negative effects of crime and to undertake that victims are assisted in all aspects of their rehabilitation; the assistance should include the provision of medical care, material support, psychological health services, and social care and counseling (p. 3.1., 3.2.). It is emphasized that victims should be protected as far as possible from secondary victimization, while the states should ensure that particularly vulnerable victims (because of their personal characteristics or the circumstances of the crime) can benefit from special measures best suited to their situation (p. 3.3., 3.4.). States are expected to identify and support measures to encourage respect and recognition of victims and understanding of the negative effects of crime among all personnel and organizations coming into contact with them (p. 4.1.). States are expected to provide or promote victim support services and encourage the work of non-governmental organizations in victim assistance,[2] as well as to support and facilitate access to the specialized centers for victims of crime such as sexual and domestic violence, as well as to consider the establishment or maintenance of specialized centers for victims of crimes of mass victimization (p. 5.1., 5.3., 5.4.). States should ensure access of victims to information of relevance to their case, as soon as they come into contact with law enforcement or criminal justice agencies or with social or health care services (p. 6.1., 6.2.).[3] They are also called to institute

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testimony from different room, via video-link, and revealing witness's identity only in the final phases of the proceeding.

[1] Albeit protection programme basically falls into non-procedural mechanisms of protection, its separation from other non-procedural measures is sound because it is designed as a complete system of measures of protection and assistance to witnesses and collaborators of justice exposed to danger for life, health, physical integrity, freedom or property.

[2] Such services should: be easily accessible; provide victims with free emotional, social and material support before, during and after the investigation and legal proceedings; be fully competent to deal with the problems faced by the victims they serve; provide victims with information on their rights and on the services available; refer victims to other services when necessary, and respect confidentiality when providing services (p. 5.2.).

[3] When an offence is reported to law enforcement or criminal justice agencies, the information provided to the victim should include as a minimum: the procedures which will follow and the victims' role in them; how and in what circumstances the victim can obtain protection and compensation from the offender; the availability and, where relevant, the cost of: legal advice, legal aid, or any other sort of advice; how to apply for state compensation;

procedures for victims to claim compensation from the offender in the context of criminal proceedings (p. 7.2.), and to provide the state compensations to the victims of serious, intentional, violent crimes, including sexual violence, as well as to the immediate family and dependants of victims who have died as a result of such crime (p. 8.1.). States are expected to ensure the protection of the victim's physical and psychological integrity at all stages of the procedure, providing for specific protection measures to the victims at risk of intimidation, reprisals or repeat victimization (p. 10.1., 10.2.).

The jurisprudence of the European Court of Human Rights has also contributed to the development of standards of protection of crime victims, particularly through the imposition of positive obligations on the member states to ensure the victims' rights to life, freedom from torture and inhuman or degrading treatment or punishment, and respect for private and family life (Wolhuter *et al.*, 2009: 122).

INJURED PARTY WITHIN CRIMINAL PROCEEDINGS IN THE REPUBLIC OF SERBIA

General notes on the position of the injured party in the criminal proceeding

By the provisions defining the specific terms used in the Serbian Criminal Procedure Code[1] (hereinafter: CPC) it is determined, among other, that an "injured party" is a person whose one or more personal or property right or rights have been violated or threatened by a criminal offence (Art. 221, par. 6 CPC). However, this document does not use the term "victim".[2]

The issues of rights, obligations, protection measures and other circumstances of relevance for the position of an injured party in criminal

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if the victim is resident in another state, any existing arrangements which will help to protect his or her interests (p. 6.4.).

[1] "The Official Gazette of the FRY" Nos. 70/01 and 68/02, and "The Official Gazette of the Republic of Serbia" Nos. 58/04, 85/05, 115/05, 49/07, 20/09, 72/09 and 76/10.

[2] Some foreign legislation has introduced the term „victim", apart from the term „injured party". For instance, Croatian Criminal Procedure Code defines crime victim as a person who, because of the crime commission, suffers physical or mental injury, economic loss or essential harm of fundamental rights and freedoms. „Injured person" is a wider notion that covers not only the victim, but also any other person whose personal or property rights have been violated or endangered by the commission of a crime, and who participates in the criminal proceeding in the role of injured party (Art. 202, pars. 10 and 11 of the Criminal Procedure Code of the Republic of Croatia, „The Official Gazette of the Republic of Croatia", Nos. 152/08 and 76/09).

proceedings are the subject of many CPC provisions.[1] Concerning general position of the injured party in criminal proceedings in the Republic of Serbia it should be noted that it have been somewhat improved by the law amendments in recent years, including the introduction of some elements of restorative justice.[2]

In the criminal procedure, an injured person may have the role of: 1) subsidiary prosecutor (in the proceedings for the criminal offences prosecutable *ex officio*); 2) injured person with the request for criminal prosecution (in the proceedings for criminal offences prosecutable *ex officio* on the basis of a request); 4) private prosecutor (in the proceedings for the criminal offences prosecuted on the basis of a private prosecution); 5) witness, and 6) person who submitted an indemnification claim.

The injured parties may act in the role of authorized prosecutor in the proceedings for the criminal offences prosecuted on the basis of a private prosecution, and in the situations where the Public Prosecutor finds that there are no grounds for initiating or continuing the proceedings (Art. 19, pars 2 and 3 CPC).[3] The specifics of the proceedings for criminal offences prosecutable on the basis of the injured party's request or a motion for private prosecution, as well as the proceedings where the injured party acts

[1] Even in the Article 3(2) it has been emphasized that government authorities, the media, citizens' associations, public figures and other persons are required, among other things, to refrain from violating the rights of the injured party.

[2] For instance, the application of some measures from the CPC Article 236 (paying a certain amount of money to a humanitarian organization, foundation or a public institution; performing certain public service or humanitarian work) is conditioned by the assent of the injured party. Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors ("The Official Gazette of the Republic of Serbia", No. 85/95) foresees "the settlement with the injured party so that by compensating the damages, apology, work or otherwise, the detrimental consequences would be alleviated either in full or partly" as one of diversion orders (Art.7, par.1(1)), as well as the apology of the juvenile to the injured party, and compensating for damages caused within his/her personal capacity, among alternative sanctioning measures (Art.14, par.2(1),(2)).

[3] However, the opportunity for the injured person to act as subsidiary or private prosecutor is excluded in some cases. For instance, a juvenile may be prosecuted exclusively by the public prosecutor, regardless the criminal offence. Then, in some cases of deferring of criminal prosecution, if the suspect fulfills one or more measures ordered, the public prosecutor shall dismiss the criminal complaint, and the injured party cannot undertake the prosecution. The same goes for the cases when public prosecutor until the conclusion of the trial discontinues criminal prosecution against the suspect who has satisfied one or more of the measures specified in the Article 236 par. 1 CPC. If the plea agreement envisages the abandonment by the public prosecutor of criminal prosecution for the criminal offences not included in the agreement on the admission of guilt, in respect of those criminal offences the court shall issue the judgment denying the charges and the injured person does not have the right to undertake the prosecution.

as a subsidiary prosecutor are set out in the Chapter V titled as: "The Injured Party and the Private Prosecutor" (Arts. 53-67 CPC).[1]

The injured party is entitled to point to all facts during the investigation and to propose evidence they deem are of significance for the criminal matter and their indemnification claims, to offer evidence, to question the defendant, witnesses and expert witnesses, to make objections and explanations regarding their statements, and to make other statements and proposals. The injured parties, the injured parties acting as subsidiary prosecutors and private prosecutors are entitled to examine documentation and objects collected as evidence; the injured parties may be however barred from examining documentation until they are heard as witnesses (Art. 60, pars. 1, 2 and 3 CPC). Investigating judges and chamber presidents shall inform injured parties and private prosecutors about the above specified rights (Art. 60, par. 4 CPC).

The injured parties are also entitled to: be notified on public prosecutor's decision not to initiate a criminal proceeding, or to drop charges during the trial (Art. 61, par. 1 and Art. 62, par. 1 CPC); to be informed about the investigatory actions they may attend (Art. 251, par. 5 CPC); to attend crime scene inspections and the questioning of expert witnesses (Art. 251, par. 2 CPC); to attend the interrogation of the accused person (Art. 251, par. 1 CPC) and the questioning of witnesses (Art. 251, par. 4 CPC); to appeal against the ruling of the chamber concerning submitted request for conducting an investigation (Art. 243, par. 7 CPC); to attend the main trial (exclusion of the public does not include the injured party) (Art. 285, par. 1 and Art. 293, par. 1 CPC); to file, at any time, complaints with the president of the court before which the proceedings are being conducted in connection with excessive delays of the proceedings and other irregularities during the investigation, and to be, if request so, informed on what had been undertaken (Art. 264 CPC); to appeal against the ruling of the court upholding the agreement on the admission of guilt (Art. 282g, par. 2 CPC); and to submit the motion for asserting indemnification claim (Art. 202, par. 1 CPC in connection to Art. 54, par. 1 CPC). Where injured parties are minors or persons totally devoid of the capacity to act, their legal representatives are authorized to issue all statements and perform all actions to which the aggrieved party is entitled under this Code. Injured parties over the age of 16 are authorized to make their own statements and perform actions in the proceedings (Art. 65 CPC). Injured party, injured parties acting as subsidiary

[1] An injured party as prosecutor is entitled to all the rights exercised by public prosecutor, except for those to which public prosecutor is entitled in his capacity of public authorities (Art. 64 par. 1 CPC).

prosecutors and private prosecutors, as well as their legal representatives, may exercise all their procedural rights via a representative (Art. 66 CPC).[1]

Injured party, subsidiary prosecutors and private prosecutors may be questioned as witnesses (Art. 96, par. 2 CPC). Having that the questioning of witnesses is one of the most important source of evidence while the witness's statement often presents the key evidence in the case, the court and other public authorities have a duty to enable undisturbed and secure testifying to every witness, including the injured party. This is particularly important where the psychical or physical integrity of the witness is endangered.[2]

Questioning of the injured parties as witnesses and the measures of protection against secondary victimization

Injured parties are, as all other witness, obliged to respond to a court summons and to testify,[3] but they are not obliged to answer certain questions where it is likely that they would thereby expose themselves or the persons close to them to severe disgrace, substantial material damages or criminal prosecution.

Witnesses are questioned individually and without the presence of other witnesses. They are required to replies verbally. Before giving testimony they are cautioned that they are required to tell the truth and the whole truth, and that perjury constitutes a criminal offence. After general questions, the witness is asked to present everything he/she knows about the case; then he/she is asked questions for the purpose of confirmation, accretion and clarification. In questioning witnesses it is forbidden to employ deception or pose questions that suggest how to answer. Witnesses may be confronted if their testimonies clash in respect of important facts. When questioned as witnesses, injured parties are asked whether they intend to submit the motion for asserting indemnification claim.[4]

[1] In process for a crime punishable by more than 5 years imprisonment, conducted upon the request of an injured party as a prosecutor, a representative may be appointed for the subsidiary prosecutor unable to cover the costs of representation, on his own request, if it is in the interest of achieving the aim of criminal prosecution (Art.66, par.2 CPC).

2 More about in: Škulić, Lukić, 2009; Banović, 2003; Ilić, Majić, 2006 etc.

[3] Witnesses incapable to approach the court because of age, illness or hard physical vice may be questioned in their homes.

[4] If the injured party is a minor, the questioning shall be enacted with particular caution in order to avoid all possible prejudicial consequences of the proceeding on his character and development. Questioning of a child or juvenile shall be conducted with the assistance of psychologist, pedagogue or other qualified person (Art. 152 of the Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors). If recognition of the defendant is done by a minor victim, the Court shall proceed with particular care and such recognition will be

The court is obliged to protect the witness and injured party from insults, threats and any other attack. The court shall warn or punish with a fine any participants in the proceedings or other persons in court, who insult witnesses or injured parties, threaten them or endanger their safety. In the case of violence or a serious threat, the court shall notify the public prosecutor for the purpose of instituting criminal prosecution (Art. 109 CPC).

By amendment of the CPC from August 2009 it has been introduced the provision that the parties, the president of the chamber and the members of the chamber shall question witnesses and expert witnesses directly (Art. 331, par. 1 CPC), contrary to the previous regulation according to which the witnesses had been questioned directly only upon the permission of the president of the chamber. It is doubtless that direct turning of defendant and defense attorney to the injured party acting as a witness may be considerably unpleasant worsening his/her forensic confusion, as well as the risk of secondary victimization.

Certain opportunity for the reduction of the fear and uneasiness of the injured parties acting as witnesses gives the Article 324 of the CPC. According to this provision, the chamber may, however exceptionally, temporarily remove a defendant from the courtroom if a witness refuses to testify in his presence or where circumstances indicate that they will not tell the truth in the presence of the defendant. In such case, the testimony of a witness shall be read to the defendant upon his return, and he/she is entitled to pose questions to the witness, and a confrontation may be also conducted if required.

According to Article 292 of the CPC, chamber may at any time, from the opening of the trial hearing to the conclusion of the trial, *ex officio* or on motions by parties, but always after taking statements from them, exclude the public for the whole or from the part of the trial, if it is required by the interests of the protection of morality, protection of law and order, national security, protection of minors and the protection of the private lives of the participants in the proceedings, or where the court found it necessary in order to prevent publicity to jeopardize the interests of justice.

The possibility of using of videoconference for the examination of the witnesses or an injured party is provided by the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and Other Exceptionally Severe Criminal Offences,[1] as well as

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conducted in a manner that completely prevents the defendant from seeing the minor (Art. 155).

[1] Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and Other Exceptionally Severe Criminal Offences, „The

the by Law on Organization and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes.[1] However, the primary purpose of these provisions is to overcome impossibility to secure the presence of these persons at the main trial, not to protect the injured parties and particularly vulnerable witnesses from the secondary victimization.

On the other hand, the Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors (hereinafter: LJCO) contains special provisions concerning protection from secondary victimization of minors questioned as injured parties in regular criminal proceedings against adult perpetrators of specified criminal offences.[2] In these cases, the perpetrator will be tried by a bench presided by a judge with special skills in the field of the rights of the child and criminal law protection of minors (Art. 150, par. 1 LJCO). In addition, the public prosecutor with special skills in the field of the rights of the child and in criminal protection of minors, shall initiate proceeding against adult perpetrators of other criminal offences compliance with the provisions of this section of the Act, if find it is necessary to do so for the purpose of protecting personality of minors as injured parties (Art. 150, par. 2 LJCO).

For the sake of the protection of minors as injured parties in the criminal proceedings against adult perpetrators, the LJCO foresees obligatory specialization of all official participants of such proceedings,[3] promptness of the proceedings, obligatory legal representation of the injured party,[4] the application of special rules of questioning of minor injured

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Official Gazette of the Republic of Serbia", Nos. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04, 45/05, 61/05 and 72/09.

[1] Law on Organization and Jurisdiction of Government Authorities in Prosecuting Perpetrators of War Crimes, „The Official Gazette of the Republic of Serbia", Nos. 67/03, 135/204, 61/05, 101/07 and 104/09.

[2] These criminal offences include: Murder, Inducement to suicide and assistance in suicide, - Heavy bodily harm, Abduction, Rape, Sexual assault of a defenseless person, Sexual assault of a child, Sexual assault by misconduct in office, Indecent assault, Procuration and facilitating sexual intercourse, Mediation in prostitution, Display of pornographic material and pornographic abuse of children, Common-law marriage with a juvenile, Capture of a minors, Altering family status, Neglect and abuse of a minor, Family violence, Withholding financial support, Incest, Burglary, Robbery, Extortion, Facilitation of the use of narcotics, - War crime against civilians, Trafficking in human beings, Child trafficking for adoption, - Slavery and transport in slavery.

[3] It is stipulated that in these proceedings act specialized public prosecutor, investigative judge, police officials (when particular activities are delegated to these authorities) as well as the legal representative of a minor (if he/she is appointed by the president of the court) – all these actors are required to have special skills in the field of the rights of the child, and criminal protection of minors.

[4] A minor who is an injured party shall have a legal representative from the first questioning of the defendant (Art.154, par.1 LJCO).

parties, the special rules in recognition of the defendant, and the prohibition of the confrontation between a minor witness and the defendant if it is necessary for the protection of a minor.

In the proceeding for criminal offences committed against minors, the public prosecutor, investigative judge and judges of the bench shall treat the injured party with care, having regard to his/her age, character, education and living circumstances, particularly trying to avoid all possible harmful consequences of the proceeding on his personality and development. Questioning of a child or minor shall be conducted with the assistance of psychologist, pedagogue or other qualified person (Art. 152, par. 1 LJCO). If a minor injured party is questioned as witness in the cases of criminal offences specified in Article 150 of the LJCO, the questioning may be conducted at most twice, and exceptionally more, if necessary to achieve the purpose of criminal proceeding. If the minor is questioned more than twice, the judge shall particularly have regard for the protection of his/her personality and development (Art. 152, par. 2 LJCO). If considers it necessary (due to the nature of the criminal offence and the minor's personality), the judge shall order questioning of the minor with the aid of technical devices for transmitting of image and sound, and the questioning shall be conducted without presence of the parties and other participants in the proceeding in the room where the witness is located, so that parties and persons entitled to ask question may do so through the judge, psychologist, pedagogue, social worker or other qualified person (Art. 152, par. 3 LJCO). Minor injured parties may be questioned as witnesses in their home or other premises and/or authorized institution–organization that is professionally qualified for questioning of minors. If a minor is questioned as witness, who due to the nature of the criminal offence, consequences or other circumstances is particularly vulnerable or is in a especially difficult mental state, confrontation between him and the defendant is prohibited (Art. 153 LJCO).

If recognition of the defendant is done by a minor injured party, the Court shall process with particular care and shall conduct such recognition in a manner that completely prevents the defendant from seeing the minor (Art. 155 LJCO).

At the end of this section it should be noticed that the recent development in the domain of legislation has extended the protection of injured parties from secondary victimization in the criminal proceedings. Yet, there are much more to be achieved, including the standards concerning practical measures of assistance to victims who participate in criminal proceedings. As it is pointed out in the literature, victim/witness support services would further contribute to better position of the injured parties in

Serbia. These services would: assist to injured parties to stand more easily facing with the judicial system; explain to witnesses the functioning of criminal procedure and accompany them to courtroom, as well as to premises for witnesses in order to avoid the contact with the defendants, etc. These services would help to injured parties to overcome stress they face and to stop see themselves as objects in the criminal proceedings, which is unacceptable form of secondary victimization (Jovanović, 2010: 228–229).

Measures of protection from repeated victimization of the injured parties

The Criminal Procedure Code envisages the possibility that president of the court or public prosecutor, acting on a proposal of the investigating judge or the president of the chamber, ask ministry of the interior officials to undertake special measures to protect witnesses and injured parties (Art. 109, par. 3 CPC). If there circumstances indicating that the life and limb, health, freedom or property to a substantial degree of witnesses or persons close to them would be threatened by their testimony in public, especially where criminal offence of organized crime, corruption or other extremely serious criminal offences are concerned, the court may issue a ruling authorizing special protective measures for the witness (protected witness). Special protective measures for witnesses include their questioning in a manner ensuring that their identities are not revealed and physical security measures during the proceedings (Art. 109a CPC).

The examination of protected witnesses may be performed in one or more of the following manners: by excluding the public from the trial, by concealing the witness's appearance, and by giving testimony from a separate room through voice and image transmission equipment using voice and image alteration (Art. 109g, par. 3 CPC). The court has a duty to inform all persons attending the questioning of protected witnesses that data about the witness or persons close to him, their residences, their transfers, guarding and the location and manner of questioning the protected witness shall be treated by them as confidential and that their disclosure constitutes a criminal offence (Art. 109đ CPC).

Special measures of non-procedural measures of protection of victims of certain criminal offences are foreseen by the Law on the Protection Programme for Participants in Criminal Proceedings (hereinafter: LPP).[1] This Law regulates the conditions and the procedure of providing the protection and assistance to participants in criminal proceedings and the persons close to them who are facing a danger to life, health, physical

[1] Law on the Protection Programme for Participants in Criminal Proceedings, „The Official Gazette of the Republic of Serbia", No. 85/05.

integrity, freedom or property due to testifying or providing information significant for the purpose of proving of a criminal offence. The protection program may be applied before, during and after the effective conclusion of criminal proceedings, and shall be implemented if the participants in criminal proceedings and their close persons are facing danger to life, health, physical integrity, freedom or property due to testifying or giving information significant as evidence in criminal proceedings, and without that testimony or information it would be considerably more difficult or impossible to prove in criminal proceedings the following criminal offences against the constitutional order and security; against humanity and other values protected by international law, and organized crime (Art. 5 LPP).

Within the protection Program may be applied the following measures: physical protection of persons and property; change of place of residence or relocation to another prison institution; concealing of identity and ownership information; change of identity (Art. 14 LPP). Information related to the Protection Program constitutes an official secret.

Decisions on inclusion, extension, suspension and conclusion of the Protection Program pass 3-members Commission for the Witness Protection Program implementation. The Program is carried out by the Protection Unit, a specialized organizational unit of the Ministry of the Interior. The Unit provides the protected person with financial, psychological, social and legal assistance. All government bodies, organizations and services are obliged to give assistance to the Protection Unit (Art. 12 LPP).

By the amendment of the CPC from august 2009 it is introduced a possibility of barring to accused person to visit certain locations, meet certain persons, or approach certain persons, or ordering him to periodically appear before a specified public authority, or be temporarily deprived of their travel documents or driver's licenses, in order to protect an injured party or a witness. The court may also order the application of electronic surveillance against the accused, for the purpose of controlling observance of the restrictions imposed on the accused person (Art. 136, pars. 2, 10, 11 CPC).

FINAL REMARKS

Concluding the discussion about the position of an injured party in criminal proceedings in Serbia, the new solutions from the Working Draft of the Criminal Procedure Code (hereinafter: "Draft CPC") relative to the protection of witnesses will be briefly presented. In the section treating the matters of questioning of witnesses, the new unit titled "Witness Protection" was set aside. Besides the basic protection of the injured parties and witnesses, (Art. 106, par. 1 Draft CPC), it is envisaged the protection of a

particularly vulnerable witness (Arts. 107-108 Draft CPC), and the protection of a witness against intimidation (Arts. 109-117 Draft CPC).

Within the basic protection, the body acting in criminal proceeding may warn or fine the person who threatens or endangers the security of the injured party or the witness (Art. 106, par. 2 Draft CPC). The public prosecutor is obliged to undertake the prosecution in the case of violence or a serious threat, while the public prosecutor or the court may require from the police to take measures of protection of the injured party or the witness (Art. 106, pars. 4 and 5 Draft CPC).

The status of particularly vulnerable witness may be assigned by the court to a person who is, with regard to his/her age, life experience, lifestyle, sex, health status, nature and the consequences of the criminal offense, and other circumstances exceptionally delicate. If needed, a representative may be granted free of charge to a particularly vulnerable witness (Art. 107, pars. 1 and 3 Draft CPC). The protection of particularly vulnerable witness is implemented by the special rules of questioning. This witness may be questioned only through the court, that will treat him/her with particular care, trying to avoid possible harmful effects of the proceeding to the personality, physical and mental status of the witness. The questioning may be enacted with the assistance of psychologist, social worker or another expert (Art. 108, par. 1 Draft CPC). A particularly vulnerable witness may be questioned with the aid of technical devices for transmitting of image and sound, without the presence of the parties and other participants in the criminal proceeding. A witness may be also questioned in his/her home or in the specialized institution (Art. 108, pars. 2 and 3 Draft CPC). Confrontation of a witness with the defendant is possible only if requested by the witness (Art. 108, par. 4 Draft CPC).

The status of Protected witness may be granted to the witnesses who would, according to court's assessment, by giving the testimony, expose themselves and the persons close to them to a danger to life, health, freedom or property to a substantial degree. The court will order one or more special protection measures for the Protected witness (Art. 109 Draft CPC).

Among the special protection measures, the measures of preventing the public disclosure of witness identity are distinguished from the measures that refuse defendant and his/her lawyer of protected person's identity data. The first group of measures includes exclusion of public from the trial and prohibition of protected witness's identity data (Art. 110, par. 1 Draft CPC). Denying of protected witness's identity data to the defendant and his/her lawyer is envisaged as an exceptional measure that may be ordered only if

some material conditions are met.[1] It is necessary to cumulatively fulfill two conditions: a) that life, health or freedom of the witness or persons close to him/her endangered that much that limitation defendant right is justified, and b) the witness is credible (Art. 110, par. 2 Draft CPC).

Presented provisions of the Draft CPC, as well as positive legal provisions on measures of protection of the injured parties and witnesses in criminal proceedings, relate to an exceptionally delicate criminal justice issues. It is indisputable that protection of crime victims and witnesses often is condition *sine qua non* for their secure appearance before the court and giving the testimony fearlessly. On the other side, there is dilemma whether these measures of victims and witnesses' protection limit the defendant's right to fair trial. At any rate, in decision making process it is necessary to take into account the necessity of ensuring the balance between the prevention of crime, the needs of the victims and witnesses and the safeguarding of the right to a fair trial (p. 16 of the Annex of the Recommendation Rec.(2005)9).

Exercising the right of victim to compensation is one of those issues that acutely need legislative improvement. In Serbian law, this right may be fulfilled by deciding on the motion for asserting indemnification claim in criminal proceeding, if it wouldn't considerably delay that proceeding, or in a lawsuit. However, there are a few indemnification claims decided in criminal proceedings, while, on the other hand, lawsuits last very long. Above that, in many cases the perpetrators remain unknown, and there is no possibility for victims to get compensation. Current tendencies in regulating this issue favor the establishing of special state funds for compensating the victims of crime, especially the victims of crimes of violence. Thus, the Criminal Procedure Code of the Republic of Croatia stipulates the right of the victim of serious violent crime to receive compensation from the state budget, which is financed by the fines and appropriated property gain acquired by the commission of crimes (Art. 16, par. 4). It should be considered that future amending of Serbian legislation incorporates similar solutions, in order to ensure fulfilling the right of crime victims to compensation.

[1] The institute of anonymous witness is in accordance with p. 18 of the Annex of the Recommendation Rec. (2005) 9 that envisages that granting of such status has to be made in accordance with domestic law and European human rights law. Decision on granting anonymity of a witness should be exceptional measure and should only be taken if the competent judicial authority finds that the life or freedom of the person involved, or of the persons close to him/her, is seriously threatened, the evidence appears to be significant and the person appears to be credible.

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THE RIGHT TO SECURITY AS NATURAL HUMAN RIGHT

Abstract

According to theory of natural rights, man is a creation of nature. He/she is a natural being. All human rights are inherent natural rights. The main human right is the right to life. But without liberty and security this right can only be simple survival, similar to animals' survival, without human dimension, without human dignity, without quality which corresponds to human dignity.

The right to security is among the basic human rights. It is composed of more components. The human right international documents (Universal Declaration of Human Rights, International Covenant of Civil and Political Rights and Convention for the Protection of Human Rights and fundamental freedoms - European Convention) guarantee to people the right to protection of life, the right to protection of privacy, the right to protection of property, the right to healthy environment, the right to health care and other rights. These rights are elements of the right to security.

Right to security is gaining importance in this insecure world. Because of this tendency this entry appeared in the Constitution of many countries. So, this right is stipulated in the constitutional laws and Constitution of Canada, South Africa, Turkey, New Zealand and other countries.

The Constitution of most countries in the world does not just stipulate this right but, also its components such as: the right to security of home, security of family, security of property, security at work, social security, health security, judicial security in living environment, ethnic security, national security and other personal and collective security rights. These and other rights are incorporated in the Constitution of the Republic of Macedonia.

The right to security is in very close relation to the right to freedom. There can not be freedom without security. Only secure people are free people.

From psychological point of view the right to freedom means to be free, without fear of anything, without frustrations, without worry, without anxiety etc. Without freedom life has not good quality and there is not happiness. As Montesquieu said, freedom is benefit which makes possible for people to be able to use other benefits. Rousseau said that without freedom people can not have the human dignity and can not enjoy human rights.

The right to security and freedom are in a dialectical unit. Only secure and free people can enjoy benefits of life in nature. Only a state which is capable to guarantee the security and freedom to the citizens can be modern independent state and guarantee stability and peace in the Balkans, Europe and wider. The state is a creation of national society. The society which is not capable to organize this kind of state is not to be considered sane society, as Fromm's explains.

Key words: *human, people, right, security, freedom, state, society, guaranty.*

Introduction

According to theory of natural rights, man is a creation of nature. H//she is a natural being. The main human right is the right to life. It is leading human right, because without life man can not live. Man is entitled to this right by birth. It is human inherent right. The right to life is supreme human right because in order to enjoy other human right the man must be alive. In the moment of birth man becomes legal subject or the rights and obligation holder. In this moment man becomes holder of the right to life. All other rights are in function of the right to life, some of them directly, some indirectly.

The right to security is one of the basic human rights. It is an element of the right to liberty of a person in democratic society. Without security there is not liberty. Only secure people are free people. The rights to liberty and security are among the basic human rights guaranteed to the people by Universal Declaration of Human Rights. "Every one has the right to life, liberty and security of the person", the article 3 of the Declaration said. According to the article 9 of the International Covenant of Civil and Political Rights, everyone has the right to liberty and security. The rights to liberty and security of person are guaranteed to people by the article 5 of the Convention for the Protection of Human Rights and fundamental freedoms (European Convention).[1]

The right to security as a general security right consists of personal security rights and collective security rights. Personal security rights and collective security rights are special rights relating the right to security as a general security right.

Due to the great importance of the right to security, we noticed the tendency of its incorporation in the constitutional provisions on freedom and

[1] The author used the texts of above named international human rights document contained in Collection of Human Rights International Documents edited by Pearson Peacekeeping Centre, Cornwallis, Nova Scotia, Canada.

rights of citizens of more countries in the world. But the constitutions of most countries, including the Constitution of the Republic of Macedonia, do not just stipulate this right in the constitutional acts, but do it indirectly, by incorporating its components, such as the right to security of home, right to family security, right to social security, right safety in the environment, right to national security, ethnic security and other rights.

1. The right to security in the international human rights documents

International human rights documents are grounded on the theory of natural rights. The undoubted proof about it is the fact that more of those documents treat the human right as inherent rights. So, Universal Declaration of Human rights in the Preamble (section 1) proclaims "inherent dignity of the equal and inalienable right of all members of the human family." In article 1 this declaration stipulates that all human beings are born free and equal in dignity and rights". International Covenant on Economic, Social and Cultural Rights proscribe that "these rights derive from the inherent dignity of the human person". According to International Covenant on Civil and Political Rights (section 2) human rights derive from the inherent dignity of human person. Article 6 section 1 of this Covenant proscribes "every human being has the inherent right to life". If the right to life as main and basic human right is inherent, resulting from human nature, it signifies that other human rights are also inherent or natural rights. The Charter of the United Nations guaranties to the members of the Organization inherent right of individual or collective self-defense. Inherent right of man is something which belongs to his/her nature, which is part of it and which is inseparable from it.

The Universal Declaration of Human Rights in article 3 stipulates: "Everyone has the right to life, liberty and security of person." In this Declaration the right to security is stipulated together with the right to life and liberty. Probably the logic of the creators of the Declaration has been that those rights are dialectical unit of the topic human rights. But it is undoubtedly that the right to life is supreme human right because man should be alive in order to enjoy liberty and security. Deceased man can not to be free and secure. So, the rights to liberty and security are in direct function of the right to life. They are dialectical unit of the equal rights from the aspect of their importance for the man's life. Because of that the right to security and freedom should to be stipulated separately from the right to life.

The International Covenant on Civil and Political Rights go further from legal logic of the Universal Declaration of Human Rights. This document proscribes the right to life separately from the right to liberty and

security of person. The right to life is stipulated in the article 6, section 1 as an inherent human right. The rights to liberty and security of person are stipulated in the article 9, section 1. Other human rights stipulated by this covenant mainly are bounded with those rights as rights which are in function of them

The International Covenant on Economic, Social and Cultural Rights does not stipulate the right to security of person, but stipulates more personal security rights from the spheres of economy, social protection and culture. So, this Covenant stipulates the right to work under healthy working conditions, the right to social security, the right to adequate standard of living, the right to the highest attainable standard of physical and mental health and other rights which belong to those spheres of human life.

Among the international human rights documents which proscribe personal security rights, undoubtedly the most important is the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention). This convention proscribes the right to security and freedom by the same way as International Covenant on Civil and Political Rights.

Complete regulations on personal human rights are contained in African Charter on Human and Peoples' Rights and in American Convention on Human Rights.

Personal and collective human values and rights during the state of war are protected by Geneva Conventions on Human rights and two Additional Protocols to those Conventions.

Collective security rights as inherent rights are object of regulation of the Charter of the United Nations, the Convention on the Prevention and Punishment of the Crime of Genocide, Convention Relating to the Status of Refugees, International Convention on the Elimination of All Forms of Racial Discrimination, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Declaration on the Right of Persons Belonging to National or Ethnic, Religious And Linguistic Minorities.

Analyzing the Universal Declaration of Human Rights and the Charter of the United Nations from one side and preambles and introduction enactment of other human rights' document from the other side, we may conclude that the two first international human right document are juristic base of the other international human rights' document. So the natural right ground of the Universal Declaration and the Charter of the UN is a base of other human rights documents

2. The right to security in the constitutions and constitutional acts of the states

The constitutions of many states in the contemporary world stipulate the right to security, both, personal security rights and collective security rights as a component of this right. More of them stipulate the general security right and its component, while some of them stipulate only the components.

The right to security of person is recognized in the Canadian Bill of Rights adopted from 1960 as a constitutional right. Section 1(a) of this law recognized the right of everyone to life, liberty, security of person and enjoinment of property as a guaranty for economic security. In 1982 the right to security of person was added to the constitution. It was included in the section 7 of the Canadian Charter of Rights and freedoms which stipulates that "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice". Security of the person in section 7 consists of right to privacy of the body and its health and the right protecting the "psychological" integrity of an individual. That is the right protecting mental state of an individual.

In section 12 of the Constitution of South Africa, titled as Freedom and security of person, South African citizens have the right to freedom and security of person. This includes the right not to be deprived of freedom arbitrary or without just cause, not to be detained without trial; to be free from all forms of violence from either public or private sources; not to be tortured in any way and not to be treated and punished in a cruel, inhuman or degrading way. According to this section" everyone has the right to bodily and psychological integrity which includes the right to make decisions; to security and control over their body; and not to be subjected to medical and scientific experiment without their informed consent".

Constitution of Turkey guarantees security of person, along with the right to liberty, in Article 19.[1] The article spells out limits to these rights in the form of rulings of courts under the law, allowing mental institutions and institutions for addicts, extradition, etc. The article also limits arrest and detention to cases in which a judge allows it, where there is not enough time for this, or the person is seen being responsible for a crime. A person will then be told why they have been arrested, and their next of kin will also be told of the arrest. Finally, the article allows for government compensation if these rights are violated.

The right to security of person in New Zealand is guaranteed to citizens by the sections 8- 11 of the Bill of Rights Act adopted in 1990. Those

[1] This article is enacted in 1982 and amended in 2001.

constitutional rules guarantee "Life and security of the person". Section 8 guarantees a right to life except when deprived in accordance with fundamental justice, while section 9 prohibits cruel and unusual punishment. Section 10 prohibits a person being subjected to medical treatment against his or her will. Finally, section 11 gives a New Zealander the right to not take medical treatment.

All of above mentioned constitutions and constitutional acts guarantee other special security rights which are elements of the right to security as a general right. Those rights are: security of home, security of family, security of property, security in work, social security, health security, judicial security, and security in living environment, ethnic security, national security, and other special security rights (personal and collective rights).

3. The right to security in the Constitution of the Republic of Macedonia

The constitution of the Republic of Macedonia contains two fundamental values connected to the international humanitarian law. The first one is "the basic freedom and rights of the individual and citizen, recognized in international law and set down in the Constitution". The second is "respect the generally accepted norms of international law". Having in view these values we may conclude that Constitution stipulates rights of an individual as a person and the right of a citizen as a legal subject in the legal system of the Republic. Individual as a human person is natural being. Citizen as a legal subject is juridical person. The rights of individual are inherent natural rights. The rights of citizen are social rights created by the states legislative bodies. The origin of the first is in the natural essence of the human being, but the origin of the second is in its social essence.

The Constitution of the Republic of Macedonia does not stipulate the right to security as constitutions of above named countries. But our Constitution stipulates more special security rights, both personal security rights and collective security rights.

Of the group of personal security rights the Constitution first stipulates the right to life as a supreme natural human right. According to the Constitution, the human right to life is irrevocable. Also, the human right to physical and moral dignity is irrevocable. The death penalty can not be imposed on any grounds whatsoever in the Republic of Macedonia.

Constitution follows the ranking of the human rights which is done in the International human rights documents, especially the Universal Declaration on Human Rights. So, after the right to life, it stipulates the right to liberty as a guaranty of secure life, of life without worry and the best guaranty for the good quality of life in the Macedonian society. The right to liberty contains

guaranties to physical and moral dignity and prohibitions from any form of torture or inhuman or humiliating conduct or punishment. Person's freedom can not to be restricted, except by a court decision or in cases and procedures determined by law.[1]

Constitution, in article 26, guarantees the inviolability of the home. This right may be restricted only by a court decision in cases of detection or prevention of criminal offences or the protection of people's health.

Security of family is in very close link to the right to security of person, because most of the citizens live in families. It is notorious fact that nobody can be completely secure if his/her family is not secure. On this right the Constitution stipulates: "Each citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and of his/her dignity and repute.

In Macedonian society ownership of property creates rights and duties and should serve the wellbeing of both the individual and the community.[2] Only secure property may be the best guaranty of the social stability. The creators of the Constitution guarantee to Macedonian citizens the right to ownership of property and the right of inheritance.[3]

Work as a human action is the main origin of the livelihood. So the right to work and the right to security in work are the main existential rights. Without work there is no livelihood. Without livelihood there is no human existence. Secure work means secure human existence. Having in view these facts, the Macedonian Constitution creators guarantee to citizens the right to work, to free choice of employment, protection at work, material assistance during temporary unemployment and other rights connected with the right to work and security in work.

The principle of social justice is one of the main principles of the Macedonian society. The right to social security is one of the constitutional

[1] In context of that, the Constitution continues: "Persons summoned, apprehended or detained shall immediately be informed of the reasons for the summons, apprehension or detention and on their rights. They shall not be forced to make a statement. A person has a right to an attorney in police and court procedure.
Persons detained shall be brought before a court as soon as possible, within a maximum period of 24 hours from the moment of detention, and the legality of their detention shall there be decided upon without delay.
Detention may last, by court decision, for a maximum period of 90 days from the day of detention". (Const. article 12, sect.3. sect. 4 and 5).

[2] Article 30, section 2 of the Constitution.

[3] "No person may be deprived of his/her property or of the rights deriving from it, except in cases concerning the public interest determined by law. If property is expropriated or restricted, rightful compensation not lower than its market value is guaranteed" (article 30, section 3 and 4).

rights which are a constitutional base for the realization of the principle in the society. Human beings live in society. They can not be safe and free if the social security is not guaranteed by constitution and laws and realized in living practice. Because the importance of the social security of citizens the country provides for their social protection and social security in accordance with the principle of social justice. She guarantees the right of assistance to citizens who are infirm or unfit for work and provides particular protection for invalid persons, as well as conditions for their involvement in the life of the society.

Health security is in very close link to the human right to physical integrity of person. To be sane means to be physically ant psychologically integrated person. Only integrated person may be happy and able-bodied. In function of the health security Constitution guarantees to the citizens the right to health care.

One of the fundamental values of the constitutional order of the Republic of Macedonia is the rule of law. According to this value Republic of Macedonia is obligated to provide the citizens with judicial security. Judicial security may be provided by efficient functioning of legal order in the society. Without it, the citizens do not feel free. Anxiety and fear reign in situation of non-existence of law in society. The citizens can not be safe and protected from the will of the state bodies and irresponsible and self-willed persons. To protect the citizens from the injustice and irresponsibility, the Constitution guarantees them the right to judicial security. According to the Constitution every detained person may under the conditions determined by law be released from custody in order to conduct their defense. A person indicted for an offence shall be considered innocent until his/her guilt is established by a legally valid court verdict. Nobody may be punished for an offence which had not been declared an offence punishable by law, or by other acts, prior to its being committed, and for which no punishment had been prescribed. Also, nobody may be tried in a court of law for an offence for which he/she has already been tried and for which a legally valid court verdict has already been brought.

Constitution guarantees the citizens the right to appeal against individual legal acts issued in a first instance proceeding by court, administrative body, organization or other institution carrying out public mandates. Also it guarantees the right to file a petition to state and other public bodies, as well as to receive an answer. A citizen cannot be called to account or suffer adverse consequences for attitudes expressed in petitions, unless they entail committing a criminal offence.

Furthermore, Constitution guarantees the citizens judicial protection of individual acts of state administration, as well as of other institutions carrying out public mandates.

Every citizen has the right to be informed on human rights and basic freedoms as well as actively to contribute, individually or jointly with others, to their promotion and protection.

Citizens' rights and freedom can be restricted during states of war or emergency, in accordance with the provisions of the Constitution. The restriction of rights and freedom can not be applied to the right to life, the interdiction of torture, inhuman and humiliating conduct and punishment, the legal determination of punishable offences and sentences, as well as to the freedom of personal conviction, conscience, thought and religious confession.

Apart from above analyzed personal security rights Macedonian Constitution guarantees the citizens a set of other human rights, such as the right of speech, the right to confidentiality of communication; the right to free movement; the right to education and other human rights.

The man is social being (antropos ine zoon politikon), Aristotle said. As a social being, man lives in social groups or social collectives: national communities, religious communities, ethnic groups and other global social groups. To live in group is a natural need of the man. So, the social group, basically viewed, is natural group. The social group as a human collective and natural group has natural rights. It means that collective security rights are natural rights.

Constitution of the Republic of Macedonia guarantees the citizens more collective security rights. The main of them are the right to national defense, the right to ethnic identity and the right to healthy environment.

The right of national defense is an element of the right to national security. About this right Constitution stipulates that the defense of the Republic of Macedonia is the right and duty of every citizen. It is obviously that the right to defense belongs to Republic of Macedonia as a social community of the citizens and citizen has the right to participate in the activities of the defense of the Republic. This right is attended with a duty to participate in defense activities. So the right to participate in the defense and duty to defend the Republic constitute one dialectical unit of a right and a duty.

The right to ethnic identity is very important human right in Macedonian constitutional order because the Republic of Macedonia is multiethnic state. Constitution stipulates it as a right to national identity. According to the Constitution (Article 48) members of nationalities have the right to express, foster and develop their identity and national attributes freely; the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity and the right to be instructed in their mother tongue in primary and secondary education, as determined by law. They also have the right to establish institutions of culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity. The

country guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities.

The right to healthy living environment is collective human right because the living environment as a part of the nature belongs to all citizens as human beings who live in any territory as a part of hearth soil. So the right to healthy living environment belongs to all citizens of the Republic of Macedonia. Constitution in article 43, stipulates that every citizen has the right to a healthy environment to live in. The citizen is obliged to promote and protect the environment. The country provides conditions for citizens' right to healthy environment.[1]

Instead of conclusion

The supreme human right is the right to life. This right is natural and inherent human right. All other human rights emanate from the right to life. So other human rights are natural human rights. The right to security as an inherent and natural human right is in function of the right to life. The Security of man means to live in liberty, to be safe and sound, free from injury, free from danger of any kind and any source and to live without terror, maltreatment, torture. Viewed as a state of man's being, as a natural being, the security is normal physical and psychological state of person. Insecurity is abnormal state because it makes difficulties to normal life of person and it often makes the life impossible. It over again confirm the natural essence of the right to security.

The security from psychological aspect means to be free from all kinds and sources of fear. It means to live without worry and fear for own life, for own health, physical and psychological integrity, for own property, work, for own dignity, honest and moral integrity. So, from psychological aspect the right to security is in function to the right to liberty and the right to liberty is in direct function to the right to life, as a man's gift of nature.

The natural essence of the right to security is confirmed by international human rights documents: the Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) and others. Those and other documents such as the international human rights documents are founded on the theory of natural rights. It is legal confirmation of the right to security as a natural human right.

[1] About these rights see also the article 52. Section 2.

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ПРАВОТО НА БЕЗБЕДНОСТ КАКО ПРИРОДНО ПРАВО НА ЧОВЕКОТ

Резиме

Според теоријата на природното право, човекот е творба на природата. Тој е природно суштество. Сите човекови права се вродени природни права. Правото на живот е основно човеково право. Но, без слобода и безбедност, ова право се сведува на обично преживување, слично на преживувањето на

животните - без човечка димензија, без човечко достоинство и без квалитет којшто му одговара на човечкото достоинство.

Правото на безбедност е едно од човековите основни права. Тоа се состои од повеќе компоненти. Меѓународните документи за човековите права (Универзалната декларација за човековите права, Меѓународниот пакт за граѓански и политички права и Конвенцијата за заштита на човековите права и основни слободи – Европска конвенција) им гарантираат на луѓето право на заштита на животот, право на заштита на приватноста, право на заштита на сопственоста, право на здрава животна средина, право на здравствена заштита и други права. Овие права се елементи на правото на безбедност.

Правото на безбедност има извонрендо значење во овој небезеден свет. Поради тоа се појави тенденција за негово внесување во Уставот на повеќе земји. Така ова право е пропишано во уставните закони и во Уставот на Канада, Јужна Африка, Турција, Нови Зеланд и други држави.

Уставите на повеќе земји во светот не го пропишуваат непосредно ова право, но ги пропишуваат неговите компоненти како што се правата на безбедност на домот, безбедност на семејството, безбедност на сопственоста, безбедност на работата; потоа правата на социјална безбедност, здравствена безбедност, правна безбедност, безбедност во животната средина, етничка безбедност, национална безбедност и други лични и колективни права на безбедност. Овие и други права се инкорпорирани и во Уставот на Република Македонија.

Правото на безбедност има многу тесна врска со правото на слобода. Нема слобода без безбедност. Само безбедните луѓе се слободни.

Од психолошки аспект, правото на слобода подразбира да се биде слободен, без стравување од било што, без фрустрации, без грижа, без анксиозност итн. Без слобода нема добар квалитет на животот и нема среќа. Монтескје рекол дека правото на слобода е придобивка која им овозможува на луѓето да ги уживаат другите придобивки. Русо рекол дека без слобода луѓето не можат да имаат човечко достоинство и не можат да ги уживаат човековите права.

Правото на безбедност и слобода се во дијалектичко единство. Само безбедни и слободни луѓе можат да ги уживаат благодетите на животот во природата. Само држава која е способна да им ги гарантира безбедноста и слободата на нејзините граѓани може да биде модерна независна држава и гаранција на мирот и стабилноста на Балканот, во Европа и пошироко. Државата е креација на националното општество. Општеството кое не во состојба да организира таква држава, според Фром, не е здраво општество.

Клучни зборови: *човек, луѓе, право, безбедност, слобода, држава, општество, гаранција*

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NEW JUVENILE CRIMINAL LAW IN THE REPUBLIC OF SRPSKA (MEETING INTERNATIONAL STANDARDS)

***Abstract**: In December 2009, for the first time in Bosnia and Herzegovina, that is, in the Republic of Srpska as one of the two entities of BiH, the Law on protection and processing children and juveniles in the criminal proceeding was passed as lex specialis.[1] In order to keep up with the international standards in this area, it was necessary to draft a specific law for juveniles. Following the example of modern legislative systems, the mentioned Law contains units that systematically address issues of juvenile delinquency. Regarding that, this Law includes provisions on material and criminal procedure law, organization of juvenile courts, the execution of sanctions for juvenile offenders, as well as the part which refers to the criminal offences committed against children and juveniles.*

The Article 1 of this Law lays down the special rule of conduct towards children conflicted with the law, younger adults, and children that are victims or witnesses, which should be treated by courts, prosecutor's offices, authorized officials, guardianship bodies, family, school, institutions at all levels of society, and other participants involved in the criminal procedure. Such social factors should act in a manner that, free of discrimination, promote a sense of dignity and personal value of a child, taking into account the child's age, the best interests of the child, their right to life, survival and development, at the same time allowing the child to, according to their age and maturity, express his/hers opinion in all relevant matters, while all efforts should lead to rehabilitation and social reintegration of the child and them taking a constructive role in the society. The authors of this paper will only show some (new) solutions contained herein.

***Key words:** juvenile, the juvenile judge, the juvenile prosecutor, guardianship body,*
police caution.

[1] Republic of Srpska Official Gazette, no 13/10; Hereinafter: Law

Short overview of the new Law on protection and processing children and juveniles in the criminal proceeding

Law on protection and processing children and juveniles in the criminal proceeding entered into force on January 1st, 2011, which ceased the application of the relevant provisions of the Criminal Code of the Republic of Srpska, Criminal Procedure Law of the Republic of Srpska and the Law on Execution of Criminal Sanctions of the Republic of Srpska related to the juvenile criminal justice system.

The Article 1 of this Law lays down the special rule of conduct towards children conflicted with the law, younger adults, and children that are victims or witnesses, which should be treated by courts, prosecutor's offices, authorized officials, guardianship bodies, family, school, institutions at all levels of society, and other participants involved in the criminal procedure. Such social factors should act in a manner that, free of discrimination, promote a sense of dignity and personal value of a child, taking into account the child's age, the best interests of the child, their right to life, survival and development, at the same time allowing the child to, according to their age and maturity, express his/hers opinion in all relevant matters, while all efforts should lead to rehabilitation and social reintegration of the child and them taking a constructive role in the society.

In order to protect the best interests of minors, it is anticipated that a juvenile department is constituted in all 19 courts in the Republic of Srpska, which would consist of one or more judges and expert consultants for juveniles. Also, in all primary and five district courts in the Republic of Srpska, councils for minors are being formed. Judges and prosecutors for juveniles (any level, from basic court judges to the RS Supreme Court judges), lawyers, mediators, police officers and other entities participating in proceedings against juveniles must have special knowledge related to child rights and juvenile delinquency. Regarding this, the Law sets the obligations in terms of education (which leads to specialization) of all those who deal with the cases of juvenile delinquency. Also, this law provides for the participation of expert consultants within the courts and prosecutors' offices, which will be entrusted with the special tasks in the proceedings pending the minor.[1]

The new Law emphasizes the application of alternative measures and insists on the adoption of special regulations in order to create special conditions for their implementation. As a separate criminal sanctions against

[1] Grbic-Pavlović, Nikolina: Criminal law aspects of juvenile delinquency in the Republic of Srpska", Defendology center for security, social and crime research, Banja Luka, 2010.

juveniles there have been prescribed so called special obligations that the court shall impose to a juvenile in order to successfully deter deviant behavior. Generally, concept of shortening the duration of the prison and other correctional measures has been accepted, as practical experience suggested the need for such legal norms. This Law specifies that, in the proceedings against juveniles, the preparatory procedure (investigation) is transferred under the competences of the prosecutor. Furthermore, special attention was paid to the solutions in terms of detention and custody of minors, also having taken into account relevant international standards. The Law, also, anticipates the provisions that take into account the efficiency of the proceedings against juveniles. Also, the judicial supervision over the execution of the imposed criminal sanctions against juveniles has been increased.

An important novelty is a specific chapter related to the crimes against children and juveniles. These provisions seek to provide adequate protection to the victims during the proceedings. In this sense, following the model of modern legislation, there have been envisaged specific forms of hearing children and adolescents as victims of specific crimes.

Juveniles - juvenile status and boundaries

Modern criminal law defines the boundary age of juveniles in a different way.[1] Articles 2 and 3 of the Law lay down that the children are considered persons under the age of 14 years, while the younger juveniles are considered persons who were, at the time when the offence was committed, 14, but not yet 16 years old, or older juveniles who were, at the time when the offence was committed, 16, but not yet 18.[2] Article 2, paragraph 2 of this Law provides that a child who was, at the time when the offence was committed, under 14 years old cannot be imposed criminal sanctions or other measures anticipated by this law.

Juvenile criminal legislation of the Republic of Srpska (similar to other countries) from the very beginning, that is, from its inception, has been based on the notion of juvenile specificities and therefore regulates their

[1] Minimal age for criminal liability in Austria is 14, and juveniles are considered individuals up to 19 years old; this limit in Cyprus is 12, while individuals become criminally liable at turning 16; the minimal age for criminal liability in Denmark is 15, and in England and wales 10.

[2] The identical solution has been given in the Republic of Srpska Minor Offence Law, where it is stated that the lower juvenile age is 14 years. Pursuant to the Article 23, paragraph 2 of the Republic of Srpska Minor Offence Law, a juvenile, who at the time when the offence was committed, has not turned 14 (a child) is not criminally liable (a minor offence procedure cannot be initiated against him/her).

status in a special manner. Juvenile perpetrators of criminal offenses (crimes and offenses) represent a specific category of perpetrators which, according to their biological, sociological and bio-psychological characteristics, differ significantly from adults, so that prevention of their criminal behavior cannot be achieved through the same measures and procedure used against adults. They are individuals in development, in a critical period between childhood and maturity characterized by physiological instability, mental tension, mental instability and excessive sensitivity. Given the extent of their bio-psychological development (a process of psychological and sociological development of their personality is not completed, they are at the stage of puberty), juveniles are not fully able to understand the real and social significance of their actions, and to control them. Their offences are not a result of mature thinking and strong will. Therefore, their culpability and accountability are manifested in a special form, other than mental capacity and culpability of adults. On the other hand, the cause of juvenile delinquency is most commonly negligence, poor care of parents or guardians regarding their behavior, and problematic family and social environment in which they grow up.

On criminal proceeding against juveniles

Specific legal standards[1] set forth in several international legal acts can be found in basis of the newly established system of juvenile criminal law in the Republic of Srpska. The most important international legal documents are: the Universal Declaration of Human Rights (1948), United Nations Covenant on Civil and Political Rights (1986), the European Convention for Protection of Human Rights and Fundamental Freedoms (1950), The United Nations Convention on the Rights of the Child from 1989, The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (so-called Beijing Rules) adopted by the UN in 1985[2], the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) from 1990[3], The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (from arbitrary deprivation of liberty)

[1] Simovic, Miodrag and others: Comment on the Law ***on protection and processing children and juveniles in the criminal proceeding, International association of scientists - AIS Banja Luka, 2010.***

[2] The United Nations Standard Minimum Rules for the Administration of Juvenile Justice – The Beijing Rules, adopted by the UN General Assembly Resolution 40/33, 29 November 1985.

[3] The United Nations Guidelines for the Prevention of Juvenile Delinquency - The Riyadh Guidelines - adopted by the UN General Assembly Resolution 45/112, 14 December 1990.

- the so-called Havana Rules from 1990[1], United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) from 1990[2], The European Rules on Community Sanctions and Measures for the implementation of the juvenile criminal justice system - the so-called Vienna Rules from 1997, the Recommendation of the UN Secretary General - United Nations common approach to juvenile justice from 2008, The Resolution of the UN Economic and Social Council on the support of national efforts for juvenile justice system reform, in particular through technical assistance and enhanced cooperation system no. 2007/23 from 2007 , the European rules on community sanctions and measures CE P (92) 16, Recommendation (2003) 20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, Resolution adopted at the XVII International Congress of Penal Law, Beijing, 2004, UN the General Assembly Protocol on the Involvement of Children in Armed conflict from 2008, The United Nations General Assembly Protocol on the Sales of Children, Child Prostitution and Pornography from 2008, and other.

Alongside with these, special significance has been given to the two recommendations of the Council of Europe adopted by the Committee of Ministers of this most massive and oldest European regional political organization. These are: Recommendation R (87) 20 on Social Reactions to Juvenile Delinquency from 1987, and the Recommendation R (88) on Social Reactions to Juvenile Delinquency among Young People from Migrant Families from 1987.[3]

In criminal proceedings (many authors avoid using the term "criminal proceeding", but instead prefer to use juvenile proceeding, which if fully justified due to the specificity of this procedure[4]) against juveniles, special care is taken about the age of the offender, and the need for proper education and development of juveniles.

The basic features of criminal proceedings against juvenile offenders are prescribed by the provisions laid down in Articles 72 to 85 of this Law, and they are as follow: the principle of the urgency of the criminal proceedings and the principle of a vigilant procedure, rules or principles

[1] The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty – La Habana Rules - adopted by the UN General Assembly Resolution 45/113, 14 December 1990.

[2] United Nations Standard Minimum Rules for Non-custodial Measures - the Tokyo Rules - adopted by the UN General Assembly Resolution 45/110, 14 December 1990.

[3] Mitrović, Ljubinko and others: "Treating children and juveniles in a criminal proceeding", Manual for education of juvenile proceeding participants, the Republic of Srpska Ministy of Justice – UNICEF, Banja Luka, 2010.

[4] Skulić, Milan: Basic principles of the juvenile proceeding, Collection of papers from the gathering titled "Juvenile delinquency as a form of socially unacceptable behavior", Banja Luka, 2008.

related to the invocation of a juvenile offender and delivery of pleading to a juvenile, the rules related to the exclusion of exemptions from the duty to testify, the rules related to the merging and separation of the criminal proceedings against a juvenile, the principles of the role and importance of the guardianship body in juvenile proceedings and the principles of its work, the rules regarding the application of the provisions towards children, the principle of compulsory defense of a juvenile offender, the principle of uniform enforcement of the criminal proceedings against a juvenile, the principle of prohibition of the publication of the flow of criminal proceedings, that is, the public exclusion principle[1] and the principle of specialization of all officials involved in juvenile proceedings.

Juvenile criminal justice bodies

In criminal proceedings against juveniles, criminal justice bodies have very broad authorities in terms of initiation, course or outcome of the criminal proceedings.[2] These powers are many and, above all, include the discretion right of the juvenile prosecutor to drop the prosecution - application of the principle of opportunity (Article 89 of the Law), if he/she finds it useful from the standpoint of education and rehabilitation of a juvenile delinquent. Namely, the principle of utility has a primate over the principle of fairness. In addition, the powers of the court (or judge for juveniles) are very important and consist not only in large-scale choice of measures and sanctions that may be imposed, but also in a position that pronounced measures and sanctions are substituted by others, more suitable ones, if so required by a particular situation.

The provisions of Article 1 of this Law show that the children conflicted with the law[3], young adults and children who are victims or witnesses of criminal acts, primarily should be treated by the:(1) courts, (2) prosecution, (3) police and (4) guardianship bodies, or, competent social centers.

Legislation of the Republic of Srpska can be classified among the legislations of most European countries where juvenile offenders are treated

[1] On the principle of increased proceeding discretion, as it is called by some authors, see more: Skulic, Milan, *ibidem*.

[2] Mitrović, Ljubinko: Alternative sanctions in BiH criminal law and experience of their implementation, Collection of papers, Serbian association for criminal justice theory and practice, 2009.

[3] A child in conflict with the law is a term that implies a child in contact with criminal justice system as being accused of, charged with or convicted for a criminal offence; juveniles in conflict with the law is an alternative term which might include even young adults, since the word "juveniles" does not define precisely the specific age limit.

by the competent **courts**.[1] Unlike some other states where there are special courts for juveniles which are even organizationally separated from the courts of general jurisdiction, the proceedings against juveniles in the Republic of Srpska are exclusively conducted by the courts of general jurisdiction.[2] It is, certainly, important to point out that in courts of first instance, there are departments for juveniles, which consist of one or more judges and expert consultants, provided that in the courts of first and second instance there are juvenile councils consisting of three judges (so called the Pre-trial Chamber).

The proceeding against a juvenile is carried out before the juvenile judge of the first instance (primary) court, before the juvenile council of the second instance (district) court and, only in exceptional cases, before the panel of the Supreme Court of the Republic of Srpska (third instance court). The juvenile judge who is appointed for a period of five years by a general assembly of the court must possess special knowledge and preferences towards the education of juveniles. The juvenile council in the second instance court consists of three judges who have expertise in the field of child rights and juvenile delinquency. In the third instance court the decisions are made by the panel of three judges appointed by work schedule in this court who have special knowledge related to child rights and juvenile delinquency and this is the court which decides on appeals lodged against decisions of second instance court (Article 118 of the Law).

The prosecutor in a proceeding against a juvenile is appointed for a period of five years by the course of prosecutors and must have a strong preference for education, needs and interests of the young ones, and expertise in the field of child rights and juvenile delinquency that make him/her competent to work on the cases of juvenile delinquency. Juveniles departments are formed within the prosecutor's offices, which consists of one or more prosecutors and one or more expert consultants. Thus, prosecutors, and courts have expert advisors and those are social pedagogues - special education teachers, special pedagogues, social workers and psychologists. Expert consultants play an active role in the cases of juvenile delinquency by providing their expert advice, collecting necessary data,

[1] The basic organizational-institutional models of the juvenile proceeding are: 1. special juvenile courts, completely separated from regular courts (Anglo-Saxon legal systems); 2. family courts with special departments dealing with criminal offences (Canada and Japan); 3. parallel models where a proceeding against a juvenile can be carried out before the criminal court or before specific social body (Norway, Sweden, Scotland), and 4. special juvenile court forms within the general courts (republic of Serbia, Germany, Italy...) – to see more: Skulic, Milan: footnote 13.

[2] The Republic of Srpska Law on Courts ("The Republic of Srpska Official Gazette", no. 111/2004; 109/2005; 17/2008; 119/2008 and 58/2009).

keeping records and performing other duties as requested by the prosecutor or judge.

Police have a particularly important role in juvenile proceedings. Besides informal admonishments of the juvenile offenders by the authorized officials of the police bodies and other powers of the police in proceedings against a juvenile, this Law provides for a special warning measure called **police caution**.[1] It is, therefore, a more formal warning, or a special warning imposed by the police[2] to a juvenile offender, for which a fine or imprisonment up to three years (so-called bargain crime) is appointed. Pursuant to this law, police caution can be imposed if two groups of conditions are met. The first group of conditions is related to the actions of authorized officer in imposing a police caution.[3] The second group of conditions refers to the compliance with the principle of proportionality, especially taking into account the welfare of a minor who is in conflict with the law. Of course, the Law provides for possibility of selection and use of legally prescribed sanctions and measures that will be tailored to personal characteristics, environment and circumstances in which the juvenile lives, and in proportion to the circumstances and severity of the offence, respecting the rights of the injured party.[4]

In order for a police caution to be imposed, the juvenile must confess the criminal offense, the confession must be given freely and voluntarily, there must be sufficient evidence that the juvenile committed a crime and the juvenile must not be previously imposed a police caution, corrective recommendations, or any other sanction.[5]

The guardianship body, in principle, is a competent center for social work (it employs psychologists, pedagogues, special education teachers, social workers and other professionals). An exception are municipalities in which there is no center for social work, and where guardianship body is considered to be an appropriate municipal department of social welfare that has the same rights and duties towards children in conflict with the law as a social center. On the other hand, the law imposes that a center for social work is a guardianship and social protection body (Article 12 of the Law).

[1] Mitrović, Ljubinko: Criminal justice system bodies, Collection of papers "Contemporary tendencies of the criminal repression as crime prevention instruments", Bijeljina, 2010.
[2] Pru, Zak: Canadian Law on criminal prosecution of juveniles, Collection of papers "Criminal justice issues of juvenile delinquency", International scientific gathering, Belgrade, 2008.
[3] Mitrović, Ljubinko: footnote 19.
[4] Ibidem.
[5] Ibidem.

The importance of the guardianship body is evident from the law provisions under which, in addition to those powers expressly provided by law, the guardianship authority in the juvenile proceedings has certainly the right to be informed of the course of the proceedings, right to make certain proposals in the course of the proceeding, and right to point to the facts and evidence that are relevant to making the right decision.

Conclusion

Corpus on *universally recognized human rights* and fundamental *freedoms includes "special" rights of juveniles, where emphasize is put on special and stronger protection and development of juveniles. Putting juvenile offenders in a separate category of criminal offenders started by introducing separate types of sanctions. The type of sanctions prescribed for juveniles and their implementation present the main evaluation criteria for a juvenile-related legislation. Setting apart juvenile from adult crime offenders in contemporary penal codes is imposed by international conventions, rules, guidelines, recommendations, resolutions and other UN and CoE documents. These international documents emphasize the need for introducing special sanctions for juveniles. Therefore, their content is made of a series of recommendations that refer to processing juvenile offenders, adoption of types of juvenile-related sanctions and principles for their implementation, as well as the ways in which convicted juvenile offenders are treated.*

Law on protection and processing children and juveniles in the criminal proceeding entered into force on 1 January 2011, which ceased the application of the relevant provisions of the Criminal Code of the Republic of Srpska, Criminal Procedure Law of the Republic of Srpska and the Law on Execution of Criminal Sanctions of the Republic of Srpska related to the juvenile criminal justice system. The new Law emphasizes the application of alternative measures and insists on the adoption of special regulations in order to create special conditions for their implementation. As a separate criminal sanctions against juveniles there have been prescribed so called special obligations that the court shall impose to a juvenile in order to successfully deter deviant behavior. An important novelty is a specific chapter related to the crimes against children and juveniles. These provisions seek to provide adequate protection to the victims during the proceedings. In this sense, following the model of modern legislation, there have been envisaged specific forms of hearing children and adolescents as victims of specific crimes.

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PROTECTION OF HUMAN RIGHTS UNDER A STATE OF EMERGENY – THE CASE STUDY OF SERBIA

***Abstract**: A state of emergency represents an irregular, exceptional situation, which may occur in any state, temporarily disabling normal constitutional functioning, caused by unpredictable circumstances, resulting in disturbance of basic social values. A situation when the very existence of the state and society may be in question needs some kind of temporary concentration of power, providing a swift reaction in those critical circumstances. On the other hand, common misusage of this legal institute brings into question modalities, mechanisms and methods of control of competent authority in exceptional situation, as under such conditions human rights, the very essence of legal state, may be easily endangered. Those conditions demand additional attention of the constitution makers in the process of regulating this sensitive, both political and legal institution. Because of that, it is necessary to provide for an efficient mechanism to control emergency powers, as well as for a simple system of liability of those exercising emergency powers that can be really implemented in case of abuse of this institute.*

In respect to concentration of power, which can easily be abused, special guarantees must be given to the protection of human rights. Therefore, it is necessary to establish a list of non-derrogable and absolutely protected human rights that must be respected under a state of emergency. The Republic of Serbia can be taken as a very interesting case study in this field because Serbia has experienced the state of emergency in 2003. Namely, developments that followed declaration of the state of emergency in 2003 indicated many disadvantages of the then institutional arrangement, which can be very instructive for constitution makers to come.

***Key words**: State of emergency; human rights; constitutionalism.*

Introduction*

During the existence of any state there always exist situations, not necessarily caused exclusively by political reasons, when a constitutional system is not as functional as it should be. Such circumstances, when even the very existence of a state can be jeopardized, urge for a certain degree of power concentration, primarily due to the need for prompt reaction of the state bodies with the purpose of overcoming an existing crisis, as efficiently as possible. A disruption in the originally proclaimed distribution of powers becomes a necessity and is "most often to the benefit of executive and the detriment of legislative and occasionally at the disadvantage of the constitutive power."[1] At the same time, temporary establishing of a special legal regime in the state will, as a rule, imply the derogation of certain human rights guaranteed by the constitution. Therefore, the very constitutional guarantees being the substance and meaning of the constitution will be compromised.[2] However, even during the state of emergency a constitution should preserve its basic function – a restricting one, in a manner that even in such circumstances it will be an efficient barrier to the abuse of power. Thus, even in the state of emergency the execution of power is not unlimited and arbitrary, but is instead set by the constitution. Such a special and temporary legal regime was therefore called "a constitutional dictatorship" by Carl Friedrich.[3] It is clear that the term dictatorship is not negative in this context, but its use is instead inspired by the bright tradition of ancient Rome in which the dictatorship represented a temporary republican institution in the state of emergency which was based on a noble idea that the salvation of the nation is the supreme law (*Salus populi, suprema lex esto*). When regulating the state of emergency, optimum balance should be found between a legitimate need to save the society and the state itself in the most efficient way during calamity situations by sacrificing the legality principles and human rights inviolability in a necessary measure, on

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[1] M. Stefanović, *Poremećaj nadležnosti u korist izvršne vlasti usled stanja nužde*, Belgrade, 1934, p. 2.

[2] M. Pajvančić, "Ustavnost vanrednog stanja", in K. Čavoški (ed.), *Ustavnost i vladavina prava*, Belgrade, 2000, p. 435.

[3] See: C. J. Friedrich, *Constitutional Government and Democracy*, Boston, 1950 (chapter XXVI).

one hand, and the need to prevent possible power abuse in those circumstances, on the other. The creators of the constitutions are therefore facing the delicate task of balancing the two opposing tasks. Hence, the constitutional provisions related to the state of emergency are very inspiring and demanding for further analysis, for there can be no ideal institutional framework in this matter.

Proclamation of a State of Emergency according to the 1990 Constitution of Serbia

Given the social-political ambiance in the Republic of Serbia in 1990, the creators of the Constitution had rightfully envisaged several forms of a state of exception. Besides a state of war and immediate danger of war, the Constitution maker had also constitutionalized the institute of a state of emergency. It is envisaged that the President of the Republic shall, at the proposal of the Government, if the security of the Republic of Serbia, the freedoms and rights of man and citizen or the work of State bodies and agencies are threatened in a part of the territory of the Republic of Serbia, proclaim the state of emergency, and issue acts for taking measures required by such circumstances, in accordance with the Constitution and law (Article 83, paragraph 1, Item 8)[1]. Since the reasons for proclaiming the state of emergency are as a rule of an external nature (e.g. aggression), while the state of immediate war danger precedes the state of war, it can be concluded that the reasons for proclaiming the state of emergency are primarily internal. Therefore, the state of emergency should relate to all other unpredictable circumstances which could endanger regular functioning of a constitutional system. Thus, the state of emergency should also serve both for handling and neutralization of certain political problems (as for example armed insurgences or threat to a constitutional order) and for addressing major natural catastrophes.

In order to prevent the eventual abuse of power as much as possible, the Serbian Constitution makers had envisaged that the National Assembly shall convene without being called in case of declaring a state of emergency (Article 79, paragraph 4). This ensures that emergency authorizations of the President of the Republic are constantly under the scrutiny of a representative body. Since 1990, the creators of the Constitution of the Republic of Serbia had not defined the time effectiveness of a decision on proclaiming the state of emergency. Therefore, a maximum duration of the state of emergency is not set, meaning that it could last for as long as the circumstances causing its proclamation prevail. Although there are in

[1] Službeni glasnik Republike Srbije, br. 1/1990.

comparative law some constitutions not restricting duration of a decision to proclaim the state of emergency,[1] it appears that in theory a stance prevails that the creators of the constitution should maximize the duration of the state of emergency so as to narrow down the space given for discretional assessment by the competent body. In the event that the creator of the constitution does not constitutionalize the duration of the state of emergency, a fear that a temporary and exceptional state of emergency could easily be transformed into a permanent legal regime is quite justified.[2] Nonetheless, the Constitution maker did not leave undefined the territorial effectiveness of a decision on proclaiming the state of emergency by specifying that the state of emergency can be proclaimed in a part of the Republic of Serbia territory only (Article 79, paragraph 4; Article 83, paragraph 8).

It is obvious that the state of emergency has been organized in a lapidary manner in the above presented institutional framework. So, the room was opened for many ambiguities and shortcomings regarding substantive and formal conditions for proclaiming the state of emergency. Previous comparative experience unambiguously indicates the need for complete constitutionalization of this legal institution, given its implementation in practice can have far-reaching consequences for the substantive elements of a rule of law, for example the principles of legality and inviolability of human rights. The chief omission of the Constitution maker is undoubtedly the failure to establish a special legal regime for human rights accomplishment during the state of emergency. Namely, the Constitution does not envisage the existence of absolutely guaranteed human rights which must remain inviolable in the state of emergency. In that sense, the 1990 Constitution was not in accordance with the standards of the International Covenant on Civil and Political Rights, ratified by our country as far back as 1971, which does not allow for divergence from certain absolutely protected rights.[3]

The assassination of the Prime Minister of the Republic of Serbia, Zoran Djindjic on 12 March 2003, served as a ground for proclaiming a state of emergency. Serbia's experience with the state of emergency has pointed out all of the shortcomings of the state of emergency institutional framework. Although the Constitution has clearly envisaged that the state of emergency can only be proclaimed in a part of the state territory, the state of emergency

[1] An example of this is the 1949 Constitution of Hungary, the 1952 Constitution of Jordan, the 1991 Constitution of Bulgaria, the 1991 Constitution of Romania, the 1991 Constitution of Rwanda, the 1992 Constitution of Angola, the 1993 Constitution of Russia, the 1996 Constition of Ukraine.

[2] See: D. Avramović, "Kad vanredno stanje postaje redovno", *Pravni život*, No. 14/2008, Belgrade, pp. 509-529.

[3] M. Pajvančić, *Srbija izmedju ustava i ustavnosti*, Belgrade, 2005, p. 119.

was imposed throughout entire state territory with the exception of Kosovo and Metohija which was under the administration of the international community. At the same time, practice has confirmed that the Constitution does not render sufficient guarantees for human right protection in a state of emergency. As a matter of fact, the Order on special Measures during the State of Emergency specifies divergence from the following rights guaranteed by the Constitution: the freedom of personality, the freedom of movement, the right to privacy, the right to strike, the freedom of public gathering, as well as the freedom of expression and freedom of media. The freedom of personality was the most endangered since Article 2 of the Order allowed police to detain persons up to 30 days. According to police data, 11,665 persons had been brought in throughout a 42 days-long state of emergency, out of which 2,697 were detained. However, it was not the court that decided on possible arrests, but the appeal was to be submitted to the Minister of Internal Affairs which was contrary to both the Charter on Human Rights of the Serbia and Montenegro State Union and international standards. For the sake of objectivity, let us rely on a report of the international organizations (UNOHCHR, OSCE and ODIHR), which concludes that detained persons had been kept in police facilities which were inadequate, as they were intended for short-term detention, emphasizing that the state of detainees in isolation of the Belgrade Central Prison was unacceptable to the extent that it was contrary to the prohibition of torture, inhuman or degrading treatment as under Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the UN Convention against Torture.[1] This brief review of Serbian recent past indicates that regardless of absurdity of it, human rights were also violated by the state bodies, although the state of emergency had been proclaimed for the purpose of more efficient protection of human rights.

Proclamation of a State of Emergency according to the 2006 Constitution of Serbia

The negative experience of the Republic of Serbia with the state of emergency had shown that such an issue must necessarily be regulated much more precisely and in greater detail. Truth be told, unlike the previous creator of the Constitution (1990) who had placed the institute of state of emergency within the competence of the President of the Republic, the 2006 Constitution maker regulated this subject-matter in a separate article, within the scope of its section eighth titled „Constitutionality and Legality“, thus

[1] See: T. Papić, V. Dimitrijević (ed.), *Ljudska prava u Srbiji i Crnoj Gori 2003*, Belgrade, 2004, p. 291-305

dedicating a much larger space to this issue (Article 200)[1]. The impression is, at least at first glance, that the institute of the state of emergency is much more adequately standardized this time around.

Already in the first step, when dealing with the substantive conditions for proclamation a state of emergency, there is an evident difference in relation to the past constitutional framework. Namely, the Constitution of 2006 foresaw that the National Assembly shall proclaim the state of emergency when the survival of the state or its citizens is threatened by a public danger (Article 200, paragraph 1). It can be observed that the formulation of substantive condition for introducing a state of emergency is for the most part taken over from international documents which regulate this issue, first and foremost from the European Convention on Human Rights whose vocabulary is copied directly. For this reason in interpreting and defining the legal standard "public danger", it is necessary to take into consideration the judicial practice of the European Court for Human Rights in Strasburg, by way of which the possibility is there for Serbian law to be directly harmonized with those of the EU standards.[2] This is so not only at a normative level, but at the level of interpretation and judicial practice. Due to the fact that ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly (Article 16 of the Constitution), then the views of this court are relevant in defining this notion, especially when taking into consideration that its practice goes a step further in defining certain legal standards, which inevitably contributes to the increase of legal certainty.

Contrary to the former Constitution, this Constitution places the making of the decision regarding the proclamation of a state of emergency into the competence of the National Assembly. Such a solution is indisputably more democratic because a parliamentary body is the most adequate representative of the electorate as the custodian of sovereignty, thus the primary competence of legislation can theoretically strongly be justified. However, there remains a debatable question regarding the efficiency of deciding in such a delicate matter, for which reason some theoreticians, such

[1] Službeni glasnik Republike Srbije, br. 35/2006.

[2] In interpreting Article 15 of the European Convention on Human Rights, the European Court for Human Rights defined the legal standard „other public danger", which is the substantive condition for introducing a state of emergency and deviating from certain guaranteed freedoms and rights of citizens, so that the danger must be real or inevitable, that its effects must be felt by the entire nation, that the continuation of the organized life of a communitiy must be imperiled and that the crisis or danger must be exceptional, whereas normal measures or limiations are inadequate. This view was taken on the Court in relation to the so-called *Greek Case*, for further details also see H. Fenwick, *Civil Liberties and Human Rights*, London–Sydney 2002, p. 88.

as Geneviève Camus, chose the other extreme, exclusive competence of the executive branch of the government.[1]

When the National Assembly is not in a position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the President of the National Assembly and the Prime Minister, under the same terms as by the National Assembly (Article 200, paragraph 5). Such a decision is conditioned by subsequent endorsement by the National Assembly within 48 hours from its passing, that is, as soon as it is in a position to convene. Otherwise, the decision shall cease to be effective upon the end of the first session of the National Assembly held after the proclamation of the state of emergency (Article 200, paragraph 8). However, as all three mentioned state bodies, in situations where there is no stable parliamentary majority, as a rule, do originate from different political parties, having very different and uncompromising party programs and interests, thus there could easily arise a problem of consensus in the proclamation of a state of emergency, leading to a possible blocking of the important decision.

Another difficulty is connected to territorial validity of the decision on proclaiming a state of emergency which is not explicitly defined. But there are two customary solutions that can be applied, depending on the reason that stands behind the proclamation – either on a part of a territory or on the entire state territory. However, this issue should have been explicitly dealt with in the actual text of the Constitution, when taking into consideration recent problematic Serbian experiences. On the other hand, the creator of the Constitution is very precise in setting the time determination of the effect of the decision on proclaiming a state of emergency. Namely, the decision on the state of emergency shall be effective 90 days at the most, whereas the National Assembly may extend the decision on the state of emergency for another 90 days (Article 200, paragraph 2). Certain authors are of opinion that that period is too long, as it may thus last half of a year all together.[2] Nevertheless, the time limitation of the validity of this decision represents a very important obstacle to possible misuse of this legal tool, even if it does not have an entirely appropriate time limit.

Contrary to the former Constitution which did not recognize a special regime of human rights during a state of emergency, the 2006 Constitution of the Republic of Serbia, gives a notable amount of space to this issue. Namely, when proclaiming the state of emergency, the National Assembly may prescribe the measures which shall provide for derogation from human and minority rights guaranteed by the Constitution (Article 200, paragraph

[1] See: G. Camus, *L'état de nécessité en démocratie*, Paris, 1965, p. 259-260.
[2] See: R. Marković, *Ustavno pravo i političke institucije*, Beograd, 2006, p. 740.

4). However, when the National Assembly is not in a position to convene, the measures which provide for derogation from human and minority rights may be prescribed by the Government, in a decree, enacted together with the President of the Republic as a co-signatory (Article 200, paragraph 6). Measures providing for derogation from human and minority rights prescribed by the National Assembly or Government shall be effective 90 days at the most, and upon expiry of that period they may be extended under the same terms (Article 200, paragraph 7). In cases when the measures providing for derogation from human and minority rights have not been prescribed by the National Assembly, the Government shall be obliged to submit the decree on measures providing for derogation from human and minority rights to be verified by the National Assembly within 48 hours from its passing, that is, as soon as the National Assembly is in a position to convene. In other respects, the measures providing for derogation shall cease to be effective 24 hours prior to the beginning of the first session of the National Assembly held after the proclamation of the state of emergency (Article 200, paragraph 9).

However, there is a notable inconsistency in constitutional solutions in this area as well. It is not entirely clear why the Government in a state of emergency, having the agreement of the President of the Republic, prescribes with a decree, the measures for derogating from constitutionally guaranteed human and minority rights, in situations when the National Assembly is not able to convene; but in conditions of state of war those same measures are prescribed by the President of the Republic, the President of the National Assembly and the President of the Government.[1] "That is not natural, and a constitutional solution which establishes varying regimes of protection of the same constitutional values cannot be defended with strong arguments. Human rights are the object of protection, in both state of war and state of emergency, thus there is no possible justification for there to be differing regimes for their protection. "[2] Nevertheless, in that regards, indisputable is the fact that the 2006 Constitution corrected perhaps the most serious omission made by the creators of the 1990 Constitution, seeing as it did not foresee the existence of absolutely guaranteed human rights in a state of emergency. As such, contrary to the former Constitution, the actual Constitution foresees that the measures providing for derogation shall by no means be permitted in terms of dignity and free development of individuals (Article 23), right to life (Article 24), inviolability of physical and mental integrity (Article 25), prohibition of slavery, servitude and forced labor

[1] See the 2006 Constitution of Serbia, Article 200, paragraph 6 and Article 201, paragraph 4.
[2] M. Pajvančić, G. Vukadinović, "Legal State, the Constitution and the State of Emergency", *Pravni život*, 14/2007, Belgrade, p. 322.

(Article 26), treatment of persons deprived of liberty (Article 28), right to a fair trial (Article 32), legal certainty in criminal law (Article 34), right to legal person (Article 37), right to citizenship (Article 38), freedom of thought, conscience and religion (Article 43), conscientious objection (Article 45), freedom of expressing national affiliation (Article 47), prohibition of inciting racial, ethnic and religious hatred (Article 49), right to enter into marriage and equality of spouses (Article 62), freedom to procreate (Article 63), rights of the child (Article 64) and prohibition of forced assimilation (Article 78). So, the number of absolutely protected human rights which are constitutionally proclaimed is large, however it seems that they were selected in accordance with quite specious criteria. If the Constitution already foresaw that upon proclamation of the state of emergency or war, derogations from human and minority rights guaranteed by the Constitution shall be permitted only to the extent deemed necessary (Article 202, paragraph 1), it is difficult to think of a situation in which it would be necessary to derogate from the right to enter into marriage and equality of spouses or from the freedom to procreate.

On the other hand, there remains the dilemma why the Constitution maker missed out on including the special rights of persons charged with criminal offense (Article 33) into the circle of absolutely protected human rights. In that context the Constitution maker can be criticized for not being more restrictive in defining the possibility of derogating from human rights, seeing as instead of putting the very vague formulation that „shall be permitted only to the extent deemed necessary", s/he could have taken the formulation from the European Convention which foresee this only „to the extent strictly required by the exigencies of the situation"(Article 15). In the same article it is foreseen that measures providing for derogation shall not bring about differences based on race, sex, language, religion, national affiliation or social origin (Article 202, paragraph 2); thus a dilemma remains as to why the Constitution maker did not use a more elegant solution and had not included into the circle of absolutely protected human rights the prohibition of discrimination from the Article 21. Based on the constitutional provision conceptualized in this way, and seeing as the explicit prohibition of any type of discrimination was not encompassed (as the prohibition of some basis for discrimination were listed only), it can be concluded that any derogation from human rights in a state of emergency could lead to discrimination based on some other, unmentioned basis, such as is the case of property, age, psychological and physical disability, political or other beliefs, culture or language.

Conclusion

As with any other political institution, the manner in which the state of emergency is constitutionalized depends largely on the social milieu in which a constitution is being enforced. Comparative experience shows that the creator of the constitution must not live in a fear of the possibility that the institute of state of emergency may be perverted. It is indisputable that the constitutional provisions regarding the state of emergency are vulnerable and that they could be misused. However, sometimes the state of emergency may also be the last glimmer of hope for a state found in a crisis situation. For this reason, it is the task of every constitution maker to establish mechanisms which are effective enough to quickly and painlessly overcome critical situations. In that sense, the solution foreseen by the 1990 Constitution of Serbia was pragmatic, as the decision of proclaiming a state of emergency is vested in the hands of a single body which had at its disposal direct political legitimacy. On the other side, the previous Serbian constitution makers left many questions open and vague, as was particularly the case with the regime of the state of emergency introduced in 2003. Based on that deplorable experience with the state of emergency and alongside certain inconsistencies, and perhaps even misdeeds, as well as possible objections that the solution tied to the competence of the bodies responsible for introducing a state of emergency may be insufficiently pragmatic, the existing Constitution of the Republic of Serbia nevertheless shows in essence democratic endeavor for the decision making on the state of emergency to be multiply insured, especially for the obligations which are the result of the international standards taken on, to be fully respected during the state of emergency, particularly those ensuring the respect of human rights. However, in conclusion, it remains questionable as to whether this solution may be effective in practice or would it perhaps lead to the paralysis of the decision-making process during the introduction of a state of emergency and the inability to adequately respond in urgent situations. Only the future can attest to this, whilst we harbor the hope and wish that such situation will not even occur.

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PRINCIPLES OF APPLICATION OF SPECIAL INVESTIGATIVE TECHNIQUES IN CRIMINAL PROCEDURE - COMPARATIVE ANALYSIS OF THE FORMER SFRY COUNTRIES

***Abstract**: The search for the efficient strategy of fighting against the organized crime in the world has been going on for some time and it mostly relies on the response by the criminal legislation, which has to be based on the link between the traditional and contemporary concepts of fighting against crime. The experiences so far have shown that exclusively traditional institutes of criminal law and crime investigation are not efficient enough in this area. Special investigation techniques today represent evident techniques that are most suitable to cope with contemporary crimes, their characteristics, perfidy and sophistication. The experiences of many countries have constituted the rule that in cases of particularly serious crimes it is necessary to use the data provided using various forms of electronic surveillance, secret agents, controlled deliveries, testimonies of cooperating witnesses and other techniques in order to increase the efficiency of investigating bodies and to reduce the time required to provide evidence.*

All countries that constituted the Socialist Federative Republic of Yugoslavia two decades ago, in the present times have prescribed special investigation techniques and procedures in their application of the national legislations. In these countries, these techniques and procedures are considered important as evidence, and are used both to detect and prove the crimes that have been committed as well as to prevent the planned serious crimes, in cases when other measures and activities fail to yield success. There is an impression that satisfactory legal regulations in this field have not yet been found, which is confirmed by frequent amendments to laws on criminal proceedings in all countries mentioned in the paper, within the context of regulations related to special investigation techniques. This is not particularly surprising if we bear in mind that these investigation activities invade deeply into the sphere of guaranteed freedoms and rights of citizens. One can say that in criminal proceedings in former SFRY countries, in standardization of special investigative techniques, the standards required in EU countries were met, which, in fact, are their general, universal standards of use.

***Key words**: special investigation techniques, law on criminal proceedings, legislations of former SFRY countries, principles of special investigation techniques application, organized crime, evidence procedures*

CONCEPT AND TYPES OF SPECIAL INVESTIGATIVE TECHNIQUES

With the expansion of organized crime and terrorism, for the criminal legislations throughout the world including the international community in general, it became necessary to find adequate countermeasures and procedures to combat them. Incorporating new technologies, scientific knowledge and partly altered criminal-political goals, these countermeasures and actions had to make a good basis in the fight against the most serious forms of crime.[1]

By analyzing the solutions of foreign legislations and international documents related to this issue, taking into account the theoretical positions, we believe that the term special investigative techniques can be understood in narrow and in broader sense. In *narrow sense*, it includes the following investigative, criminological, tactical, and technical measures and actions:

1) monitoring and recording of telephone and other conversations, i.e. communications that are carried out through remote technical means;

2) monitoring and recording of direct verbal communication, by wiring of premises or persons;

3) optical surveillance of persons and premises;

4) electronic positioning of persons and objects;

5) controlled (supervised) delivery of subjects of criminal offences;

6) engaging of informants, usually persons from criminal environment;

7) engaging of undercover investigators, or secret agents;

8) provision of simulated (pseudo) businesses or services, and

[1] Special investigative methods are not an exclusive product of today and modern trends in criminal law and criminalistics, therefore we are not talking about the methods of confronting crime that are "designed" in recent decades of the XX and early XXI century. In fact, special methods (what we today assume under this term) fundamentally exist for a very long period of time, and quite a long time, in different modalities, are used in detecting and combating crime, as well as gathering of facts relevant to the security of the state or society, and as such they belong in the segment of *the secret police arsenal*, which, according to time, was outside the legal framework. See more in: Fijnaut C., Marx, G. (ed.): Undercover - Police Surveillance in Comparative Perspective, The Hague-London-Boston, 1995, pp. 1-15.

9) computer (automatic) search, matching and analysis of data (in German: *rasterfahndung*).

In *broader context*, the special investigative techniques, in addition to those mentioned above, would include some specific (contemporary) techniques of evidence and criminal procedural law, namely:

1) access to and control of the business and personal accounts and financial transactions of a person;

2) cooperating witness (Crown witness), and

3) institute of protected witness.

For the purposes of this paper, the expression *special investigative techniques* shall be used in the narrow sense. The logical question is: what is the specialty, i.e. the specificity and uniqueness of these investigative techniques in relation to the so-called *traditional* investigative techniques? As their basic and dominant feature, *secrecy*, i.e. conspiracy of their use in relation to persons or objects against which it is directed, it certainly stands out. As for the scope of their application, they do not represent the usual criminal investigation activities in combating any kind of criminal acts, but only the most serious and complex ones. Besides, the use of special investigative techniques may be considered only when other measures and actions could not clear up and prove a criminal offence. Selective use and *ultima ratio* character of these techniques, in relation to other techniques, is arising from the fact that they much more violate the privacy of persons against whom they are directed and their freedoms and rights guaranteed by the constitution and law. In addition, the specificity of these investigative techniques derives from the fact that they, given their sophistication and complexity, may not be applied by any person working on discovering and clearing up criminal offences, but those who are specially trained and gathered into special organizational units and services. This is because these techniques are used in strict confidence, without the knowledge of persons against whom they are directed, and are often involving a complex application of optical, acoustic and other electronic and technical means. Naturally, each individual special investigative technique contains a wide range of other specificities, the same as any operational-tactical or evidentiary action has its own peculiarities from the theoretical, normative and practical aspects.[1]

[1] Marinković, D., Eradication of Organised Crime – Special Research Methods, pp. 265-266 Novi Sad, Prometej, 2010

SPECIAL INVESTIGATIVE TECHNIQUES IN CRIMINAL PROCEEDINGS OF FORMER SFRY COUNTRIES

As a reminder, the Socialist Federal Republic of Yugoslavia (SFRY), according to the Constitution of 1974, was a federal state composed of six republics and two autonomous provinces, in which the legislative jurisdiction was divided between the federation and the member republics. As of criminal proceedings, i.e. the law that regulated it, the federal state had the jurisdiction so that on the entire territory of Yugoslavia with all its member republics - one law of its kind was applied. The last such legal act was passed in 1976 (the Criminal Procedure Code, 1976)[1], which outlived the very SFRY, given that even after its disintegration, the new, independent countries have incorporated it into their national legislations, and was in force until new laws regulating criminal procedure were passed. Depending on the country, it was mostly done during the second half of the 1990s (e.g., Croatia 1997) or at the beginning of the new millennium (FRY 2001), with the exception of Slovenia, which had its "new" CPC issued in 1994.

None of the special investigative techniques, i.e. measures and actions that we previously assumed under this term were predicted by the CPC in 1976. It is understandable if, on one hand, we bear in mind the time of its adoption and application, and on the other, the fact that most European countries began introducing these evidentiary techniques into contemporary criminal proceedings at the end of the twentieth century. Nevertheless, it is interesting to note that even in that period, outside the CPC and the criminal proceedings, it was possible to use certain techniques that were basically what is now assumed under this term. They were primarily based on the provisions of the federal *Law on the Foundations of the State Security System* from 1984 (LFSSS)[2], and *republic laws on internal affairs*.

Slovenia - Slovenia was the first country that had passed its new Code of Criminal Procedure (*Zakon o kazenskem postopku*) in 1994, after the disintegration of SFRY and gaining independence, which, along with numerous changes and amendments, is still in force.[3] The law does not name the measures and actions that essentially belong to the special investigative techniques, but ranks them within the Chapter XV, which regulates the pre-trial proceedings. In particular, the Article 149a provides a measure of secret

[1] Law of Criminal Procedure, Government Gazette SFRY, No.4/77, 14/85, 74/1987, No.57/1989 and 3/1990.

[2] Government Gazette SFRY, No.15/84, changes and additions 1990 (Government Gazette SFRY, No.42/90) and 2000 (Government Gazette SFRY, No.15/2000).

[3] Law of Criminal Procedure, Government Gazette RS, No.63/94, 70/94, 72/98, 6/99, 66/2000, 111/01, 110/02, 56/03, 43/04, 101/05, 14/07, 32/2007, 102/2007, 21/2008, 23/2008, 65/2008, 68/2008, 89/2008, 77/2009, 88/2009, 109/2009, 29/2010.

surveillance; the Article 149b - measure of submitting data on electronic communications of persons; the Article 150 - measures of surveillance of electronic communications, control of letters and other deliveries, computer systems of banks and other legal entities, as well as interception and recording of conversations with the consent of at least one person involved in the conversation; the Article 151 - of the measure of tapping and surveillance of a dwelling or other private premises, including the secret entrance into the premises, the Article 155 - measures of simulated purchase of objects and simulated bribery and, finally, the Article 155a - measure of covert action and engagement of undercover agent.

Croatia - Special investigative techniques were introduced into the Croatian criminal procedure by *the Criminal Procedure Act* in 1997. *The Criminal Procedure Act* of 2008,[1] within the Chapter XVIII that relates to evidentiary actions, defines and standardizes the *Special evidentiary actions*. In this regard, the Article 332 states that if the investigation cannot be carried out in any other way or would be possible only with great difficulties based on a substantiated written request by the state prosecutor, investigative judge can prosecute the person against whom there are grounds for suspicion that he/she committed or was involved in committing an offence. This is referred to in Article 334 of the CPA,[2] with substantiated written ruling; the judge can also order special evidentiary actions, which temporarily restrict certain constitutional rights of citizens. Namely:

1) surveillance and technical recording of telephone conversations and other remote communications;

2) intercepting, collecting and recording of computer data;

3) entering into premises for conducting surveillance and technical recording of premises;

4) undercover surveillance and technical recording of individuals and objects;

5) use of undercover agents and informants;

6) simulated sale and purchase of certain objects, simulated bribe giving and simulated bribe taking;

[1] Law of Criminal Procedure, Government Gazette, No.152/2008.

[2] The Article 334 provides special evidentiary actions for three groups of criminal offences: 1) against the Republic of Croatia (Chapter XII), against values protected by international law (Chapter XIII), against sexual freedom and sexual morality (Chapter XIV) and against the Armed Forces of the Republic of Croatia (Chapter XXVI), punishable by imprisonment for a term of five years or more; 2) itemized list of criminal offences (more than 30 criminal offences); and 3) criminal offences punishable by long-term imprisonment. Special evidentiary actions may be also ordered for criminal offences committed to the detriment of children and minors.

7) providing simulated business services or conclusion of simulated legal business, and

8) controlled transport and delivery of items of criminal offences.

In addition to the previously mentioned measures, the Article 340 of the CPC provides the measure of comparing personal data of citizens kept in databases and other registries, with data from police records, registries and database with automatic data processing. This measure can be undertaken when there are grounds for suspicion that a criminal offence was committed, which is prosecuted *ex officio*.

Bosnia and Herzegovina - Bosnia and Herzegovina, as a complex and in many ways specific country, consists of two entities, the Federation of Bosnia and Herzegovina and the Republic of Srpska, as well as the Brcko District, which has a special status. In all three constitutional parts of Bosnia and Herzegovina, today are in force specific laws on criminal procedure, enacted in 2003.[1] These laws are very similar to each other, and the same goes for the standardization of special investigative techniques, which are, in virtually identical manner, standardized as the *Special Investigative Measures*.

Thus, the Law on Criminal Procedure of the Republic of Srpska[2], in Chapter XIX entitled *Special Investigative Procedures*, defines the application of special investigative techniques in criminal proceedings. The Article 234 determines the type of special investigative procedures and conditions for their implementation. In that sense, it is stated that: against a person for whom there are grounds for suspicion that he/she committed or was involved or is involved in committing an offence referred to in Article 235 of this law[3], a special investigative measures may be ordered, in cases where evidence cannot be obtained in any other way, or their obtaining would be accompanied with great difficulties. Special investigative measures are:

1) monitoring and technical recording of telecommunications;

2) access to computer systems and computerized data;

3) surveillance and technical recording of premises;

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[1] Law of Criminal Procedure of the Federation of BiH, Government Gazette of the Federation of BiH, No.35/2003; Law of Criminal Procedure of Republic of Srpska, Government Gazette of Republic of Srpska, No.50/2003; Law of Criminal Procedure of the District of Brcko, Government Gazette of the District of Brcko, BiH, No.10/2003.

[2] Law of Criminal Procedure of Republic of Srpska, Government Gazette of Republic of Srpska No.50/2003, 111/2004, 115/2004, 29/2007, 68/2007, 119/2008, 55/2009, 80/2009, 88/2009 and 92/2009.

[3] According to the Article 235, special investigative measures may be ordered for the following criminal offences: 1) against the Republic of Srpska; 2) against humanity and international law; 3) terrorism; 4) punishable according to the Criminal Code by imprisonment of at least three years or more.

4) undercover surveillance and technical recording of individuals, means of transport or objects related to them;

5) the use of undercover agents and informants;

6) simulated and controlled purchase of certain objects and simulated bribery;

7) controlled transport and delivery of items.

Montenegro - The Parliament of Montenegro passed the *Criminal Procedure Code*[1] in July 2009, and it has been applied since the second half of 2010. According to its provisions, special investigative techniques are standardized within the Chapter VII, which refers to evidentiary actions. Section nine at the end of the Chapter defines *measures of secret surveillance*, while the Article 157 provides two types of measures of secret surveillance and different conditions for their implementation. Thus, if there are grounds for suspicion that a person has alone or along with others committed or is preparing to commit criminal offense referred to in the Article 158 of this Code,[2] and otherwise evidence cannot be collected or their collection requires a great risk or endangerment of human life, against such persons the following measures of secret surveillance can be ordered:

1) surveillance and technical recording of telephone conversations or other communication that is being conducted by means of remote technical communication, as well as private conversations that are performed in private or public premises or in the open;

2) covert photographing and video recording in private premises, and

3) undercover surveillance and technical recording of individuals and objects.

If there are grounds for suspicion that a person has alone or in cooperation with others committed, or is preparing to commit a criminal offense specified in the Article 158 of this Code, and the circumstances indicate that with the minimum violation of the right to privacy evidence will be collected, against these persons measures of surveillance can be ordered. They are as follows:

1) simulated purchase of objects or persons and simulated bribe giving and bribe taking;

2) monitoring of transportation and delivery of the objects of criminal offence;

3) recording of conversations with the previous notification and consent of one of the participants in the conversation;

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[1] Government Gazette MNE, No.57/2009.

[2] These are the following criminal offences: 1) punishable by imprisonment for a term of 10 years and more; 2) with the elements of organized crime; 3) with the elements of corruption; 4) itemized list of criminal offences (15); and 5) against computer data safety.

4) engaging of undercover investigators and collaborators.

Macedonia - Special investigative techniques were introduced by the *Code of Criminal Procedure* of Macedonia, for the first time by the Law on Changes and Amendments to the CPC from 2004,[1] in a separate section of the Chapter XV (preliminary procedure) entitled *Special Investigative Measures*. The Criminal Procedure Code[2] that was enacted in 2010, and which within the Chapter XIX used the same name (*Special Investigative Measures*), prescribes special investigative techniques and procedures and their application. In particular, the Article 252 states that in cases when it is likely to collect information and evidence necessary for the successful conduct of criminal proceedings which otherwise are not possible to collect, special investigative measures will be used:

1) monitoring and recording of telephone and other electronic communications according to the procedure established by special law;

2) monitoring and recording at house, closed or enclosed space that belongs to that house or business premises designated as private, or in a vehicle, and entering into that area in order to enable communications monitoring;

3) covert monitoring and recording of person and objects by technical means outside the house or business premises designated as private;

4) secret access and search of computer systems;

5) automatic, or of any kind - search and comparison of personal data;

6) access to the recorded telephone and other electronic communication;

7) simulated purchase of the objects;

8) simulated bribery;

9) controlled delivery and transportation of persons and objects;

10) the use of people with concealed identity for monitoring and collecting information or data;

11) simulated opening of bank accounts; and

12) simulated opening and registration of enterprises or use of the existing ones in order to collect data.

Serbia – Until 2001, in Serbia, as well as in Montenegro (as parts of the Federal Republic of Yugoslavia), the Criminal Procedure Code of SFRY from 1976 was in force. With the adoption of the Criminal Procedure Code in 2001,[3] one special investigative technique was introduced for the first time in criminal proceedings - it is a measure *of surveillance and recording of*

[1] Government Gazette of R. Macedonia, No.74/2004.

[2] Law of Criminal Procedure Government Gazette of R. Macedonia, No.150, 2010.

[3] Government Gazette of SRY, No. 70/2001, 68/2002 and Government Gazette of RS, No.58/2004, 85/2005, 115/2005, 49/2007, 20/2009 and 72/2009.

telephone and other conversations, and optical recording of persons (Article 232). As for the CPC from 2001, it should be noted that special investigative techniques, until the changes and amendments introduced in 2009, did not become norms in one place, nor were they put in a separate chapter, which would have made them easy to access. The Law on Amendments to the Criminal Procedure Code (2001) from 2009[1] replaced the title of the Chapter XXIX and its contents, so that it is now entitled *Special Provisions on Procedure for Criminal Offences of Organized Crime, Corruption and other Exceptionally Aggravated Criminal Offences*. Among other things, this chapter prescribes two types of measures, including:

1) Measures of Criminal Prosecution Agencies for Discovering and Proving Criminal Offenses set in Article 504a of this Code;[2] and

2) Special Measures of Criminal Prosecution Agencies for Discovering and Proving Criminal Offenses set in Article 504a Paragraph 3 of this Code[3]. The first group of measures includes monitoring and recording of telephone and other conversations or communications, provision of simulated legal services and conclusion of simulated legal businesses, controlled delivery and automatic computer search of personal and other data associated with them, and the second group includes undercover investigator and cooperating witness.

STANDARDS OF APPLICATION OF SPECIAL INVESTIGATIVE TECHNIQUES AND THEIR REPRESENTATION IN THE CRIMINAL PROCEDURES OF FORMER SFRY COUNTRIES

Because of the fact that the special investigative techniques strongly affect the zone of protected and guaranteed rights and freedoms of citizens - the solution is imposed and according to it, their application must be accurately standardized according to certain principles. In the adopted resolution by the International Association of Criminal Justice at its XVI Congress held in 1999,[4] as well as the Recommendation of the Committee of Ministers of the European Council on special investigative techniques from

[1] Government Gazette of RS, No.72/2009.

[2] Criminal offences of organized crime, corruption and other very serious criminal offences (listed by item).

[3] Organized criminal offences, that is, based on the provisions of Paragraph 7 and 8 of the Article 504a, also for the other criminal offences (listed by item).

[4] Résolutions adoptées lors du XVIème Congrès International de Droit Pénal, Le XVIème Congrès international de droit pénal s'est tenu à Budapest (Hongrie) du 5 au 11 septembre 1999. Il avait pour thème: "Les systèmes pénaux à l'épreuve du crime organisé"; Internet: http://www.penal.org/test/pdf/ridp-p99-34-11.pdf

2005[1], it was pointed out that the results, i.e. information (facts) obtained through the use of the special investigative techniques, can be used as evidence in criminal proceedings. This can only happen if these techniques were undertaken in accordance with the principles of *legality, subsidiarity, proportionality and judicial supervision*.

The European Court of Human Rights in several sentences had established rules of application of special investigative techniques. According to the Article 8 Paragraph 2 of the European Convention on Human Rights (1950), public authorities will not interfere with the exercise of the right to privacy, unless it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or a country's welfare - for prevention of disorder or crime, protection of health or morals, or the rights and freedoms of others. From this provision derive three important principles, according to which the interference with privacy must be (1) legal, i.e. regulated by law. (2) in relation to the most serious offences, and reduced to the necessary measure (principle of proportionality), and (3) the only possible, i.e. the ultimate instrument for achieving the above-mentioned interest (which represent the grounds for interference with the right to privacy). However, the interpretation of these grounds, which are permitting a violation of the right to privacy through special investigative techniques, leads to conclusion that they are in the aforementioned provision, provided fairly vague and broad. Therefore, it is important to monitor the recent comparative development legislation of European countries and practice of the European Court of Human Rights, which had specified the meaning of the Article 8, binding the possibility of interference with the right to privacy to the following basic rules:

1) cases in which the interference with the right to privacy can be allowed, must be previously regulated by the law, in order to make them sufficiently predictable to the citizens, where these laws, in their content, must meet the requirements of the rule of law;

2) cases of interference with the right to privacy must be regulated restrictively and linked to the serious criminal offences and threats to security, in order to be legitimate in the substantive and legal sense;

3) the procedure for the application of measures must be legally prescribed;

[1] Recommendation Rec(2005)10 of the Committee of Ministers to member states on "special investigation techniques" in relation to serious crimes including acts of terrorism, Adopted by the Committee of Ministers on 20 April 2005 at the 924th meeting of the Ministers' Deputies; Internet:https://wcd.coe.int/ViewDoc.jsp?id=849269&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75

4) a court or other authority, based on reasonable doubt, should decide on implementation of the measures in concrete case;

5) the beginning and the maximum duration of the measures have to be predefined in the decision of a court or other authority;

6) the implementation of these measures should be in control of a court or other authority;

7) for the excess and the abuse in the implementation of the measures, sanctions should be prescribed;

8) the procedure of protection of citizens from unlawful use of these investigative techniques should be prescribed by law and under the jurisdiction of the court, and

9) citizens should have the right to be informed of the application of techniques and the results of their use (data that was collected), while keeping personal data in the secret files; this represents violation of the right to the private sphere of life.

The most important cases of the European Court of Human Rights, from which these rules were extracted, are: Klass and Others v. West Germany (1978)[1], Sunday Times v. UK (1979)[2], Malone v. UK (1984)[3], Olsson v. Sweden (1988)[4], Hewitt and Hartman v. Great Britain (1992)[5], Kruslin v. France (1990)[6], Huvig v. France (1990)[7], Texeira de Castro v. Portugal (1998)[8], Amann v. Switzerland (2000)[9] and others.[10]

It can be said that in criminal procedure codes of the countries of former Yugoslavia, in standardization of special investigative techniques, standards and principles were met that are required in international documents and comparative law, and which in fact represent their general, universal principles of application.

1. If we take into account the content of special investigative techniques as well as international documents that protect human freedoms and rights (especially the right to privacy, the inviolability of secrecy of

[1] Klass *v* Federal Republic of Germany (1978) 2 EHRR 214.
[2] Sunday Times *v*. United Kingdom (1979) 2 EHRR 245.
[3] Malone *v* United Kingdom *(*1984) 7 EHRR 14.
[4] Olson *v*. Sweden (1988) 11 EHRR 299.
[5] Hewitt and Harman *v* United Kingdom (1992) 14 EHRR 657.
[6] Kruslin *v* France (1990) 12 EHRR 547.
[7] Huvig *v* France *(*1990) 12 EHRR 528.
[8] Teixeira de Castro *v* Portugal *(*1998) 28 EHRR 101.
[9] Amann *v* Switzerland (2000) 30 EHRR 843.
[10] See more in: Taylor N.: State Surveillance and the Right to Privacy, *Surveillance & Society* 1(1): pp. 66-85;
Internet: http://www.surveillance-and-society.org/articles1/statesurv.pdf

communication, etc.)[1], it is undeniable and legitimate position that these techniques can be implemented only based on the law. This is practically by recognizing that the law is an exclusive act, which prescribes their application in democratic societies. This does not mean that the state, even if based on the law, may impose unrestricted application of these techniques upon its citizens. Regardless of which techniques we talk about, it is necessary for their implementation, among other things, to provide strong mechanisms of control and supervision of the very procedure and time of its application - above all by the judicial authorities, which is, among the other things, a strong guarantee of respect for indisputable principle of legality. In all mentioned countries of the former SFRY, special investigative techniques are prescribed by legal act that has the rank of law, i.e. in the law regulating criminal procedure, unlike the case of former Yugoslavia, in secondary legislation, such as rules or instructions.

2. *Grounds for suspicion* are material assumptions for ordering special investigative techniques. That suspicion is contained in the sources of knowledge about the facts pointing to the probability that a person has committed, or is preparing to commit a criminal offense for which the law stipulates application of special investigative techniques. Grounds for suspicion have to:

a) precede ordering of special techniques, because their application is justified only as a response to the state authorities to suspicion that a criminal offense has been done, or that it is in preparation;

b) with a certain degree of certainty, which is more than just guessing or an arbitrary speculation, show that the criminal offence was committed or that the criminal offence is being prepared; and

c) refer to a person that is a member of a criminal organization or assumed (presumed) perpetrator of a criminal offence, or a person who helps him/her in a certain way, or refer to the funds, facilities or objects which are in connection with the criminal offense (e.g. decision in the CPC of Macedonia).

3. The application of special investigative techniques in criminal proceedings requires respect of the principles of subsidiarity, i.e. that their applications may be considered only when other, usually *lenient* measures may not achieve the desired goal - prevention, detection and proving of criminal offences. In this sense, special investigative techniques represent ultimate instrument (Lt. *ultima ratio*), that is, guarantee that the government and judicial organs will be stronger than organized crime, terrorism and other, very serious and complex criminal offences. Indeed, in all the laws on

[1] These are primarily the European Convention on Human Rights from 1950, as well as the International Covenant on Civil and Political Rights from 1966.

criminal procedure that we previously specified, respect for this principle in prescribing conditions of implementation of special investigative techniques is explicitly required. They are strictly related to the cases of collecting and clearing the evidence of crime in the *traditional* way, and by other *(milder)* impossible techniques, or at least accompanied with a number of difficulties. The purpose of the investigation, i.e. detection and proving of criminal offences, cannot be achieved *in another way*, if investigating authorities cannot come to other sources of information about the facts, or the search for facts would be associated with disproportionate and significant problems (e.g. gathering evidence needed to initiate proceedings would be significantly extended).

4. Closely related to the principle of subsidiarity is the principle of proportionality, which requires the existence of approximate *equal*, that is, equality between violation of the rights and freedoms of citizens caused by application of special investigative techniques and severity of criminal offences in which detecting and proving they are applied. Given that violations and endangering of human freedoms and rights are large, criminal offences in whose clearing these techniques are used should be the most serious one. The scope of incriminations for whose detection and proving these techniques may be used, cannot be too narrow (in which case those criminal offences, due to their social threat and phenomenological characteristics require use of these investigative techniques, would escape their *impact*), but on the other hand neither too broad, given that the principle of proportionality would also be violated. When it comes to this principle, we conclude that in the criminal codes of the former SFRY it is least respected compared to other principles, that is, that a circle of criminal offenses for whose detection and proving special investigative techniques can be applied, is today quite wide. Initially, with introduction of these investigative techniques in criminal proceedings, the catalogue of criminal offenses was much shorter than today, and mostly included organized crime, crimes against the constitutional order of the state and goods protected by international law. Therefore, it is our impression that emerging tendency of extending implementation of special investigative techniques in criminal proceedings is rather clear, so that the principle of proportionality will gradually lose its importance in the future, in the sense that the law will not bind their application only for specific, the most serious crimes. In this case, the attention has to be focused on the principle of subsidiarity, as well as meticulous legal regulation of the very conditions of their use.

5. In terms of principle of judicial supervision in application of special investigative techniques, we should point out to the fact that the prosecutor is increasingly becoming an authorized organ that dictates their application, in accordance with the tendency to introduce the concept of

prosecutorial investigation in the contemporary criminal legislations, including the countries of former SFRY. Even so, the court, in any organizational form, remains an irreplaceable entity that controls the legality of the implementation of special investigative techniques, especially in cases of their preventive implementation, which is obvious in solutions contained in previously mentioned laws on criminal procedure.

6. Especially important is the issue related to the application of special investigative techniques, not only for repressive purposes, that is, for purpose of obtaining clues and evidence about the committed criminal offence, but also preventive, i.e. in order to reach information on planning or preparation of the execution of certain crimes. Although pro-active (preventive) use of such complex and sensitive investigative techniques, especially in the aspect of violation of human rights, can undergo heavy criticism, the tendency is that it will be present in the practical work of police and judicial authorities. So, *the Recommendation of the Committee of Ministers of the European Council* from 2005 emphasizes that the special investigative techniques should be used in cases when there are enough reasons to believe that serious crime is committed. Such cases are particular persons or still unidentified persons or groups in many European countries and USA. In order to efficiently combat certain types of crime, some special investigative techniques as well as other evidentiary and operational-tactical measures and actions, can be applied prior to the execution of concrete criminal offenses (Lt. *delictum ante*) for their prevention. As Jovceski[1] justifiably emphasizes, preventive application in this case does not imply that the special investigative techniques affect the conditions and causes that lead to a criminal offence; these measures and actions should be undertaken to prevent the commission from a certain criminal offense, of which there are some indications.

Most of the criminal procedure codes of the countries of the former SFRY prescribe the possibility of implementation of special investigative techniques not only when criminal offense is committed, but also when it is being prepared, which is definitely a good solution. So, the CPCs of Slovenia, Serbia and Montenegro predict use of special investigative techniques even in those cases where the criminal offense, for whose clearing and proving these measures may be ordered, is just in state of preparation, therefore, it is not committed yet. The CPC of Macedonia, in this case was left incomplete, since it predicts application of special techniques in the case of preparation of a criminal offense from only one of

[1] Jovčeski, J.: Te Special Investigative Measures in the Criminal Legislation in the Republic of Macedonia, PhD dissertation, Law Faculty at the Cyril and Methodius University, Skopje, 2009, p. 28

three predicted groups of criminal offences, for which their application may be considered (Article 253 of the CPC). Laws in Croatia and Bosnia and Herzegovina do not include the possibility of implementation of special investigative techniques in case of preparation of criminal offenses.

CONCLUSION

Special investigative techniques are nowadays applied by the judicial bodies, police and other security services according to the law that governs criminal procedure, and by the intelligence and security agencies, under the law that regulates and defines them. Data that can be obtained by applying special investigative techniques under the provisions of the Criminal Procedure Code, mainly serve in processing of criminal matters (Lt. *causa criminalis*), or identifying of suspects and collection of evidence for criminal proceedings. On the other hand, data collected by their implementation by the (counter)intelligence services are rarely used for processing of cases, but, more often, to combat the activities of extremists, terrorists or foreign countries, which are directed against the protected goods (constitutional order, national defense and security, economic and other vital national interests) . The two mentioned purposes of collecting data sometimes intertwine, especially when it comes to organized crime, terrorism and criminal offenses against the constitutional order and state security. In general, the states more easily accept the idea that special investigative techniques, i.e. secret techniques, should be more thoroughly regulated by the law in cases when the police in the fight against crime apply them, rather than it is the case when security service is in question.

Following the terrorist attacks in USA, Great Britain and Spain in the Euro-Atlantic circle of states, and even outside it, there is a tendency of expanding and strengthening of the authority of police, security and intelligence services and other government agencies (customs, financial police and tax police). This especially refers to application of special investigative techniques in combating organized crime, terrorism and other especially serious crimes. This increases the risk of the hidden, systematic limitation, endangering and/or violation of guaranteed (universal) human rights, in the name of preserving national security and fight against the crime. Negative consequences of increased growth of power in hands of bearers of special authorities, can only be eliminated by further development and consistent application of principles, the procedures and instruments for their democratic, civilian control and scrutiny. In this sense, it is necessary to respect and precisely articulate, both in the laws as well as in practice, special *standards* of implementation of special investigative techniques. Their goal is to protect the guaranteed rights and freedoms of citizens, as the

universal achievement of civilization, of the *incontrollable state power*, even if they are directed towards the fight against crime.

The cumulative respect of the principles of legality, proportionality, subsidiarity and court supervision must be the necessary precondition for limiting freedoms and rights of the citizens through special investigative measures, both for the purpose of proving the most serious criminal offences in criminal procedures, and in the work of intelligence agencies. The practice present in some countries of the former SFRY (such as Serbia), according to which the information on number, modalities and depth of the use of the secret surveillance method are kept in secrecy, is absolutely unacceptable. Such data have to be submitted to the Parliament, Ombudsman and public in the form of annual reports, in order to gain broader insight in quantitative indicators of the use of special investigative techniques. Such obligation, among other things, is imposed by the very laws which regulate their use. In that way, through democratic and transparent control, the metamorphosis of special investigative methods is prevented as legitimate and legal means for fight against crime, as an instrument of *the Big Brother*, as well as creation of *Orwellian* vision of the world.[1]

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[1] "War is Peace, Freedom is Slavery, Ignorance is Strength" (George Orvel: "1984")

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PROCEDURAL LAW AND CRIMINALISTIC ASPECTS LAW AND CRIMINALISTIC ASPECTS OF TRAVEL FRAUD

Procedural law and criminalistics aspects of travel fraud[1]

Abstract: Travel scams are just a special form of fraud, deducing by a specific matter and scope, victims and their position within the legal relationship with travel service providers, and position of the state in this area. This legal relationship of the parties in the process of providing travel services are regulated by multiple standards. It is particularly interesting that this area is regulated both in the civil and criminal legal norms but there are intermediate areas between two mentioned which are not clearly bounded, openly posted for misuse of various impostors. Overlapping agency responsibilities and jurisdictions involved in these relations present a special set of problems in this complex area, and thus their relation to thema probandum. A special aspect of the problem is given through the use of the Internet in this area, providing increased availability, speed of communication and an increased ability to abuse the use of new methods of deception and misrepresentation of all participants and issues in the legal relationship regarding tourism services. Discovery and resolving of fraud in the field of tourism services is a complex activity that is significantly complicated by the presence of large amounts of different regulations in this area and imprecise and equivocal responsibilities and jurisdictions of different government agencies. The authors are trying to elaborate on the complexity of the legal framework for the actions of various state authorities in this field, and to delineate the jurisdictions and responsibilities of the authorities in investigation and criminal procedure from others, as well as providing investigational aspects of this issue.

Keywords: fraud, travel frauds, revealing of tourist travel scams, criminal procedure regarding travel scams, investigations of travel scams

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Introduction

Lately we are witnesses to cases of tourist with travel frauds. Could that be a result of transitional tourbolences? We don't think so. That could not be the case, firstly because of the fact that those types of fraud occur everywhere, no matter of the economic situation in the state or the society. This happens everywhere where the people's minds could be misused by abusing and exploiting different basic existential grounds, especially there where the basic human interests and motives can be abused. It is criminalistics and criminal procedure aspects which are of best significance here, by determining typology and phenomenology characteristics of this type of fraud, and proper procedure in acting of the law enforcement agencies. Further significance of analysis is determining of legal surrounding and the broader scope of it in which this phenomena is emerging, and also the societal response on it in form of anti criminal reaction.

There are different types of fraud. As one of them we can identify – travel fraud. In that fraud type, the object of differentiation are special characteristics of concrete form of service – tourist service (The law of tourism[1] defines it as tourist product) and special parties of this contractual form with their obligations and rights deriving from that form, and of course the position and role of the state in facilitating of this legal relation, and it's protection. The basic characteristic (virtue) of this type of fraud is specific status of the victim – as tourist service user – the position of the tourist. The tourist is a physical legal person – user of tourist services in legal relationship with the provider of those services. This kind of legal relations has to be additionally regulated by different areas of legal norms, due it's various characteristics – firstly because of its societal significance. That is derived from the fact in broader perspective that a tourist is one, or more persons willing to spend a great deal of money to create an *emptio spei (*lat. meaning buying of hope) for acquiring some services determined by the general terms of business in travel industries. At one side it is a some sum of money at stake (and sometimes there are more payment means at stake – credit, debit cards, cheques, electronic money – in forms of payment cards or credit revolving cards) and on the other side it is special position and status of the person in dwelling expectation for a long wanted vacation, with no much choice for it's accomplishing. The both of presented facts are of great importance for the perpetrators. In that sense we could also analyze the new legislation on consumer protection in Serbia, especially in public domain, and position of the state, in order to achieve high standards in EU. In the scope of the tourist offers in Serbia we could differ between illegal and legal frauds (legally not sanctioned or poorly sanctioned acts). Analysis of the manifestation forms and methods used by perpetuators and measures taken by the state agencies is performed through comparative presentation of manifestation forms of frauds in praxis, and through analysis of blogs and websites providing a vast majority of analytically interesting examples of perpetuators, and state agency acting. The

[1] The official messinger of Republic of Serbia nr. 45/05, 73/10

presented gives a great area for disclosure of many facts concerning criminalistics, and crime procedure science.

Legal grounds for tourist business

By the Law of obligation relations[1] it is allowed to use so called "super advertisement", up that far until the advertisement becomes scam or fraudulent ad. This gives vague limits in legislation surrounding, but luckily in Serbian system there are other acts (laws) which are a bit more thoral. Since the trade and service delivery are more and more often electronically oriented these days we need to take in account law regulating in such environment. Law on electronic commerce[2] defines a service of informatics society as customer initiated distance served service, for a fee, commercially, released through electronic equipment for processing and storing data, especially selling goods or services by the means of Internet, offering data through Internet, advertising on the Internet, electronic search engines and facilitating of searches of data and services transmitted electronically through the network, facilitating access to the network or storing data of service users. By the article 6. this law obliges the service of informatics society seller to publicize certain information in form and by the means that assures always online acquiring. This data concerns the firm (name, type, center, etc.) and other information needed by customer. Besides that it defines commercial message by art.7. and proscribes the duty of advertiser of creating this message with complying certain conditions as for instance: identification of the commercial message in the moment of delivering or receiving, or clearly identifying the sender, clear defining in the message every act of invitation for making an offer, also the conditions for making offer must be clear and unequivocal. In the light of distant trade and commerce, also services delivery, it should be stated that Serbian legislation goes that way also, but not only with one law. The Law on electronic commerce (in the art. 21.) proscribes jurisdiction of certain law enforcement agencies – giving the space for implementation of it's norms to ministry of commerce and services and to the ministry of telecommunications and informational society. The law on customer protection[3] defines (in art.29. and 30.) amount and specifications of the information obliged by service deliverer to transfer to customer. Art.41. forbids advertising by the means of distant communication, without prior consent of the customer. In the defining basic rights of the customer (Art.2. counts 3, 6, 7.) emphasizes the right to be informed, legal protection and education, stipulating forbiddance of their wavement. Also, there is proscribed annulment of the counts of contracts that are against the norms of this law negotiated or concluded in sense of making damage to customer. By the counts of the law (Art. 16.) dealer is obliged to clearly and

[1] „Official gazzete of SFRY ", nr. 29/78, 39/85, 45/89 and 57/89, and "Official gazzete FRY", nr. 31/93 and "Official gazzete SMN", nr. 1/2003, and also at the site of Ministry of justice can be found draft version of Serbian civil code but until that one is not adopted this one would be at force.

[2] „Official messinger of RS", nr. 41/09

[3] „Official messinger of RS", nr.73/10

understandably inform the customer, before conclusion of the contract of selling goods or service, among other things about: his right to break contract unilaterally and about the conditions for it proscribed by this law; about customer support; contract guaranties, and conditions for their making. Definition of the unfair business (Art. 19, and 20.) is given by this law with additional guaranties transferring the probation burden to the dealer. Unfair business includes misleading (deceivingly) business, aggressive business and breach of information duty. Additional protection of the customers is hardened by proscribing that unclear and unfair counts of the contract must be interpreted in favour of the customer[1]. Sending the not wanted shipments is also forbidden (Art.42.) meaning by it also the services sent that way, with intentionally causing the creation of recipient's will to get along with consummation of the product or service, for a fee. Advertising on a distance bears an obligation for the dealer to make its communication means adjust adequately to the transmission in order for all the customers to understand advertise the right way (Art.44.). This law proscribes various sanctions for its breaches, varying from misdemeanours' to felonies (Art. 77. and 78.). The Law on advertisement[2] throughout the art. 4. defines advertisement message, with prohibition of "misuse of trust, existing relations of dependence or fondness, gullibility, lack of experience or knowledge, and superstition of the message recipients" (Art.6.). Additional forbiddance comes from art.30. covering advertising falsely identifying advertiser, its activities, product or service; intentionally left out of important data, usage of unclear, or vague terms, late or not updated allegations or other data creating misrepresentation or misunderstanding regarding identity of advertiser, its activity, product or service (brand, type, quality, geographical origin or other data) and other remarks directed to recipient. It is forbidden also to conceal crucial disabilities, dangerous or toxic characteristics of the product, service or of other contents offered to advertise message recipient (Art.31.). There are more of those forbiddance stipulations in the law, but generally, it is not allowed to untruthfully point something out in advertising, and to fraudulently present some facts, luring the recipients to error about important characteristics of the good. The customers also have the right to initiate procedure for banning some terms of the contract (Art.137.) for having legal value (ban of certain terms of the contract, but also forbiddance of unfair business, deriving assets made by this kind of foul play). This kind of legal protection has priority in relation to any other kind and no other

[1] For instance unclear or unfair counts are those counts which: as a consequence has significant disproportion in obligations of the parties in favor of the dealer (to the detriment of consumer); as a consequence has that the contractual obligation presents the unfair burden on consumer side; as a consequence has something that customer didn't expect, that significantly differs than expected; that is counter to the demand for publicity in acting of the dealer; it is defying the principle of bona fides and honesty; The criteria for determining if act is unfair is: 1. The nature of the goods or sevices at stake, 2. Conditions of contractual negotiations, 3. Other terms of the consumer contract or of the other contract which is connected with consumer contract, 4. The way on which the mutual agreement was concieved for the contact content and the way of informing cosnumer on content of the contract.

[2] „Official messinger of RS", nr.79/05

legal mean can be used until this is over (art. 138). In this kind of procedure the court is entitled to make public anullance of any account of the contract, and to find existence of unfair business; Make dealer to stop without delay (the implementation of and) negotiation of the implementation of unfair contractual terms; to make the dealer obliged to correct the contractual account (considered by this law as unfair business), on his expense; oblige the dealer to make public at his expense that he has been sentenced with the measure of banning unfair contractual account or the measure of unfair business (Art.143). It is proscribed (by art. 96.) that the contract of tourist travel must be in written form or stored on the durable digital carrier. Described legal framework doesn't give criminalisticly usable value but it presents frame for acting in area from civil to criminal domain, giving to the all of acting authorities' frames for law enforcing. The entity which advertises particular message is solidary liable with the creator of the message (Art.10.). This various legal acts present a closely designed normative frame for all of the parties in the tourist relationship for tourist product (service), and it is pretty hard for actors to fully comply with it and to recognize different borders of criminal and civil liability. This paper is to deal with it, and to present viable guidelines for acting in this environment.

With this complex task of differentiating cases the agencies involved in this matter is very interesting for analyze. Ministry of trade, tourism and services does inspectional surveillance through market and tourist inspections. Ministry of health does it through sanitary and health inspections, but some of areas are also in the jurisdiction of municipal inspections (as for instance tourist tax). Also there are some jurisdictions of ecology and traffic inspection (Law on tourism, Art.118. al.5.) Of course, there is also jurisdiction of police and public prosecutor's office in criminal matter, and commerce felonies.

Offender's MO of tourist scams

There can be different approaches in this area, but we chose the analysis of the border line material with addition of the informal mechanisms of detecting and solving a crime, like Internet blogs, forums etc. Some of the laws point out what is forbidden in legal commerce, but they are framing out the right way to do business, without underlining sanctions for case if forbidden actions happen. Result could be stressed as civil liability for the dealer, but in the cases where it does present a serious damage for the customer, or abuse of customers different disabilities or the state in which he (or she) is, definitely present a crime part. In further analysis we will present later cases.

In the area of civil commerce and trade relations, Contractual terms which could be considered (Art.47. Law on consumer protection) as unfair, no mater what, are: 1. The exclusion or limitation of liability of the dealer in case of death or consumers bodily injuries, due to dealers doing or undoing. 2. The limitation of liability of the dealer to do or take obligations, which were taken in his behalf or on his account by his assignee or locum tenens or vice versa, 3. The exclusion or limitation of rights of consumers for initiate procedure or to use legal means in order to exercise his (or her) rights, especially abiding obligation to the customer to

bring his disputes before arbitrary court in a way not proscribed by this law 4. The exclusion or limitation of possibilities of knowing of existence of evidence or transferring the burden of probation to the customer in case vice versa

Also it is considered to be unfair when contract says that dealer has:

1. The right to determine if the goods or services are in terms with the contract terms; or 2. The exclusive right of interpretation all of the contract terms.

It is very hard in real life to distinct perpetrators in this area from legally liable party in civil commerce and trade relations (especially in the light of emerging new liability of legal entities for criminal acts) just because of many and complex legal boundaries in the matter. It is inevitable to go this way in researching and analyzing legal norms in differentiating legal frame for liability and complex procedures for perpetrators in different area of liability – from misdemeanour through commerce felonies up to criminal acts. In that way there are complex jurisdictions of different state agencies and them all bare different liabilities for finding, proving and indicting (or not indicting) punishable acts. In this light it is very important to draw the clear boundaries between the agencies in their jurisdictions. There is clear obligation for every state agency or entity to inform the right agency (Public prosecutor's office) if the criminal act is revealed, happened or that legal entity had known in its official business, but it is hard to differ it in praxis, while it is happening in that right moment. One more clarification in this area should be given, liability in the area of civil commerce and trade, in the area of misdemeanours', felonies and crime do not exclude each other for one entity. So it can happen that one person or entity is prosecuted for the misdemeanour, held responsible for civil liability and crime act at the same time. Law on tourism brings us different possible perpetrators by defining (by art.56.) different types of tourist agencies thus giving this complex matter more complex and problematic objects.

In the light of criminal investigation it is important to understand and recognize situations and conditions that could be abused by perpetrators for scamming the victims, among which are some legal glitches, in many of laws, even this law – law on tourism. One of those is art. 60. about abusement of conditions and provisions of licensing the tourist agencies. Also there are differences in categorising the tourist objects, which are not adequately standardized (for example different licensing in different countries – Serbia and Egypt), in one country it is expected to have some standard services in one category of tourist object, but it could be different in the other. This brings us to the question is that a felony, misdemeanour or criminal act, or maybe just differences' by the state agencies. This gives a glance in the complexity of this topic.

In the matter it is commonly to distinct two types of frauds – legally not (or poorly) sanctioned (here referred as legal frauds) and those that are sanctioned in three (or even more) levels. Those not (or poorly) sanctioned are a form of legal loopholes for any perpetrator, and other are very complex involving firstly the will of the tourist – customer, various societies' of consumers, inspections, police and public prosecutor. The complexity is brought to the barebones by simplifying procedure in this way – first of all it is consumer the one that should first register his rights violation, and understand on which level that violation has happened, in that he could get help by different societies of consumers, and it should be some

societies of tourist agencies (and agency involved) that should also help the consumer, and at the end state agencies are also there to bring help to the customer. In this state of affairs there could be various results from the complexity, but the most important is restoring the violated rights, and as collateral damage it could be the loss of commercial gain expected by the agency and cause of material (even immaterial) damage to the consumer. The restoration *in natura* in that way is not possible for the customer and as the result there is only one possibility – restoration in material gain – money, but on the other side there is a need for punishing of the perpetrator causing that damage, if he (or it – tourist agency) had crossed the line law has drawn. Those "legal frauds" have become a part of standard business routine of every tourist agency in the world, but the new complex legislative surrounding should deal with it in the more efficient manner. In that light we could give some typology of criminal acts here:

Acting by the tourist agency in the manner where by its actions or "common business conditions" the customer is forced to make a contract obligation with limitations or exclusion of liability of that agency in the case of full or partial inability of executing contractual obligation, or excluding or banning the right of consumer to compensate his claim with the claim tourist agency has towards the customer.

Contracting the right for the dealer to seize all received from customer in case of a breach of contract by the consumer, or the right for not to conclude the deal, if both of those are not guarantied to the consumer

Binding the consumer in breach of contractual obligation to due fee, considerably over the value of damage inflicted that way,

The right of the dealer for unilateral break the contract in any time, if that right is not guarantied to the consumer,

The right of unilateral (termination) break of undue contract by the dealer without leaving a reasonable time due for the notice, unless the consumer isn't fulfilling his (or her) obligations,

The right for dealer to raise the price for the contract unless it is proscribed in that case for the consumer right to break or terminate the contract

Obligation for the consumer to fulfil his (or her) obligation in the case, where the dealer didn't do his entirely

Giving the right for the dealer to cease (transfer) its contractual obligations to the other party without the obligation to get consent from the customer

Limitation of the consumer to trade with the object of the contract with the limitation of the guarantee transfer

Contracting the right for the dealer to unilaterally change contractual terms

Unilateral change of contractual terms addressed (communicated) to the consumer through durable media carrier, communicating about new contractual terms not consented by the consumer, by the means of distant communication (if not present).

This presented forms of legal frauds are bearing incent of intentional fraudulent act and it is our opinion that it could easily be the real fraud if the consequences are inflicted to three or more customers by one dealer. But if it has not met those conditions it could be considered as misdemeanour, or even just as breach of the contract terms.

It could be also considered as real fraud when (although it is proscribed as form of banned contractual term) conformity of the service is not established. It is also proscribed by the art. 80. that it should be considered that there is no conformity in the case of:

The service does not match (by its content, quality or purpose) the description the trader (dealer) gave in the ad or on the other similar manner before contract conclusion, also to that the dealer gave in the course of service delivery, under the condition that it could influence the will of consumer,

There are no special characteristics of the service demanded by consumer, which were or had to be familiar to the dealer in the time of contract conclusion

The service does not match (by its content, quality or purpose) the description the third person gave in the behalf of the dealer (unless it is rewritten and adequately changed or the dealer didn't know or could not know that third person gave ad in his behalf).

The same comment as above could be applied here, but the distinction could be raised here if the intention was upfront planned, there is no number condition needed in that case. We could argue that in that case we have deliberately planned and prepared scam directed by the dealer, and therefore it should be considered as crime act.

There are many more acts that could be considered unfair or that should be banned if coming from the dealer, for instance if: acting is against demands of professional diligence; if it considerably or substantially impairs or threatens to substantially distort economic behaviour, in conjunction with the product, of the average consumer to whom it relates or to which he is exposed, and the behaviour of the average member of the group, where the business refers to a group. This "considerably or substantially distortion of economic behaviour" exists in the case when the tourist agency by its action considerably diminishes ability of the consumer to clearly deciding economically, under which influence the consumer decides economically what he wouldn't do in ordinary course of action. That economical decision is decision in what way and under what conditions to buy something (product or a service), to pay the price entirely or with some discount, to keep the product or to get it back, or to exercise other type of right in relation to the product or a service given to the consumer by the contract terms. Influencing this economic decision is the part of the economic competition and of the healthy competence, but there are many glitches and loopholes in it. As for the groups that is evaluated by the average group member customer (from case to case decision) due the characteristics of the group based on their physical or psychological disabilities, growth or improvidence which could be easily used in the manner to force the members of the group to act unfreely in deciding, under the condition that in ordinary course of action the dealer could foresee. It is up to different conditions of any types of customer have and any dealer creates to decide what type of liability is at stake in concrete case, so it takes thoroughly analysis of concrete conditions of case.

As unfair business it is considered deceivable business especially regarding: medical products for human usage, financial services at distance; joint venture investments in mobile securities; interoperating in insurance, life insurance policies,

and other types of direct insurance, trading with the financial instruments. Those numbered are considered unfair in the case when the dealer gives untruthful information or on the other way forcing (or threatening to force) ordinary consumer in error about: 1. Existence or the nature of the product, 2. basic features of products related to the availability, benefits, risks, how to develop, use, plug-ins that accompany the product, assistance provided to consumers after the sale and following their complaints, the manner and date of manufacture or provision of services, delivery, suitability for use, method of use, quantity, specification, country of manufacture and country of origin mark, the expected results of the use or the results of tests conducted or checkings; 3. obligation of the merchant and the scope of duties, reasons for a specific market actions and his nature, marking or addressing the person directly or indirectly supported or recommended by a vendor or product; 4. price or the manner of calculation, or the existence of certain benefits in terms of price; 5. the need for servicing, parts, replacement or repair; 6. position, properties or rights of the trader or his representative regarding their identities or assets, qualifications and status, property and intellectual property rights they hold, prizes or awards received; 7. consumer rights, including the right to exchange items or refund, or risks that may be exposed. Deceiving business includes also a creating of the general feeling on behalf of the customer to make a decision that wouldn't normally be brought, regardless the truthfulness of information presented to him (or her). There are deceiving businesses in cases of: advertising product, including comparable advertising and thus making difficult to differ products, signs, names of other products or marks of concurring business; breaking code of conduct by which he is obliged to act. The last definitely goes under the definition of fraud "creating and maintaining conditions for somebody to force in error" but as we said it depends on certain conditions present in the case.

The art. 23. gives us truly deceiving conduct in business. They are, among other: untruthful statement that the product or a service would be attainable or available for a short period of time, or under a certain conditions, aiming for a fast and unconscionable decision of the consumer; presenting the rights given by the law to the consumers as additional accommodations given by the dealer to him (aiming into abuse of ignorance of law of customers); Usage of editorial space in the media to advertise products, namely the failure to offer the content of the ad sound or picture emphasize that this is a paid advertising, not content backed by the editorial board, false assertion about the nature of the trader and the importance of risk to which the consumer presents himself or his (or her) family if he doesn't buy the product especially on the internet (aiming at consciousness of the customers); claim that announces competition or promotional game, with not planning to give a real promised reward or adequate substitute for it (aiming at the ignorance of customers); words describing the product for free, without compensation or other words of similar meaning, if the consumer is additionally obliged to bear any cost except the inevitable cost of answering an ad and downloads or product delivery; false claim or making the wrong impression that the trader does not act within its business, profession or trade or the issuance of false consumer (presentation of as a consumer); creating a false impression among consumers that a product after sales support services available on the territory of another country other than where the

product is sold. This type of doing business should be considered as extremely dangerous in the different levels, from commerce and trade endangering customers in business but also endangering society and with endangering foreign investments.

Aggressive business exists (considering all conditions of the act) in case when the trader by harassment, coercion, including a physical force or illegal influence, violates or threatening to violate free will of choice or acting of regular consumer regarding specific product or service and in that way luring the consumer to make economic decision which otherwise he wouldn't make. As illegal influence considers abuse of position of power in aim to pressure consumer in a manner that considerably limits the ability of consumer to reasonably decide. It is always considered as aggressive business acting when: the dealer creates the impression for the consumer that he can`t leave the premises without conclusion of the agreement; visiting the consumer in his living premises without prior informed consent of his, unless it is for obligation claim achieving; multiple addressing the consumer against his will by the different means of communication; direct incitement of the kids (by the ads) to influence their parents to buy or use products or services; request from the consumer to pay, return or kept item for delivery is requested, except in cases of buying at a distance; explicitly informing customers that the job or the existence of the dealer is endangered if the consumer does not purchase a specific product or service; creating a false impression that the consumer has won some prize or that by taking certain actions is about to win the prize or any other benefit in the case when the benefit does not exist or if the taking of any action in order to win prizes or benefits is conditional on the consumer to pay a certain sum of money or certain costs incurred. This could be considered multiple liability issue, from liability of the dealer for criminal acts using force or coercion, up to illegal competition rules in the market.

We can make a typology based on the previewed types and after analyze of the practical examples through criminal records and also from the blogs and forums on the Internet (which we can explain as forms of dark crime figure projecting in the new media, from where we can observe this phenomena). By it we can differ between MO of the perpetrator in preparing the fraud, by using people's gullibility, ignorance in laws, inferior position both economically and expertly (in law matter, in tourist agency rules and obligations made by the law, in science and technology – internet especially), or by using people nature (in scandalously cheap – which uses growth of peoples vanity and feeds it, peoples competition spirit and rashness) without much preparation, or by creating the opportunity by forcing people to believe in something not right and making them dwell in that state as long are they of use, and of course with frauding them at the end without explanation (by simply ripping them naked) and at the end there is a type where dealer uses the strongest mean at disposal force, even a physical force or coercion to make the customer do something or to not act if he could.

In all of the mentioned cases there can be recognized fraudulent intentions of the dealers, but in some of them the intensity and dept of the will of the dealer could be differently graduated. In that graduation there can be recognized the conditions for complying with the obligations proscribed by various laws – from the law on the consumer protection up to the criminal procedure code (CPC). It is up to

this conditions that are creating the obligations for all of the actors in the area of tourist relationship to do their part in this system. There are different groups of consumers who could initiate one procedure but also initiate the other – one in dispute area and the other in the criminal area. It is right there where the role of different customer protection societies and inspections could play a very important role, guiding the customer in exercising his rights in civil area and to inform certain agencies referred by the law to act in case of criminal act, firstly the Public prosecutor and police (law enforcement agencies). Of course, there is a legal obligation for those agencies to file a crime complaint about particular crime that they are aware it happened, or that happened in their jurisdiction. It is the right place to consider education for all of primary mentioned actors in finding and preserving the evidence in the following criminal procedure, since they are also used in other procedures that are in their jurisdiction. The main reason for that should be the need for immediate action in the case of crime, because of the evidence gathering and catching of the perp. It is very fragile in this area to act slowly, or to act lime. The usual action by some of inspections and other state agencies is dealing with their problem part and after finishing their job informing the law enforcement agencies in crime jurisdiction about a crime, which is of course wrong.

Acting in crime causa

In most cases, the described forms of fraud are found out by victim filing a complaint to the police or by the public rumouring, or through the media. It is necessary to take steps, from the first moment of detecting the crime, to take measures that perpetrator can't hide or flee, as well as the preservation of objects and traces of which can be used in proving the crime. It is necessary to conduct an investigation at the crime scene - within the agency that arranged the trip (if it is the place of crime execution), where it is also important to access the documentation on the same business, by inspecting the business books, and other documentation. This job could be done by analyzing of the logs on the servers containing data on the transaction and communication between customers and the dealer, but also by the analysis of the carrier of the digital data (if that is the way of conclusion of the contract), and at the end of the logs, or mail servers or even certain files (scans of the contract or templates etc.) at agency computer (which implicates search of the computer or a network of the agency). In that case it is important that in that action is involved an expert in the IT communications. In such circumstances described above it is necessary to restrict access (or to focus) to business of the agency in specific case (s). In certain cases it is necessary to conduct a search of the Agency, for which is necessary to obtain court order (also for the search of the computer). The order shall specify the items sought in the action. The search should be acted in the presence of the agency representative, and to him is the warrant handed before the beginning of the search.

For the collection of the evidence it is also important to determine which agency is in the case present. That could be determined in two ways (with some certainty): by checking the documentation of the agency in the case (which could be forged or counterfeit), or by checking in the Agency for commerce registers (also

here is a vague possibility that the firm was founded as phantom firm with the use of the forged or counterfeit documents).

In the distant trading or service delivery or contracting, it is very important to be familiar with the network configuration, the manner of functioning of the www. We could use IP addresses, routing, server logs, proxy usage and configuration, digital evidence at the place of the victim, agency or server through which the connection had happened. Also there could be used 3G networks and MAC addresses of the devices used in it and so on. Cellular phone listings and base stations would be of use in this matter also, but in some of the mentioned cases there would be court order needed but in some, like the last one, it wouldn't. In the case of base stations and phone call listings only public prosecutor can give order, it is not required that court issues the warrant.

Mentioned inspection and other state agencies also could play a significant role in the process of gathering and presenting evidence, by their reports and additional expertise.

The personal information gained from the victim or witnesses, must be recorded in lawfully manner (by the official scribes or the reports), because they could be further used by Public prosecutor in other parts of the procedure (by proposing them as future witnesses in official act to the court – indictment). It is of great importance to keep hard copy of those documents, for later determination of the connections (of the people in the management and their liability, and also for the connections of different firms). Because of the amount of data contained in those papers, it is very good to use some kind of analytical software to analyze connections and relations of the actors in it, maybe Analyst notebook I2. This kind of software could be used just as an additional tool for decision making or facilitating faster and more grounded actions, also as an analytical tool in indicia and version handling. By this kind of the analysis it is easier to initiate some actions before other, or to focus to some suspects which could be considered as more involved than other. Also there could be initiated wanted lists of suspects or arrest warrants for some people who are hiding (in this case we could argue some other actions after – as police detention of 48 hours as a special measure, accompanied by interrogation by the rules of interrogation of the accused procedure). All of the work should be accompanied by police reports, and all of the interviews must be officially signed and filed.

In addition to the search of the premises it is also necessary to inspect the documents of the agency business, where the role of tourist inspectors and experts in the field of accounting services is very welcome. It is very important to use the first moment of reporting of crimes by victims, and to use very important role tourism inspection can play in this moment, the various tourism organizations and associations such as, for example, the Serbian Tourist Organization, or consumer protection societies. In fact, victims in this area at the time of reporting are not fully informed on the processes and procedures which should be respected, and tourism organizations and especially fraudsters used these circumstances and in general terms of business set significantly adverse conditions by service users, for cases in the agency adverse circumstances by using market power in relation to service users (consumers). In this sense, we can recognize significance of the consumer

organizations. In all of presented consumers could address at any time, and based on the cooperation of these organizations and the police, one can be very precisely determine the procedures in handling such cases and give them lessons about the course which should be directed in such moments, in terms of civil law and criminal law protection, preservation and provision of items and clues that may serve as evidence of these events. Such organizations have the obligation to report crimes and in the light of new circumstances created by passing a law on corporate liability for criminal acts ("Off. Gazette, no. 97/2008) and associated strategic documents they could have a crucial role in it.

Conclusion

When we analyze everything presented we couldn't mention the complexity of the matter, one could have some sense only from the amount and number of the agencies involved in the area. Anyway this complexity, although pretty closely controlled by different laws, gives a lot of opportunities to the perpetrators to abuse the loopholes and legal gaps. This is accompanied by the people nature and brain vulnerabilities in mankind – brain glitches as they call them. The one of the actions we can propose is prevention and proactive actions by all of the state law enforcement agencies, through education of the public by constant informing of the methods used by the perpetrators. Involvement of the customer organizations are of crucial interest, by contacts with the police and with exchange of information and operational data, and their specific relation with the inspectional agencies could create very solid surrounding for the pre-trial work frame for law enforcement. As it is projected the role of all those actors should be coordinated and controlled, by police and public prosecutor office once it becomes the area of criminal investigation. This kind of complex machinery has a great possibilities and huge arsenal of measures at its disposal, but in every particular case there must be enough of caution not to violate the rights of any party. It is necessary also to educate those state agencies into procedure aspects of their interest, and to in that way proactive acting by every part of the state apparatus in prevention as prelude for all those reactive actions of the law enforcement agencies in every particular case. When analyzing phenomena such as this it is very likely to foresee in very near future new forms of the fraud such as: travel insurance frauds, id theft fraud and usage of the stolen id in travel frauds (both as traveler and as agency owner), travel prices frauds etc. through this form of forecast we can see that this topic is still to be opened to further articles.

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CRIMINAL – LEGAL PROTECTION FROM CONTEMPORARY FORMS OF TERRORISM IN REPUBLIC OF MACEDONIA

Abstract

Multidimensional problem of terrorism needs multidimensional approach to be resolved. In this sense, the states undertake activities in two fields: on one side, take legislative measures, and on the other side, they undertake measures and activities by state authorities within the framework of defined competencies.

Escalation of terrorism, which is characterized by a large mass of material damage and human losses, in global frame, undermines the base of rule of law, democracy, economy and security of nations. Terrorism by its multidimensional shapes and patterns, finds a way to successfully avoid transnational attempts to realize, first of all, the concept definition, legislation and instrument for efficient destroying.

In this context the international community through the application of specific mechanisms (Convention, Decisions, Resolutions and Recommendation) is trying to fight against terrorism, while national legislation of the countries should fully comply with international regulations and standards.

A set of normative legal acts in the Republic of Macedonia, precisely and accurately defines the intention to facilitate and ensure participation of the Republic of Macedonia in international cooperation in fight against terrorism. The complete adjustment of domestic legislation with the challenges of modern terrorism represents a possibility achieve of one of the prerequisites for entering the Republic of Macedonia in the Euro-Atlantic and European families.

***Key words**: terrorism, legislative measures, conventions, resolutions, recommendations, legal acts*

CRIMINAL – LEGAL PROTECTION FROM CONTEMPORARY FORMS OF TERRORISM IN REPUBLIC OF MACEDONIA

Security, political and spiritual vacuum that exists in the Balkans after the collapse of communism and the bloody breakup of Yugoslavia, was a great opportunity and a chance for infiltration of terrorists in this region. Even if we take into account the reluctance of the West for a timely intervention in Bosnia and thereby prevent the escalation of military conflict, and the impact and financial assistance from Middle East countries over

Bosnia and Kosovo, virtually created favorable condition for massive penetration of so-called imported terrorists from the Middle East. That contributed to the radicalization of the Muslim nations and creates a new generation of terrorists.[1]

Such post-conflict and developing countries represent an Achillean heel in counterterrorism activities undertaken by institutions in these countries. Especially, it should be emphasized that economic and political instability, generated poverty of the population, and that is a condition that stimulates the creation and development of terrorist organizations.

Such a situation was ideal for the terrorist organization Al-Qaida for developing and expanding its network through spilled cells over the Balkan region.

Escalating terrorism is characterized by a large mass of material damage and human losses. In global frames, it undermines the foundations of the rule of law, democracy, economy and security of nations. As one of the most acute and most alarming problems are fears it will hit the seal on a dark era, terrorism by its multi dimension of shapes and motifs, still finds a way to successfully avoid transnational attempts, first of all, in the concept of determination, legislation and instruments for efficient suppression.[2]

Multidimensional problem of terrorism also requires a multidimensional approach to its extermination. In this sense the states are to guide their activities on two fronts: on the one hand, taking the legislative measures that suit the changed circumstances and on the other, measures and activities of state authorities within the defined competencies.

In this context, the international communities through the application of specific mechanisms (conventions, decisions, resolutions and recommendations) are trying to counter terrorism, while countries in their national legislation should fully comply with international regulations and standards.

Faced with global problems, the Republic of Macedonia since its independence began to review the domestic legislation in terms of more efficient fight against terrorism.

In accordance with Article 118 of the Constitution, ratified international treaties are part of the Macedonian legislation and they cannot be changed by law.

In fact, it is an obligation of the Republic of Macedonia to fully align domestic legislation with the provisions of international conventions, and with only one goal, to never show the internal collision of legal norms.

[1] Sharp Jane, Intervention in Bosnia – the Case for, World Today 4w2 (Feb. 1993), p. 30-35;
[2] Kambovski V., Criminal Law, Prosvetno Delo - Skopje, Skopje, 2003, p. 456-460.

In 2000, with the signing of the Stabilizations and Association Agreement, Republic of Macedonia was committed to implement EU directives in its legislation. As a member of the UN and the Council of Europe, and in parallel, and as a candidate country for EU and NATO, the Republic of Macedonia under the Stabilization and Association Agreement has additional obligations in respect of the implementation of measures envisaged by the EU directives.

Ratified international instruments to combat terrorism by the Republic of Macedonia and the implementation of international law into domestic legislation

Conventions and protocols on combating terrorism adopted by the UN before 2001, which were ratified by the Republic of Macedonia before September 11, 2001

- *Convention on the Prevention and Punishment of Crimes against persons under international protection, including diplomatic agents.*
- *International Convention against the taking of hostages.*
- *Convention to break the illegal seizure aircraft.*
- *Convention on offenses and certain other acts committed on aircraft.*
- *Convention on the Physical Protection of Nuclear Material.*
- *Convention to break the unlawful acts against safety of civil aviation.*
- *Protocol to break the illegal acts of violence at airports which are serving international civil aviation.*[1]

Conventions and protocols on combating terrorism adopted by the UN before 2001, which were ratified by the Republic of Macedonia after September 11, 2001

- *Convention to break unlawful acts against safety of maritime navigation.*
- *Protocol to curb illegal acts against the safety of fixed platforms located on the continental shelf.*
- *International Convention on the curb terrorist attacks with explosive devices.*
- *International Convention for the prevention of terrorist financing.*

[1] International Instruments related to the Prevention and Suppression of International Terrorism, United Nations publications, Sales No. E. 08. V. 2, 2008, p. 3-55;

- *Convention against Transnational Organized Crime and Protocol to Prevent, Prevention and Punish Trafficking in Persons, Especially Women and Children, which supplements the Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by land, water or air.*[1]

Conventions on combating terrorism adopted by the UN since 2001 and which were ratified by the Republic of Macedonia on September 11, 2001

- *International Convention for breaking acts of nuclear terrorism.*

Conventions and protocols adopted by the EU before 2001, which were ratified by the Republic of Macedonia before September 11, 2001

- *European Convention on Extradition.*
- *First Additional Protocol.*
- *Second Additional Protocol.*
- *Convention on Mutual Assistance in Criminal Matters.*
- *Additional Protocol to the Convention on Mutual Assistance in Criminal Matters.*
- *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.*

Conventions and protocols on combating terrorism adopted by the EU before 2001, which were ratified by the Republic of Macedonia after September 11, 2001

- *European Convention for prevention of terrorism*
- *European Convention of the Transfer of proceedings in criminal matters.*

Conventions and protocols adopted by the Council of the EU after 11 September 2001 and ratified by the Republic of Macedonia

- *Convention on Cybercrime.*
- *Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.*

[1] Ibid.

- *Second Additional Protocol to the Convention on Mutual Assistance in Criminal Matters.*
- *Protocol to amend the European Convention for the Prevention of Terrorism.*
- *Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Financing of Terrorism*.

Criminal legal determination of criminal offenses relating to terrorism in the Criminal Code of the Republic of Macedonia

Criminal legislation is applicable to anyone who commits a criminal act on the territory of the country. Criminal legislation is also applied to any one who commits a criminal act on a domestic ship, regardless of where the ship is at the time the crime is committed and to any one who commits a criminal act on a domestic civic aircraft in flight, or on domestic military aircraft, regardless of where the aircraft is at the time the crime is committed.

Also, Criminal legislation is applicable to citizens who have committed a crime abroad, if they are in the territory of the country or if they are extradited.[1]

Criminal legislation is also applicable to foreigners who:

- Commit crimes outside the territory of the country but directed against it or against its citizens, if they are in its territory or are extradited;
- Commit crimes abroad against a foreign country or a foreigner, for which, according to that legislature, they may be sentenced to five years imprisonment or to a more severe punishment, if they are in territory, and if they are not extradited to the foreign country. If not otherwise determined by this Code, in such a case the court may not pronounce a punishment more severe than the punishment that is prescribed by the law of the country in which the crime was committed.[2]

In the context of an effective fight against terrorism in the criminal legislation of the Republic of Macedonia has introduced a number of criminal acts that have raised a terrorist nature.

[1] Article 117, 118, 119, Penal Code, (Official Gazette of the Republic of Macedonia, no. 19/04);

[2] COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER), Country profiles on counter-terrorist capacity, „the former Yugoslav Republic of Macedonia“, Council of Europe, March 2009 :www.coe.int/gmt;

If we stick to the definition of terrorism under the Criminal Code of the Republic of Macedonia,[1] we can single out the following crimes in the Criminal Code of the Republic of Macedonia, related to terrorism:

- Article 313: Terrorist threat to constitutional order and security;
- Article 324: Association for enemy activity;
- Article 326: Punishment for preparation;
- Article 394-a: Terrorist organization;
- Article 394-b: Terrorism;
- Article 394-v: Financing of terrorism;
- Article 419: International terrorism.[2]

In addition to the offences foreseen in the above-mentioned articles, the following criminal offences from the Criminal Code are also applied in case of individual acts of terrorism:

- Article 231: Unauthorized procurement and possession of nuclear materials;
- Article 288: Causing general danger;
- Article 290: Damage to protective devices;
- Article 291: Destruction or damage to public installation;
- Article 295: Unauthorized production and release for trade of generally dangerous materials;
- Article 302: Kidnapping an aircraft or ship;
- Article 303: Endangering air traffic safety;
- Article 309: Murder of representatives of the highest state authorities;
- Article 310: Kidnapping of representatives of the highest state authorities;

[1] Article 394-b of the Criminal Code of the Republic: He will perform the work of murder, bodily harm, abduction of persons, destruction of public buildings, transportation systems, infrastructure facilities, information systems and other facilities in common use, seizure of aircraft or other means of public transportation, manufacturing, possessing or trafficking in nuclear, biological, chemical weapons and other weapons and dangerous substances, dangerous release of radioactive, toxic and other dangerous substances or causing fire or explosion, destroying the plants to supply water, energy and other natural resources, with the intention of endangering life and body and creating a feeling of insecurity or fear among the citizens. Law Amending the Penal Code of the Republic of Macedonia ("Official Gazette" br.07/08);

[2] Penal Code, ("Official Gazette of the Republic of Macedonia", no. 19/04).

- Article 311: Violence against representatives of the highest state authorities;
- Article 314: Diversion;
- Article 315: Sabotage;
- Article 407 –b: Misuse of chemical or biological weapons;
- Article 420: Endangering persons under international protection;
- Article 421: Taking hostages;
- Article 422: Piracy.[1]

The following acts are criminalized as acts of terrorism or related offence:

- Causing or seriously threatening to cause explosions, fires, floods, or any others generally dangerous action or act of violence, thereby creating a felling of instability or fear among the citizens, undertaken with the intention of endangering the constitutional order or the security of the country.
- Creating a group, gang or other criminal organization to carry out any of the following criminal acts: murder; infliction of bodily injury; kidnapping of persons; destruction of public facilities, transport systems, infrastructure facilities, information systems and other means of public transportation; production, possession of or trade in nuclear, biological or chemical weapons and other types of weapons and dangerous materials; emission of dangerous radioactive, poisonous or other dangerous substances; causing fire or explosions, or destroying facilities for the supply of water, energy or other essential natural resources, with the intention of creating a sense of instability or fear among citizens or of endangering the constitutional order of the country or the interests of an international organization or a foreign country.
- Providing financial means to or helping an any other way a group, gang or other criminal organization;
- Public encouraging or supporting the creation of a terrorist organization.

The following table shows statistics for the adopted decisions on crimes relating to terrorism for the period 2001 - 2010 year.

[1] Ibid;

Table 1

Year	Criminal charges (Criminal offence - Terrorism)	Judgment (Criminal offence - Terrorism)	Criminal Offence (Article 394-v Financing of terrorism)	Criminal Offence (Article 394 - a Terrorist organization paragraph 2)
2001	36	1	0	0
2002	63	0	0	0
2003	38	1	0	0
2004	2	2	0	0
2005	2	2	0	0
2006	0	0	0	0
2007	1	1	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	0	0	0

Based on the above table, a complete review of criminal charges for crimes relating to terrorism and how judgments are made by the court, has been shown.

Insufficient knowledge of terrorism and the stages, through which it acts, cause retroactive policy of making the wrong strategy to fight terrorism, while taking measures and activities after a terrorist act. It is by large wrong, because, on one hand the act is already done, and on the other hand, we have damage, in which the human factor is collateral damage.

One of the key stages in the process of terrorism is funding phase, a phase in which funds for completing the process are collected.[1]

Funding is necessary not only for specific terrorist operations, but also to cover the broad organizational development costs and maintenance of terrorist organizations and to create better conditions necessary for the continuation of their activity.

The direct costs of conducting individual attacks are usually small in comparison to the damage that is caused. However, the maintenance of terrorist networks or cells for recruitment, planning and procurement of goods between the attacks, requires significant sources of funding. It is

[1] HM Treasury (2007), *The Financial Challenge to Crime and Terrorism*, HM Treasury, London,
www.hm-treasury.gov.uk.;

necessary to have the infrastructure for international terrorist networks to maintain and promote their goals from time to time.[1]

The organization needed funds to create the infrastructure for organizational support, giving support to the ideology of terrorism through propaganda and financing activities which are legally required to be given legitimacy to a terrorist organization.

In that context, I will call upon the above-mentioned table. The conclusion is that no criminal charges and conviction for a criminal act, pursuant to Article 394-c "Financing of terrorism" of the Criminal Code of Macedonia in the period 2001-2010 were filed. It is because the criminal offence "Financing of terrorism" as a separate crime was introduced by the amendments to the Criminal Law in 2008. From that time till now the authorities haven't filed criminal charges for any crime of terrorism.

If you consider the crime a "terrorist organization" under Article 394 - A, paragraph 2 of the Criminal Law of the Republic of Macedonia, once again we see that we do not have any criminal charges and conviction. This crime is particularly incriminated as of 2004 with the Amendments to the Criminal Code. From that time until today, a total of 3 criminal charges are brought and 3 judgments, in which 19 people were convicted.

Conclusion

If we analyze the case, then notice that absent financial investigation. Namely, it should be taken in parallel with criminal investigations, in order to identify persons who finance the execution of the terrorist operation, knowingly making a crime, and he had not been brought to justice.

If we let this process of continuous funding to run, leaving the persons legally or illegally acquire funds which will later be used to finance the terrorist operation, while the competent authorities take concrete measures and activities, we will be conscious expectation of performance of another terrorist operation.

Proof of the crime of "terrorist financing" is complex and operational work. Same requires coordinated activity of organs of the prosecution led by the public prosecutor. This means, it should take special investigative measures for collecting evidence.

Although domestic legislation fully complies with international, however, it must be emphasized that for successful fight against terrorism is

[1] FATF (2008), *Typologies Report 2007-2008,* FATF, Paris, *www.fatf-mfi.ors.*

not only necessary legislative measures, but they should be the basis for taking the coordination activities of law enforcement agency in the full disclosure of persons who committed or assisted in the commission of criminal acts.

In particular it should be emphasized domestically and internationally inter-institutional cooperation and exchange of data.

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MACEDONIAN STUDENTS' ATTITUDES TOWARD PUNISHMENT

Abstract

The purpose of this paper is to elaborate the question on students' attitudes toward punishment in Republic of Macedonia based on the research results on students' attitudes toward crime conducted in 2009 on a sample of 357 students of the Faculty of Security, Faculty of Law, Faculty of Pedagogy and Faculty of Philosophy. Particularly, we discuss the results of students' attitudes toward punishment about some crime acts and asocial behaviors and we will present the results related with attitudes towards death penalty. The results of the research show that the students in Republic of Macedonia have high retributive attitude toward some criminal and asocial acts while high percentage of students support the death penalty for certain acts.

In this paper we will present the level of fear of crime, the differences between respondents based on gender, faculty and year of study, and the influence of fear of crime on students' attitudes toward punishment and death penalty.

MACEDONIAN STUDENTS' ATTITUDES TOWARD PUNISHMENT

INTRODUCTION

Among the many topics, issues related to crime always represent a subject of research in various aspects. In the recent decades criminologists explore the attitudes of the public in terms of crime, victimization, fear of crime, the functioning of the criminal justice system and their attitudes related to punishment. It is important to emphasize the fact that public opinion plays a vital and sometimes decisive role in the evolution of criminal law and practice.[1]

When talking about such a complex issue which is always a topic of discussion, it is necessary to look at some temporal and spatial context, bearing in mind its determination by many factors in a society. Culture, value systems that dominate in society at a certain time period, tradition, political

[1] Julian V. Roberts and Loretta J. Stalans, "Crime, Criminal Justice, and Public Opinion," in The Handbook of Crime and Punishment, ed. Michael Tonry, New York: Oxford University Press, 1998, 31

and economic relations and the media, all have a dominant influence on public attitudes towards penal policy[1]. The question is, why is it important for research and study of attitudes toward punishment? Payne cites four reasons why it is important for studying the attitudes toward punishment. The first reason concerns the fact that opinion polls about crime and punishment is an important link and a guide for policy makers in criminal decision-making. The second reason concerns the fact that these studies offer explanations for culture, values and beliefs that exist in a given society. The third reason for this kind of research, is the fact that the views that dominate and are widely present in public may affect the way the legal system deals with criminals. And Payne gave a fourth reason related to the attitudes of the public that may be related to the behavior of individual.[2]

Particularly important role in creating attitudes of the public, play the media. Daily sensational display of crime and violence with a concentration of certain types of crime in a certain period of time in a race for his popularity, influence the attitudes of the public on crime. The concentration of negative news in the fight for more sensational articles related to crime and violence, the spectacular arrests of police in the media to achieve an impression of efficiency, contributes for public pressure on institutions to impose higher penalties and even death sentence for some offenders. Numerous research studies have focused on whether the descriptions of crime in the media influence public attitudes regarding criminal policy. They found out that the presentation of crime news increase public pressure for more effective policy (Garofalo, 1981) and more repressive responses to crime (Barille, 1984; Surette, 1998). Moreover, Surette (1998) argues that the media represent the agendas of criminal policies as negative, ineffective and incompetent, that result in greater support for the presence of the police, more prisons and more money for the criminal justice system. Oliver and Armstrong (1995) found that frequent viewing and greater enjoyment in watching the real criminal issues related to supporting repressive attitudes, frequent viewing and greater enjoyment of fictional crime shows are not connected with the support of greater repression.[3] With that the media creating punitive populism, which is quite a complex problem that often

[1] Resisting punitiveness Sonja Snacken, SCCJR, Edinburgh, 1 June 2009

[2] Dozier, A. A. „*Factors Influencing the Attitudes of College Students Toward Rehabilitation or Punishment of Criminal Offenders*“, http://ecommons.txstate.edu/cgi/, пристапено на 09.04.2010 година

[3] Dowler, K “Mmedia consumption and public attitudes toward crime and Justice: the relationship between fear of crime, punitive attitudes, and perceived police effectiveness”, *Journal of Criminal Justice and Popular Culture*, 10 (2): 109-126, 2003, p. 112

politicians exploit for their programs and campaigns.[1] If there are certain perceptions of people that crime increase will impose media pressure and the failure of the system and politicians in countries, sometimes justified and sometimes unjustified (for achieving your goals), will respond to the anger of the public for repressive penalties .

Beside the tendency of criminal law reform in Western European countries, previously seen in terms of increasing the number of imposing alternative measures [2], our public is still probably influenced by many factors and still advocates repressive and retributive measures.

We can find in the literature many factors that are associated with attitudes to punishment such as gender, age, education, year of study, material status, political ideology, previous victimization, fear of crime, size of the city and how often the public sees crime on TV.

RESEARCH "ATTITUDES OF STUDENTS ON PUNISHMENT"

In 2009, the School of Security – Skopje, conducted a research on the attitudes of students on punishment. Data were collected in the survey by polling carried out in the period from April to May 2009. In the questionnaire that was used during the research, several groups of questions relating to the sense of security and fear of crime, issues relating to previous victimization of students and their opinions regarding the role of victim in crime , questions relating to how the social reaction to certain antisocial and criminal behavior and issues related to attitudes toward the death penalty can be distinguished. A questionnaire with the title "Attitudes on crime" was provided by Helmut Kury (professor from Max Planck Institute, Freiburg, Germany).

Sample Description

In this research, a convenient sample of 357 students respondents selected from four faculties - Faculty of Security with 27.6% of respondents, Faculty of 31,7%, Pedagogical faculty of 12, 6% and Philosophy Faculty of 27.7%, was selected. According to year of study in the sample, the largest percentage of respondents were third-year - 34.5%, then the fourth-year - 25,

[1] Kemshaw, H., "Understanding risk in criminal justice", Open University Press, Glasgow, 2003, 45

[2] Smartt, U., Kury, H. Obergfell-Fuchs, J. and Würger, M. "Attitudes to Punishment: How reliable are international crime victim surveys?' In: Kury, H. (ed) International Comparison of Crime and Victimization: The ICVS. Willowdale, Ontario. De Sitter Publication, 2002, p. 133

5%, 23.5% of respondents are from the second year and 15.7% of the Master studies.

The sample is dominated by female respondents with 65.3% of the total number of respondents and male respondents are represented by 34.7%. According to the age structure of the sample, 91.3% are of the age group 20 - 23 years, while the 24-39 age group is represented by only about 7% of respondents. However, this might have been expected, given that the majority of respondents are regular students.

CHARACTERISTICS OF RESPONDENTS		357
GENDER	N	%
male	124	34,7
female	233	65,3
Faculty		
Faculty of security	98	27,6
Law Faculty	113	31,7
Faculty of Pedagogy	45	12,6
Faculty of Philosophy -Institute of Social Work and Social Policy and -Institute of Defence and Peace Studies	99	27,7 22.7 5
Year of study		
Second	84	23,5
third	123	34,5
fourth	91	25, 5
master	56	15,7
age		
20-23	326	91,3
24-39	31	8,7
nationality		
Macedonians	318	89,1
Albanians	15	4,2
Vlachs	5	1,4
Bosnians	4	1,1
Turks	3	0,8
Serbs	3	0,8
Roma	3	0,8
other	3	1,8
religion		
orthodox	324	90,8
Islam	27	7,6
Catholic	2	0,6
Atheist	3	0,8
other	1	0,2

ATTITUDES REGARDING PUNISHING CERTAIN CRIME AND ANTISOCIAL BEHAVIOR AND ATTITUDES TOWARDS DEATH PENALTY

Within the questionnaire, a set of questions concerning the attitudes of students in respect of certain criminal and antisocial behavior can be

found. Based on analysis of the results and using t-test, several conclusions can be drawn:

- There are no significant differences between the attitudes of respondents about the punishment of male and female. Male respondents have more repressive position in terms of property crimes, while female respondents in terms of criminal acts with elements of violence.

- Attitudes among students of the Faculty of Security are similar to the views of students from the Faculty of Law. Regarding rape in marriage, re-burglary and **stealing TV device** and **beating children in family and need of medical assistance as a result**, respondents from the Faculty had more repressive attitude to other subjects, while students from the Faculty of Security have more repressive attitude in face of sexual crimes. It can be concluded that the respondents from the Faculty of Security and Faculty of Law mostly condemn the crimes where there is violence. Students from the Pedagogical Faculty, apart from other faculties have significantly more repressive attitudes towards taking hashish and heroin.

- Students of masters studies show more repressive views in terms of responding to criminal acts with elements of violence (to force wife for sex (rape in marriage), to beat a child with need for medical help), but more liberal position on asocial behavior -taking of hashish and heroin. In contrast, students from second and third year have a position for more repressive punishment of persons who take the easy and hard drugs. [1]

In the Table 1 are presented results for students' attitudes toward punishment by faculty

	Faculty of security		**Law Faculty**		**Faculty of Pedagogy**		**Institute of Social Work and Social Policy and**	
	M	SD	M	SD	M	SD	M	SD
driving car under strong influence of alcohol	5.88	1.694	6.09	1.552	5.82	1.742	5.50	2.022
using public transportation without a ticket	3.66	1.635	3.80	1.859	3.44	1.631	3.67	1.810
stealing something over 250 euro	5.72	1.760	5.76	1.640	5.82	1.922	5.71	1.876
resistance against	5.35	2.391	5.49	2.416	4.76	2.469	4.96	2.596

[1] Јованова, Н. „Ставовите на студентите за казнувањето“, Годишник на Факултет за безбедност, 2010, стр.

the police								
taking light drugs like hashish	5.56	2.274	5.35	2.646	6.67	1.567	5.67	2.531
burglary with intention to steal	7.04	1.536	7.12	1.615	7.18	1.512	7.00	1.504
hitting an adult	5.83	1.845	6.06	1.749	5.34	1.940	5.38	2.203
shoplifting under 45 euro	4.92	1.775	4.98	1.758	5.31	1.769	4.92	1.840
taking heroin	6.24	2.268	6.72	2.128	7.42	.998	6.921	1.976
to inhabit an empty house/dwelling	4.94	2.223	5.42	2.034	4.91	2.172	5.93	1.971
raping	7.88	.696	7.96	.280	7.96	.208	8.00	000
to force to some person to sexual act (not rape)	7.54	1.213	7.40	1.404	6.89	1.861	6.58	2.339
burglary	6.40	1.497	6.31	1.583	6.18	1.859	6.63	1.377
stealing motor vehicle	7.32	1.319	7.35	1.016	6.73	1.864	7.13	1.191
to hurt somebody with a knife	7.92	.449	7.92	.503	7.69	1.104	7.96	.204
beating child in family and need of medical assistance as a result	7.46	1.267	7.67	1.122	6.87	2.149	6.75	2.132
burglary and stealing TV device	6.49	1.932	6.79	1.617	5.51	2.312	6.13	1.998
raping in marriage	6.60	2.230	7.18	1.905	7.02	2.006	7.08	1.998
termination of pregnancy	4.80	3.184	3.49	3.102	3.49	2.769	2.79	2.536

1. The state should not react
2. Imprisonment warning
3. Indemnification
4. Agreement with victim
5. Community service
6. Fine
7. Conditional sentence
8. Imprisonment

In recent years Europe again questioned the issue of introduction of death penalty. Despite the fact that all European countries have abolished the death penalty in the recent period with a dramatization of criminal cases in the media, and their sensational construction led in changing of public

opinion. In Macedonia, in the Constitution of Macedonia Art. 6, is prescribed that the death penalty cannot be imposed on any basis. But despite this commitment of our country, the support of the death penalty for certain crimes is still high. When analyzing the data whether the students support the death penalty for certain crimes, almost 70% (249) of respondents supported it. The largest percentage of crimes that the death penalty can be supported for, is for murder 52.1%, rape 46% and 44.5% terrorism, and for crimes related to child victims (pedophilia, child abuse, child pornography, incest and sexual assault). This attitude of participants results due to numerous events that were marketed by the public through the media. Sequence murders and suicides that took place early in 2009 and 2010, as well as numerous cases of sexual abuse of children in our country and which were circulated as information in electronic and print media, may be cited as explanations for this attitude of the respondents.

The cross tabulation of year of study and whether they support the death penalty for certain crimes on the basis of the results, show that there is a difference between respondents of different year of study, but with a small percentage of respondents deviation for third year respondents and MA students, while the smallest percentage have respondents in a fourth year with 65.9%, but the difference in the percentage of support for the death penalty is not significant.

Years of studies	Are you support death penalty for certain crimes acts	
	yes	no
second	69%	31%
third	72,4%	27,6%
fourth	65,9	34,1
master	71,4	28,6

When comparing the results between Faculty of Security and the Faculty of Law, on the one hand and the Institute of Social Work and Social Policy and the Institute of Defense and Peace Studies and the Pedagogical Faculty on the other, no significant differences emerge regarding the relationship between respondents who support the death penalty. Contrary to expectations for greater determination on the death penalty on students from the Faculty of Security and Faculty of Law, the results compared with other schools included in each sample do not deviate and move on average around 70%. Moreover, students from Faculty of Security and Faculty of Law for a percentage less opted for the death penalty for certain crimes.

FEAR OF CRIME AND ATTITUDES TOWARD PUNISHMENT

Fear of crime as a phenomenon is caused by a multitude of consequences. But despite the many who are associated with change of quality of life of an individual, there are possible changes in their attitudes and perceptions. Frequent changes in attitudes and perceptions associated with changing attitudes regarding penal policy, change the perception of the effectiveness of certain organs in the country (eg. Performance policing) and change in the level of confidence in certain organs, institutions and organizations in society.

Langworthy and Whitehead (1986) discussed how the fear of crime may stem from personal experience, political campaigns and the media but at the same time and the hypothesis set and it confirmed that people who have a higher fear of crime have more repressive attitudes.[1] Punitivity depends on several factors: social isolation as a consequence of modern life, the level of uncertainty in the environment and the erosion of social services.[2] Most studies have shown however that attitudes regarding crime and the sanctions resulting from the broad social changes in society at the same time can be caused by a feeling of insecurity among citizens. Starting from these factors are more in the last decade research focus and try to measure public opinion on their views regarding the punitive policy to correlate with the degree of fear of crime that exists in that the respondents to determine whether the degree of fear of crime has a certain influence on the attitudes of respondents. There are certain considerations that the respondents who have higher levels of fear of crime will have more repressive attitudes regarding punishment. But the question is how starts a vicious circle of cause and effects relationships between these phenomena. Probably the first round begins with the existence of fear of crime among respondents induced by the perception of respondents that there is an increasing rate of criminality based on various sources (despite some other social, demographic, psychological and economic factors[3]) that can create an image that the system of criminal justice is not functioning. Perception of respondents may be due either to a true increase in the rate of criminality or of creating a false perception

[1] Dozier, A. „Factors Influencing the Attitudes of College Students Toward Rehabilitation or Punishment of Criminal Offenders, Public Administration Program Applied Research Projects, Texas State University, 2009, p. 35, http://ecommons.txstate.edu/arp/305, accessed 10.02.2010

[2] Kury, H. ed. Crime and crime policy, vol. 3, Fear of crime- Punitivity, New Developments in theory and Research P.xv www. http://books.google.com/books

[3] Richard A. Wanner and T. C. Caputo Punitiveness, Fear of Crime, and Perceptions of Violence, The Canadian Journal of Sociology / Cahiers canadiens de sociologie, Vol. 12, No. 4 pp. 333, http://www.jstor.org/stable/3340941, accessed: 16/02/2011

created by different sources (eg. by the media concentrated and frequent reporting of certain criminal events in order to retain the attention of their viewers). When the population has a perception that the rate of crime increases and increases the level of fear of crime and attitude that causes need for more repressive act to prevent it. They believe it will contribute to greater security in their homes and will allow you to walk the streets in cities without having to worry that you may become victim to robbery, rape or murder.[1] Some authors the impact of fear of crime for support more repressive punishment believe that it is not an irrational response for crime problems. They said that where the return of the stolen property is relatively easy whether through insurance or the ability to buy new products, more repressive punishment is not an obvious way out. However, in cases where the majority of countries in transition difficulty is the return of stolen property, demands for tougher penalties, bringing the perpetrators and obtain compensation for the stolen items are rational responses to such crime problems.[2]

Within the survey "Attitudes of students on crime", which is administered by the Faculty of Security-Skopje in 2009, within the structure of the questionnaire had a set of questions relating to fear of crime. Based on, that we could analyze whether fear of crime has an impact on the attitudes of students on the penalties. However the results showed no significant statistical impact on the level of fear of certain crimes on their views regarding the punishment of certain criminal and antisocial behavior, but with certain exceptions when it comes to fear of assassination that has influenced the attitudes toward punishing taking hashish and heroin and the fear of burglary in an apartment that has influenced on attitudes about punishment for stealing 250 euros and to occupy an empty apartment. However, despite these exceptions, we can notice that the fear of crime, specifically among students as participants generally does not affect on their views on punishment. Given that the respondents show quite repressive attitudes and there is no impact on fear of crime is an indication that the reasons for such attitudes to be found in some other reasons. The positive role that the media as a driving force in creating the criminal policies can have, is slowly changing into a creator of fear of crime, confidence in the institutions of law enforcement and requirements for higher sentences for offenders in order to be neutralized as a risk to society.[3]

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[1] Ester, M. "Nothing Bad Happens to Good Girls : Fear of Crime in Women's Lives", University of California Press, 1997, str.7

[2] U. Zvekić „Criminal victimization in countries in transition" UNICRI publication No. 61, Rome 1998, 93

[3] Kury, H., ed. *International Comparison of crime and Victimization.* Vol. 2. Willowdale: de Sitter Publications, 2001, p. 134

Despite the poor research in the Republic of Macedonia on attitudes toward punishment and the impact of fear of crime, we can not underestimate the role of crime waves in the media on the perception of citizens about increasing of some types of crime (which is sometimes real but often unrealistic) that increases the fear of this kind of crime for themselves and for their families (altruistic fear). Based on that reaction occurs in the public media for more repressive punishment the politicians often answered about that reaction and intervening with more repressive and retributive criminal policy even if there was no real enormous increase of the crime (but there was awareness of the people reporting the crimes) and although it was not a complete way of preventing and reducing this kind of crime (the case of criminal wave of sexual abuse of children in the Republic of Macedonia).

CONCLUSION

Attitudes of public regarding punishment is a significant segment in the creation of criminal policy. The results from the research show that the public still has quite repressive and retributive attitudes regarding punishment. A very small percentage of respondents decided for restorative alternative measures for certain crimes that are not so serious. Great repressiveness in respect of certain antisocial behavior indicates the still existing traditional relations and education, which firmly retains some positive values so input is rigid to changes in the attitudes of individuals on how to react to certain behavior or for the replacement of the repression with restorative measures. The results confirmed the support of the death penalty for certain crimes despite having been abolished in all European countries. Especially important is the role of media in creating a crime wave that may affect the fear of crime among people, who in turn will cause a reaction for imposing heavier penalties for offenders aiming at their isolation from society.

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СТАВОВИТЕ НА МАКЕДОНСКИТЕ СТУДЕНТИ ВО ПОГЛЕД НА КАЗНУВАЊЕТО

Целта на овој труд е да се разработи прашањето за ставовите на студентите за казнувањето во Република Македонија врз основа на резултатите кои што се добиени од истражување кое што се спроведе во 2009 година од страна на Факултетот за безбедност-Скопје, на примерок од 357 студенти од Факултет за безбедност, Правен Факултет, Педагошки факултет и Филозофски факултет. Посебно се разгледуваат резултатите кои се однесуваат на ставовите на студентите за казнувањето на одредени криминални и асоцијални поведенија. ќе се анализираат и резултатите кои се однесуваат на ставовите на испитаниците во поглед на смртната казна. Резултатите од истражувањето покажуваат дека студентите покажуваат висока ретрибутивност за одредени криминални и асоцијални

поведенија како и висок процент на поддршка за постоењето на смртната казна за одредени кривично дела.
Во рамките на трудот ќе се разгледа и степенот на страв на студентите и разликите по однос на пол, факултет и година на студирање и како е неговото влијание врз ставовите во поглед на казнувањето како и во поглед на смртната казна.

REFORMS AND RESTRUCTURING OF THE SECURITY SECTOR IN THE REPUBLIC OF MACEDONIA THROUGH THE PERSPECTIVES OF EURO-ATLANTIC AND EUROPEAN INTEGRATION PROCESSES

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ORGANIZATIONAL STRUCTURE OF THE NEW MODEL OF THE SYSTEM FOR NATIONAL SECURITY OF REPUBLIC OF MACEDONIA

Abstract

Modern security environment on a global level and the complete transformation taking place in the security ambience, produce serious imbalance in the traditional concepts of security and defense in modern societies. The new and modified security circumstances and conditions imposed the necessity to introduce a new approach in the concept of the new System of national security, intertwining modern cohesive aspects of national, regional and global security and cooperation. This new reality produced the need for creating common security policy, and building compatible and sophisticated systems of the countries and partners in the international and regional organizations (UN, NATO, EU and OSCE).

The Republic of Macedonia accepted the challenges for integration in the regional and international security structures most seriously and also took active participation in strengthening of the regional and global security. For realization of the determined strategic priorities, Macedonia has started the process for upgrading and modernizing of the System of national security, fully compatible with the systems of national security of NATO member states.

Introduction

The System of national security in the modern countries is organized and specific social system, through which society performs its function for protection of the vital social values and realization of the fundamental national security interests. National security interests (permanent, vital and important) are values and conditions which are directly generated from the basic values of the Constitutions of all states in the modern world. The System of national security should be complex, permanent and stable, to enable constant and efficient protection of the vital social values from all types and shapes of security challenges, threats and risks in all social areas and at all levels. The specifics of the national security System came from its complexity and its hierarchic subordination, in other words through functioning of its subsystems and microsystems. Every system in its

organizational structure can have one or more subsystems, but their number primarily depends on the number of activity forms necessary for its successful functioning. Based on conclusions, we can point out that systems of national security are modern structures (in matter of organizing and functioning of the society) for conducting specific activities and measures on preventive and repressive plan, in function for protection of fundamental social values from all types and shapes of security challenges, threats and risks in all areas of the society and at all levels. The successful and efficient functioning of the system is based on complementarity in the organization of all its subjects. The System of national security should provide protection from the threats on significant national values, from constant and potential enemies.[1]

Determining of the System for national security of the Republic of Macedonia

In the "Strategy for national security of the R. of Macedonia" (2008), the System of national security is defined as "complex and dependable set of measures, activities, plans and programs which are taken by relevant institutions in the Republic of Macedonia for protection, maintenance and improvement of the national security". Our country has been building its own system in accordance with the assessments and reality that are generated from modern challenges, threats and risks on national, regional and international level. Based on determined strategic priorities for integration of Macedonia in NATO and EU, it is necessary to build a new, modern model of system of national security, fully compatible with the systems of national security of the NATO member states. In this context, it is fundamental for our country to establish solid base for building unique and integrated system of national security, capable to respond to modern security challenges, threats and risks that concern Macedonia, as well as the NATO and EU member states, in global framework.

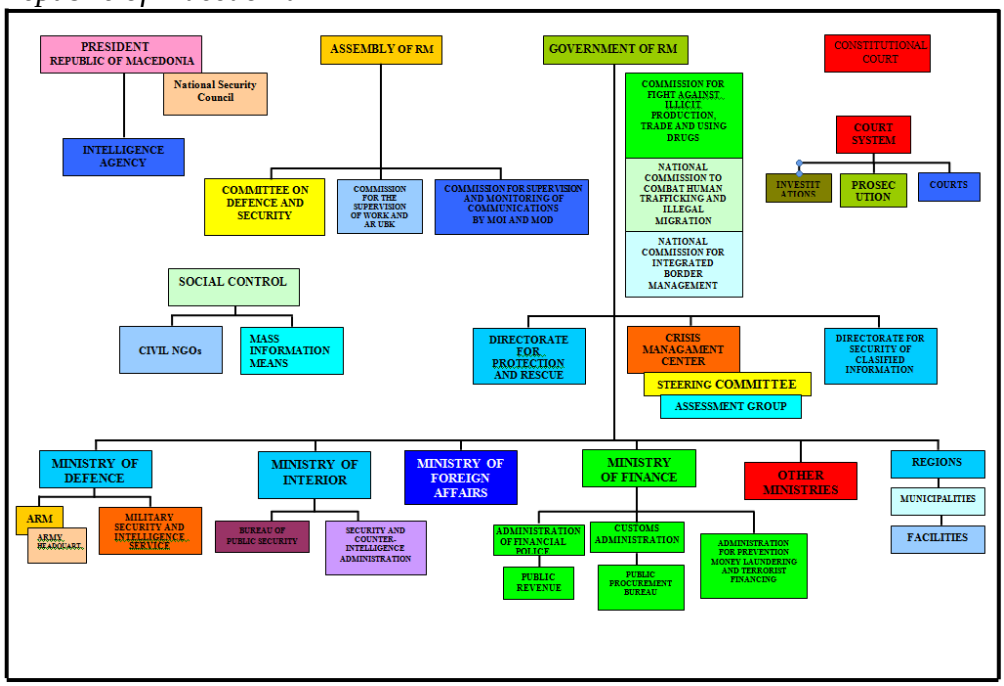
Along with the System of national security, the organizational structure and relevant subjects are also defined very precisely and clearly, and in the constitutional and legal framework they continuously take measures and activities for efficient neutralizing and minimizing of all security threats, directed against national security.

Basic subjects which are actively involved in performance of the functions of the System of national security of the Republic of Macedonia are: the President of the Republic, the Assembly of the Republic, the Government, the Council for national security, the Ministry of Interior (Security and counterintelligence administration), the Intelligence agency,

[1] See more: Kotovčevski Mitko. (2000). National security of the Republic of Macedonia (Part one). Skopje. Macedonian civilization. Page: 57-100

the Ministry of Defense (Military security and intelligence service), the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice and other Ministers, the Directorate for security of classified information, the Crisis management center, the Directorate for protection and rescue and other social subjects (Chart no.1).

Chart no. 1: Basic subjects in the System for national security of the Republic of Macedonia



Structure of the System of national security of the Republic of Macedonia

Basic elements of the System of national security presented in following table are operative society elements whose priority task is providing for national security.

Common elements and basic pillars of the System of national security in the modern societies are:

1. **Security policy;**
2. **Security structure;**
3. **Security self-organizing of civil society and**
4. **Participation in international security and defense organizations**.

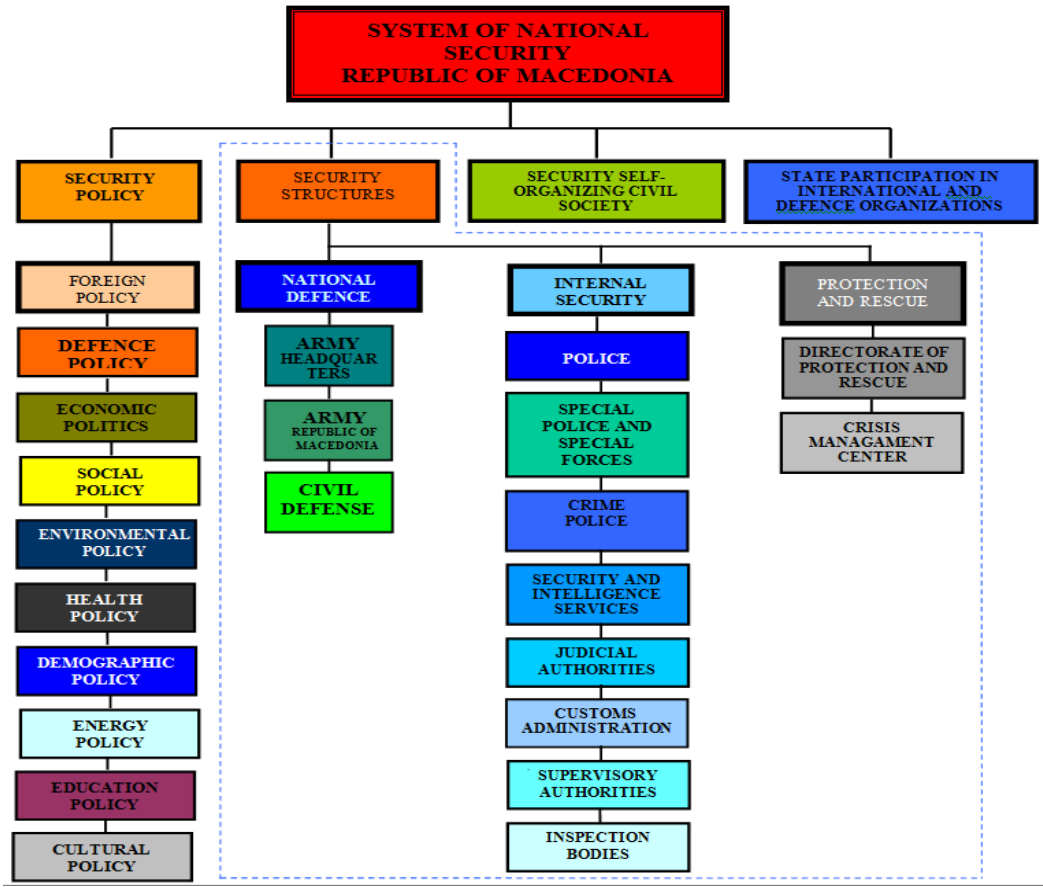
Security policy: In its widest meaning, we define it as: activity for preparation and protection from sources of future threats in nature, society and between societies. In its narrow meaning, we can define the security policy as: set of all measures, activities and acts intended for acting as a modern System of national security. In this meaning, the aim of security

policy is creating a concept of the mechanisms and resources with which internal and external security of the society is established and operates, or concretization of political, organizational-technical and other principles of the security policy in wider meaning.

According to our strategic determination, the security policy of the Republic of Macedonia is based on the principle of "indivisibility of the security", in other words, it is indivisible from the Euro-Atlantic region and from the global security. Based on these principles and in the framework of its capabilities and possibilities, the Republic of Macedonia significantly participates in the efforts of international community for maintaining the world peace and security.

"The System of national security of the Republic of Macedonia, in practice, is functioning as a security policy which is implemented through conducting foreign, internal, defense and economic-social policy and policy for protection and development of the environment", as well as through other policies (Chart no.2).

Chart no. 2: Organizational structure of the System of national security of the Republic of Macedonia



Security structure: Primarily, it is designed for providing security on every society level and it is specific and different for each state.

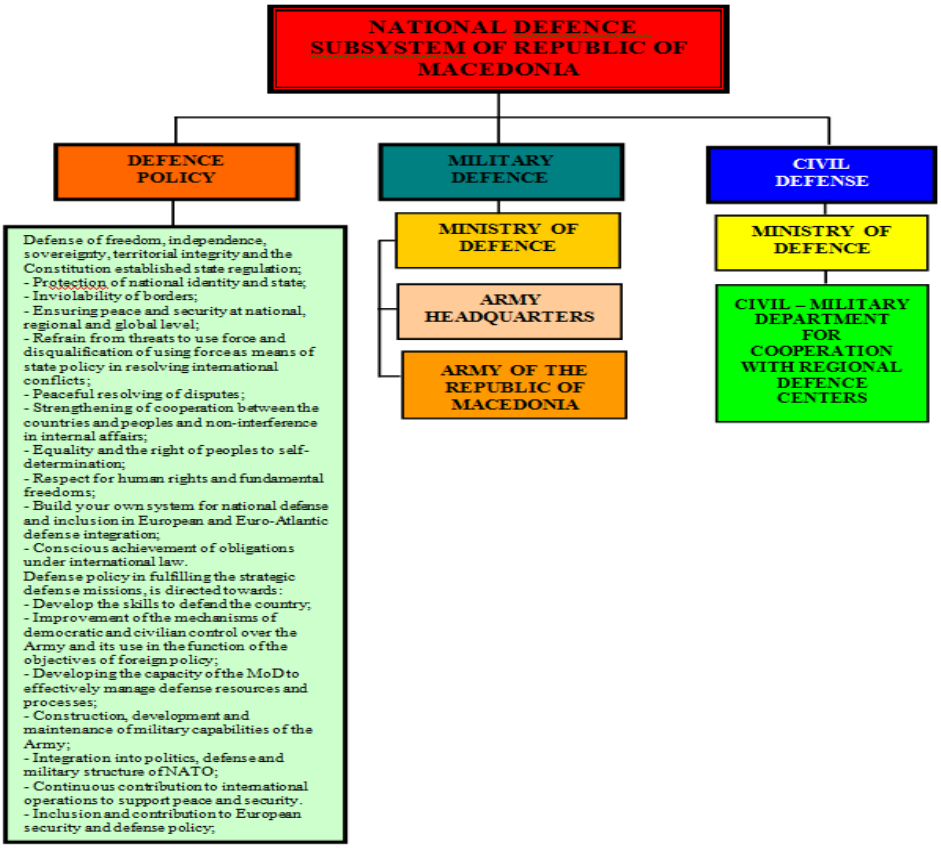
In the most countries, the three basic fundamental elements of the System of national security (defense, internal security and protection and rescue) usually are common or they exist parallel.

(Sub) System of national defense: primarily is designed for providing national security from all external military forms of threats (forms in which military force is used), interstate military conflicts, military aggression, military and humanitarian interventions and cross-border military conflict. National defense is directed toward a complete elimination of external military threats against freedom of the state, its independence and territorial integrity.

"Military threats are traditional to the national security. Military actions may dangerously affect all components of the state. They physically spread the base for damage and fragmentation. They may result in distortion or destruction of institutions and may press, overthrow or erase the idea for the state. Military actions not only strike the fundament of the basic protective functions of the state, but they also threaten with damages deep under the layers of the social and individual interests on which they are based, and they are more lasting from the state's super-structures"[1](Chart no. 3).

Chart no. 3: Subsystem for national defense of the Republic of Macedonia

[1] Buzan Berri. (2010) People, States and fear. Skopje. Academic press. Page 96.

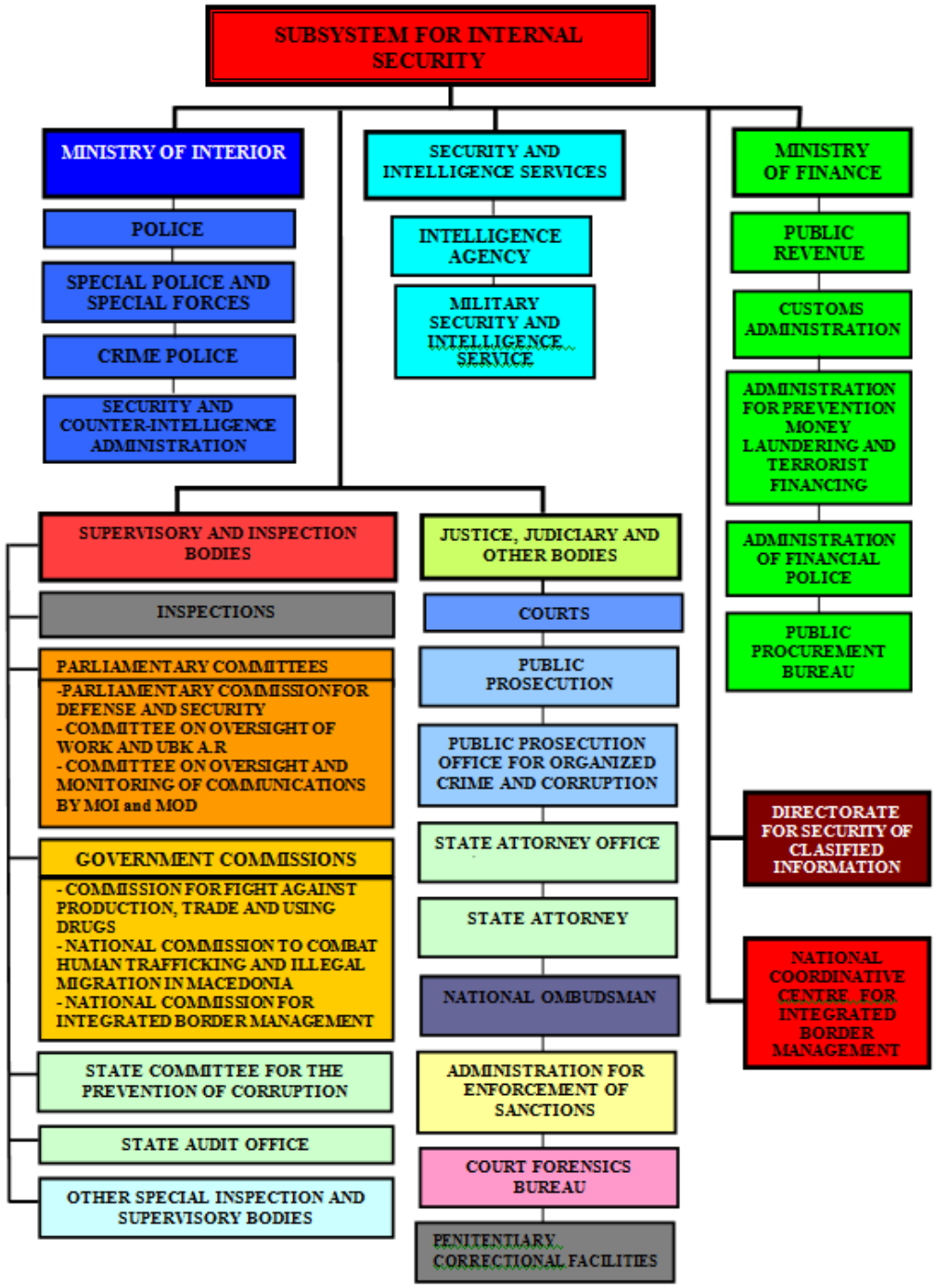


For completion of these very complex goals, the Republic of Macedonia has formed armed forces –Army of the Republic of Macedonia (ARM) that transformed itself into a small, efficient and modern army which continually develops military capabilities for state defense, deployable capabilities for state defense, deployable capabilities to contribute to the collective selfconfidence and trust in NATO and EU-led operations.

Civil Defense as a complex segment of the System of national defense is necessary to include all measures and activities for protection and defense, using non-military means to support and complement the military resistance to the aggressor. Also, civil defense should be conceptualized to intensify and strengthen non-military resistance against the forces of the aggressor (economic defense, defense measures of state bodies and institutions, psychological defense, and all other kinds and forms of unarmed opposition and civil resistance).

The (Sub) System of internal security is one of the most important pillars of the National security ystem of the Republic of Macedonia. Its primary function is to protect all vital social and public values from internal sources of threats to national security at all levels and areas of social life. (Chart no. 4)

Chart no. 4: Subsystem of internal security of the Republic of Macedonia

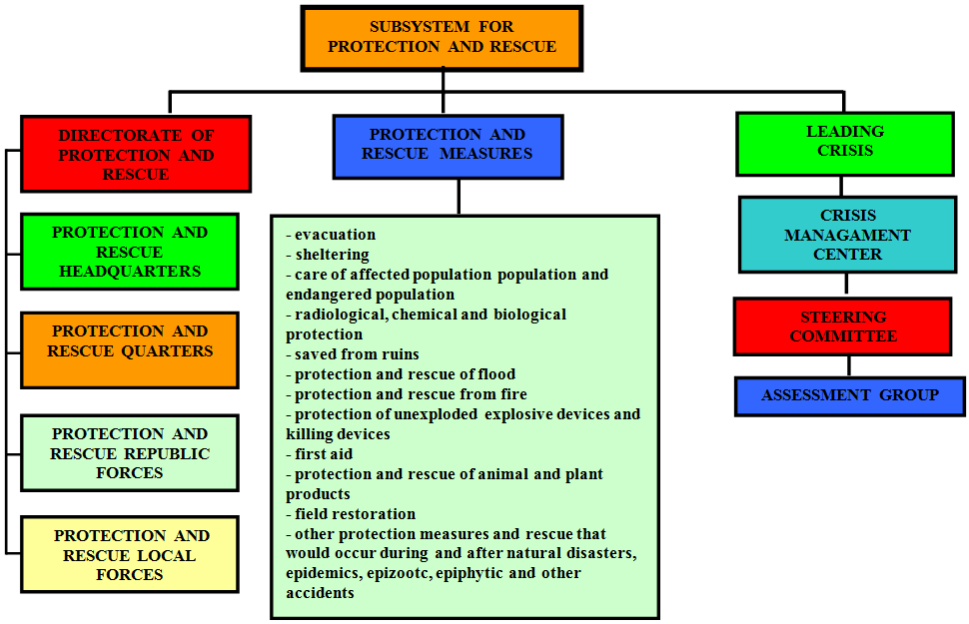


Structural elements of the (sub) System of internal security include: Ministry of interior, Intelligence and Security Services (military and civilian), Ministry of Finance, Ministry of Justice, Directorate for Security of Classified

Information, Crisis Management Center (CMC), supervisory and inspection authorities and other special bodies. As the priorities of the (sub) System of internal security we can emphasize the preventive and repressive measures for combat against organized crime in all its forms, the fight against terrorism at the national level (as well as on a global level), the prevention against illegal migration and human trafficking, the fight against trafficking and abuse of drugs and psychotropic substances, activities against the proliferation of weapons of mass destruction and transfer of technologies that can be used in the development of such weapons, combat against corruption and economic crime, prevention from illegal border crossing and protection of information systems and critical infrastructure etc.

The (Sub) System for protection and rescue is a special segment – subsystem, separate from the (sub) System for civil defense). This system is intended for "quick detection, prevention and removal of consequences from natural disasters, epidemics, epizootics and other accidents in peace and in war, and also the consequences from military actions that can endanger people's lives, natural resources, flora and fauna, objects and buildings of particular cultural and historical significance[1] (Chart 5).

Chart no. 5: (Sub) System for protection and rescue in the Republic of Macedonia



In order to reduct and eliminate the harmful effects and consequences of these threats to our country, the System for protection and rescue in the Republic of Macedonia has a close cooperation with the countries in the

[1] "National Security Strategy of the Republic. Macedonia ". (restricted). 2008

region through exchange of information about natural disasters, engagement of forces for protection and rescue and assistance to other countries.

The structural elements of the (sub) System for protection and rescue include: Directorate for Protection and Rescue and Crisis Management Center with its unique communication system with a unique call number (E-112), and the System for reporting and alarming.

Safety self-organization of civil society: In addition to the security organization at state levels, almost in all modern countries there are opportunities for social security on individual and collective level. This kind of security implies spontaneous self-organization and a well organized and directed defense. There are various forms of security organizations of community groups depending on their interests (local, communities at the level of local government). The security self-organization of individuals and social groups at any time and any place at all levels of society is a dam for protection from all forms of threats, primarily for protection of the individuals (human security).

It is a "naturaly guaranteed right" for every person, for self-defense, self-protection and self-help, which is precious for the citizens of the Republic of Macedonia, but unfortunately in recent time it is wholly suspended, which is unjustified.

Participation in international security and defense organizations

The strategy for Defense of the Republic of Macedonia clearly highlight the strategic orientation of the state for full political and military integration in the NATO structures. With this commitment the Republic of Macedonia joins and supports the policy of "open door" for NATO and maintains a strong transatlantic relationship which is of crucial importance for the security of Europe and the world.

Our country belongs to the geostrategic Euro-Atlantic region, and this geostrategic position emphasizes the relationship and indivisibility of our security with the security of the NATO countries, and the regional and global security.

According to the fact that Macedonia is striving towards full integration into the EU, it must actively and intensively contribute to the development of the common foreign security policy and the European security and defense policy.

To successfully deal with the large number of growing contemporary global security threats and risks, "[1]…whose destructive effects multiply and affect all countries in the world", the global access and cooperation with UN, NATO, EU and OSCE are an indispensable tool.

[1] Defense Strategy of the Republic of Macedonia. Official Gazette. no. 30 of 01.03.2010.

In this context it is necessary to highlight the determination of the Republic of Macedonia for expression and affirmation of strategic partnership with the US aimed at promotion and development of security, stability and economy. The result of this partnership is the support of US in construction of the Macedonian Armed Forces and its significant contribution to the participation of Macedonia in the global fight against terrorism.

In the third chapter of the Defence Strategy of the Republic of Macedonia entitled "Strategic missions of the defense system", it is emphasized that in the support of national security, the defense system defines the following strategic missions that are primarily aimed at carrying out the activities of state international security and defense organizations:

•"Participation in collective NATO's self-defense;

• Contribution to operations from the spectrum of missions of UN and EU "[1].

Participation in the collective self-defense of NATO has a perspective to happen after the achievement of our full membership in NATO, but this act is consistently and systematically hindered by Greece with its destructive fascist policy requiring to change the name of our country. Hypotheticaly, after joining of the Republic of Macedonia to NATO (which act at this stage is highly uncertain), the ARM will be able to participate in the collective self-defense of the member states and maintenance of security in the North Atlantic area.

"The Republic of Macedonia will continuously contribute to international operations led by the UN, NATO, the EU, as a way of promotion of peace and its security interests." The political and military decisions for active involvement of Macedonia in operations led by UN, NATO, EU and other coalition partners, the military and political leadership of the state will review and adopt them case by case."[2]

From the main purpose of the National security system of Macedonia – creation of organizational and functional assumption which is prerequisite for achievement of lasting and effective national security of the state, the primary functions and operations of this system set several tasks, which also constitute to its major features:

1. The National security system must be extremely efficient. The most efficient are the solutions that take action preventively, discovering the threats on time and narrowing "dangerous space" for its actions, in case of manifestation of the danger, quickly to

[1] Ibid, Page 4
[2] Ibid, Page 5

eliminate all sources that generate threats to the national security, outside and inside;

2. The effectiveness of the System of national security is achieved by continuous monitoring of the significant changes by internal and external factors in all areas of life and work, and continuous monitoring and responding to the emerging needs and demands of the present times. Rapid changes of military and economic potential of modern states in the world (especially the neighboring states) or changes in international military - political relations, the emergence of new strategic solutions and technologies in modern states, changes in the field of computer science and management of large (especially military) systems, inevitably require permanent changes in the organization of the System of national security. So the System of national security to be efficient, it must be continuously updated from quantitative and especially qualitative aspect. With the increase of the degree of danger, the relevant powers of this system must also be increased and updated.

3. The National security system must be subjected to constant change, and always be transparent and open for better solutions in line with the overall change and development of the modern world. It will evolve according to new researches - theoretical and strategic doctrines, commitments and achievements in the field of security and systems of the modern states.

4. The National security system must be compatible with the socio - political and economic system. The economic system always determines the material base, while the socio - political system determines the organizational and functional base for the System of national security;

5. The System of national security must be the uniquely organized to function on the entire territory, in order to execute its functions at any time and in all possible conditions. Otherwise it inevitably comes to the entropy of the system with severe consequences on the national security of the state.

6. The development of the System for national security in the current conditions of democratization of society implies the active involvement of many government and social entities and all social subsystems in accomplishment of the objectives of the national security.

7. Ability and efficiency of the National security system in these modern conditions is not limited solely to the ability to protect the state with its values and interests, but to prevent all kinds of dangers and threats and to prevent fear. Today, the efficiency is integrally

expressed in the ability of the system to ensure the economic, political, scientific, technical - technological and general social development, and to ensure the social, cultural, ecological and other types of welfare.

The National security system represents the synthesis of all the society subsystems because it ensures all significant and fundamental assumptions for the survival and development of the society itself. Every society is primarily defended by its overall social stability and successful and effective execution of the functions of all social subsystems. The biggest barrier against all sources of danger to the vital social values is the overall social stability. That is the actual place where the society gets, or loses, the most important battle for warranty of the stability of all society segments and the overall social stability, creates the essential assumptions for favorable social environment and successful accomplishment of the system's objectives. Also, this is the place where the essential prerequisites are created, for smooth, peaceful and successful development of the society - the best guarantee for its security and survival in the future.

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CHALLENGES AND THREATS OF THE NEW MILLENIUM AND THE SECURITY SYSTEM OF THE REPUBLIC OF MACEDONIA

Abstract

The world today is increasingly facing modern threats and challenges embodied in various new forms of transnational organized crime, political violence and the dangers of international terrorism, using modern technological achievements.

The new potential threats in the international community are energy crisis and environmental disasters.

Underdevelopment and lack of will of the security system (SS) of the Republic of Macedonia to respond to the new security challenges and threats, the dispersion of security - intelligence activity, lack of coordination, cooperation and control over the work of its subjects, the process of politization, the lack of professionalism and inadequate personnel policy are the key factors that influenced its functioning over the past years.

To reduce the above-mentioned threats, it is necessary to reform the existing model and a modern, efficient, consistent and integrated national security of the Republic, compatible with SS of NATO and the EU, and with the protection of national goals, interests for achieving strategic priorities, trained to detect early challenges, to mitigate the consequences and confront the new security threats, is to be introduced.

It takes a modern construction of the Security System that it could successfully deal with new challenges, adjusting to the continuing changes in political and social segment, while its operation will not jeopardize the fundamental rights and freedoms stipulated by the constitution as fundamental values. In addition, it is very important to clearly define the roles and responsibilities of all stakeholders of SS, their legal background, organizational structure and mode of operation, respective profiling of staff according to established standards and practices in modern intelligence models to meet the principles of professionalism, modernity, effectiveness, ethics, accountability, and de-politization and departization.

Key words: ***security***, ***security system***, ***risks***, ***threats***, ***human rights and freedoms***

Defining the risks, threats, threatening

In a particular social environment or humans, the situation in terms of security stability can be a different phenomenon manifested as follows:[1]

a) risk to the ability **to disrupt security**;
b) an immediate threat, **danger to the security**;
c) **the threat that is in progress**.

According to the origin, risks can be divided in:

• Risks of Nature[1]
• Risks of technological processes[2]
Risks of social situations [3]

The risks of the new millennium

The rapid development of science, technology, new world processes, the forms of international cooperation, establish the new values and standards. The rapid pace of change contributed to international security (and thus national security) to find the impact of new types of serious threats.

Threats and risks of the past have evolved, and today we can speak of a multitude of new risks that have far-reaching consequences for the security of the international community, which would emphasize:

• Political fanaticism
• Possible manifestations of extreme nationalism, racial and religious intolerance
• Religious fundamentalism
• International terrorism

[1] In the group risk mainly from nature consequences we can include the following: 1) possible impact on the country of any heavenly body (recently astronomers have suggested a possible threat of attack on the country from an asteroid the size of 2 km diameter, time around the year 2035.) 2) catastrophic earthquakes, 3) floods 4) droughts 5) volcanic eruption; 6) high and low temperatures etc.

[2] In the group of risks from technological processes, we can include the following: 1) production of chemicals harmful to the flora and fauna, 2) production of nuclear and chemical weapons of mass-destruction - nuclear disaster, 3) pollution of air, water and soil, 4) genetic changes in flora and fauna; 5) fire 6) traffic.
In this group we would emphasize risks caused by nuclear disaster, which in previous periods, stirred the world community (the situation in Japan).

[3] In group risks of social situations we can include following: 1) bad legal system; 2) disfunctional legal law and order; 3) inadequate financial system that slows economic growth in the state, 4) inefficient judicial system, 5) Social disorganisation - anaemia.

• ***Organized crime (drug trafficking, weapons trafficking, smuggling migrants, etc.).***

• ***Proliferation of weapons of mass destruction***

• ***Climate Change***

• ***Economic instability***

• ***Energy insecurity***

When we are talking about the dangers and risks of the new millennium, we can say that today the dangers that characterized the last century are reduced, such as war risk, aggression etc. Threats to national security, on values and interests become multiple, complex and less predictable and come from different directions, making them difficult to analyze and control. The union has always been out of danger, with changed forms and intensity of their manifestation. The seriousness of the threats of XXI century is the application of information infrastructure in the degradation of values. These kinds of threats violate the security of life and health of citizens and seriously jeopardizing their values and interests. The threats in the new millennium can be depreciated and solved only with the help of international security policy, on whose foundations the politics of national security are built[1].

All these processes of the XXI century bring along with them new threats. They can come from sudden and large distances, so you can say that no member of the European Union is isolated but it is "united by the member states to achieve greater (bigger) effect[2].

Recent estimations of the global security situation suggest that the major international conflicts in the new millennium will always be determined by geopolitical position. Many of those serious and persistent threats to global peace and stability are no longer arising from conflicts between "the main political entities", but the increased differences inside the states, i.e. ethnic, racial, religious, linguistic, customary and class divisions.

What characterizes the challenges of the XXI century, according to published data of Stockholm Research Institute of Peace (Stockholm International Peace Research Institute - SIPRI), ethnic and religious conflicts prevaile in relation to armed conflicts which are in the world today. And while several longstanding ethnic conflicts that occurred in recent years are still active, most of the analysts believe that such kind of conflicts are likely

[1] Under the policy of national security is implied a dependent and complex system of measures, plans and programs undertaken by the Republic to protect, preserve and enhance the security of Macedonia and its citizens, in accordance with the political, economic, defense, interior, security, social, environmental and other resources

[2] Jose Mannuel Barroso, *"Europe and the challenges of globalization"*, President of the European Commission, Speech given at St Antony's College , Oxford, 11 October 2007

to be present in the years to come. Ethnic conflict is lasting for an extended period of time.

According to data released by the UN, the total population of the country is expected to continually increase between 8 and 12 billion people by 2050, which is increasing a major threat to food production and capacity of the natural environment[1].

Worrisome are the predictions about the consequences of further destruction of the global environment[2]. Discharge of industrial gases in the atmosphere affects the natural radiation of heat from the planet, because it causes a gradual increase in global temperature – a process known as "greenhouse gases". The expansion of the ozone hole, the destruction of fertile land, its urbanization, the emergence of "acid rain" caused by industrial emissions - may endanger human health and its survival in another way, and to cause new divisions in the international community[3].

Development of security system in the Republic of Macedonia

To be able to talk about a model of security system that would most appropriately respond to the challenges and threats of the new millennium, you must first know the etiology of threatening in these areas, and historical development of SS, adjustments to the relevant hazards.

Throughout the historic period, people who lived in these areas led the wars for liberation from foreign domination and established their own state. These efforts are the first attempts to establish the elements of security for the preservation of their territories. Thanks to such a relationship to building safety today we can speak of their national identity, national culture and traditions. SS after the independence of the Republic is constituted as a system aimed for: protecting the state, protection of fundamental values, and protection of rights and freedoms of the citizens of Macedonia. The Republic of Macedonia after the establishment of its independence and autonomy is determined to establish a new system of civil and democratic society. So, it has opened a process of profound and fundamental changes in all areas of life: economics, politics, health, education, culture, foreign policy, science, defense, security etc. The new Constitution and other legislation is a new

[1] David P. Barash, *Approaches to Peace (A Reader in Peace Studies)*, Oxford University Press, New York & Oxford, 2000, pp. 60-62

[2] Common causes of destruction of the environment are: neglect of the people, lack of culture, of care and protection of the environment, lack of functioning of state bodies, local government, business and other subjects, the existence of many commercial facilities with "dirty technology", mild legislative policy and more.

[3] Chris Abbott, Paul Rogers and John Sloboda Global Responses to Global Threats, Oxford Research Group, June 2006, p. 37th

standardized system of values, based on the determined norms and a new SS[1], which should be adjusted in accordance with the needs of the new society and capable professional staff to successfully protect the newly established values. So SS is abandoned by the former State Union and established a new autonomous SS of the Republic of Macedonia, which in many segments differs from the previous, but also continuously upgrades and adapts according to the new challenges and threats. RM from the very beginning of independence as an autonomous and independent state in 1991 was found in an extremely complex security situation. RM determines the foreign policy for the Euro-Atlantic integration, starts building of SS as part of the collective SS[2]. If we analyze the security in Macedonia in the period since the independence to this date, we could say that mostly were expressed four types of threats:

1st In the period after the independence, evident were threats that could lead to war which would hinder the creation of an independent and sovereign state. This is especially due to claims of some neighbouring countries, and coupling with some radical internal structures, not intended independence of the Republic;

2nd Endangerment of the classic types of crime and socio-pathological phenomena which have found suitable ground in that period of development of development of the socio-political, economic and BS, and that was common for all countries in the world, that in this period in RM significantly increased their intensity;

3rd Threat of new types of organized crime that have international dimensions. This situation was skillfully used by members of organized criminal groups for infiltration of state institutions, impact on politics, economics, fertilization of ill-acquired assets and protection from legal prosecution;

4th Threatening specific types of offenses and destruction that tend to prolong the independence of Macedonia, threatened its existence, i.e. open

[1] The core values established by the Constitution of the Republic of Macedonia (Official Gazette of the Republic br.52/91, constitutional amendments I - XXXI, Constitutional Law on Implementation of the Constitution of the Republic of Macedonia, Official Gazette of the Republic br.52/91, 4 / 92 and 107/05), and as such are defined: the fundamental rights and freedoms of man and citizen, recognized in international law and established by the Constitution, free expression of national identity; rule of law, separation of state powers into legislative, executive and judicial, political pluralism and free, direct and democratic elections; legal protection of property, freedom of the market and entrepreneurship; humanism, social justice and solidarity, local government arrangements and the humanisation of space and the protection and promotion of environment and nature; respect for the generally accepted norms of international law.

[2] Bakrevski O. Control of the security sector, Philosophy Faculty, Skopje, 2008, str.32

processes for its decay. This endangered type is characteristic for RM and probably very few countries, such as Israel.

After the independence, RM made significant changes in organizational and functional organization in terms of the intelligence and counterintelligence segment of the public safety[1]. According to the Law on the Intelligence Agency (AR)[2] of 1995, the intelligence segment of the previous state security service at the Ministry of the Interior was set aside as a separate body of state administration - the intelligence agency was under the authority of the President of the Republic, who appoints and dismisses its Director, but his responsibility is to request the Government. Also, the director upon prior consent of the Government shall act for its organization, operations and jobs in AR. The tendency was to bind the work of the Director of the length of the mandate of the President of RM as a function which is not renewable and thus to avoid the political influence and protect it from personnel and other erosion. AR has authority "to collect data and information of importance to security and defense of the Republic and the economic, political and other interests of the state." As users of the intelligence data they collect and analyze the AR are the president of the Republic, the Government and other state authorities in accordance with the law. AR is carrying out its responsibilities to cooperate and to use data, information and funds from other state bodies and institutions to achieve greater efficiency and effectiveness. It is important to mention that in performing the tasks and duties within its scope of work, AR is applying certain methods and means prescribed by the Government.

The Security and Counterintelligence (UBK) is a separate body within the Ministry, i.e. internal counterintelligence service, whose primary purpose is protection from espionage, terrorism or other activities aimed at jeopardizing or destroying democratic institutions established by the Constitution by violent means, as well as protection from severe forms of organized crime. The UBK managing director is responsible for the work to the Interior Minister and the Government, by which he is appointed. The ongoing reforms of the Ministry and transformation of UBK are specifying its role and responsibilities through the adoption of special legislation.

Security organs under the Ministry of Defense for their work are responsible to the Minister for defense, and their goal is to organize and conduct intelligence, counterintelligence and security for the defense. Following the concept of the Macedonian Defense on NATO principles, these institutions are reformed in accordance with the basic NATO

[1] Security and intelligence community in Macedonia is composed of a multitude of institutions and bodies, but the emphasis in the paper will be on the leading entities: AR,UBK and Safety Authority within the Ministry of Defense

[2] Law on Intelligence, Fig. Gazette No.19/95

intelligence doctrine, i.e. are targeted to support the Army forces in missions outside the Republic, and adapt to a wide range of new risks - unconventional and asymmetrical threats.

Control and supervision

Establishing a system for control and supervision of intelligence and security community in Macedonia is a serious challenge, aimed at boosting performance and avoiding potential abuses. The control and supervision is conducted through the Commission for Supervision over the work of the UBK and AR[1], which for the work done at least annually report to the Parliament. Although a positive point is the established practice of setting a member of the largest opposition party for President of the Commission, however, experiences show irregularity, inconsistency in its operation, ineffectiveness, and inadequate involvement of staff in its composition. In its formal operation also prevails the reactive action of the Commission, after some problems arose in the functioning of the relevant institutions. Emphasis should be put on the proactive action of the Commission in carrying out their responsibilities, and involvement of experts with advisory function in the work of the Commission whose purpose is a more successful execution of the basic task of the commission or control in the true sense of the word.

Based on observations, as key factors that influence the functioning of the BS in Macedonia in recent years are pointed out the following:

- Improper distribution and lack of functionality of SS, and dispersion of activities organized in several institutions; - Absence of coordination, cooperation and control over the work of their subjects;
- Heterogeneous, individually and incomplete information;
- Interweaving i.e. insufficiently separated powers and functions of the entities;
- Lack of professionalism and inadequate personnel policy;
- Lack of a single or shared database;
- The process of politicization.

Construction of the modern Republic of BS in response to new challenges

SS as an organized activity of the specialized part of the state union, aimed at protecting the vital interests of the state, is inevitable mark in every stage of development of the country. The development of society leads to

[1] Its responsibilities are: respect for the rights and freedoms of citizens under the Constitution and laws, legality in the implementation of powers in terms of overdraft, taking unauthorized actions, other drawbacks in the work, legality in the implementation of the measures and means used in terms of respecting human rights and freedoms, material, technical, personnel equipment, and other issues.

changes in the value system, thereby imposing an immediate need for changes in the part of SS that could adequately respond to new challenges and to protect the new values. RM with the determination to build a parliamentary-democratic society accepts the need for modern and efficient SS, compatible with the new professional standards of ethics and democracy, able to confront new security threats and challenges.

Serious problems in the reform and enhancement of SS, who professionally and effectively would function in tackling new threats, are attempts to influence policy in all pores of social life, and in the creation and functioning of the SS.

The tendency for partisan on security structures is primarily a function of survival of a particular political option in power or in function of the conquest of power, ignoring the base jurisdiction of the SS, and the national and state interests.

Corruption and crime does not encircle individuals, members of the SS and the RM, as a phenomenon that does not exempt the wider global spaces. Thus, the criminalization of BS is done in two ways: through involvement of individuals from the security structures in criminal activities, and by the appearance of moving individuals from the security structures in the area of crime. In this way, with corruption and criminalization of the security segment, are made attempts to influence by weakening of the power of the BS, whose main task is dealing with those kinds of threats.

Suggestions and recommendations

Completion of the legal regulation of the intelligence and security community; Adoption of a regulation that would regulate the cooperation and coordination (exchange of information between the entities using a common database, cooperation in planning and conducting joint operations); Establishing of a single analytical center (in the structures of the various services); Stressing the importance of the functioning of the joint coordinating body, which should ensure their integration within the single BS. His actions might include the following: exercising control over the planned activities, providing guidelines and monitoring their effectiveness, acceptance and unity of all information, perform analysis and build appropriate attitudes, conclusions and directions for future activities, providing additional information to users, decision optimum safety assessment regarding the risks and threats to the state. Specifically defining the object of interest of all security segments, i.e. their competencies do not overlap; A complete restructuring and reorganization of AP obligations under the global security needs of NATO and the EU system Reforming UBK, following global trends and changes, building a new organization and

methodology of work. Adopting Assessment for further action of the authorities for security at the Ministry of Defense and defining their activities in the new conditions (new organization and functioning of ARM).

Conclusion

Starting from the fact that Macedonia is a candidate for membership in the European Union and the NATO pact, it is necessary to adjust her BS Mon template and criteria to the Member States, i.e. to make it a subsystem within the global European BS.

In past years, the Republic made major advances in reforming the BS and its adaptation to the needs and criteria of NATO and the European Union. From the very beginning it influenced the de-politicization of the security services and their adaptation to the new democratic ethics and professional standards, which was a necessary political consensus.

About the transition period (which is still in progress), we can definitely say that it is a critical period of adjustment of the BS former post-communist countries, as evidence that this period still continues and changes continuously in security structures.

In the emerging circumstances, the need for new and different modern efficient BS becomes part of system reform and building of new democratic institutions. The new security model should be compatible with the modern professional codes and democratic standards, it should contribute to the joint confronting the new security threats and challenges and the promotion of new relations between the BS surrounding countries and the wider region, so that we could talk about a more efficient Global BS, which is essentially a common purpose and a common good.

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THE ESSENCE OF THE COLLISION BETWEEN THE CONCEPTS OF THE MACEDONIAN AND GREEK NATIONAL IDENTITY

Summary

The fact that is regularly emphasized by the diplomacy of the Republic of Greece, even multiplying its real significance, is that the Interim Agreement dated September 13, 1995, referring to the resolution 845/93 of the UN Security Council, considers the name issue as a security problem. Thus, for example, in the Interim Agreement preamble, invoking the principle of borders` inviolability and territorial integrity of states, it is considered of primary importance, and imposing the obligations of the countries to refrain from threatening or using a force in their international relations.

However, in this manner, it is impossible to conceal this fundamental problem of exceptionally clear national - identity nature that was very explicit in numerous individual cases, manifested all throughout the period since the Interim Agreement was signed. This problem is by no means unilateral, as commonly thought by the broadest public, and even by the experts / scientists: the problem is not only about the national identity of the Macedonian side, but the problem is also about national identity of the Greek side, i.e. the identity concept of the modern Greek nation - state.

It is an identity concept based upon the six-volume "History of the Greek Nation" by Κωνσταντίνος Παπαρρηγόπουλος (Paparigopulos Constantine / Constantine Paparrigopoulos), usually considered as its "gospel".

Here one can trace the very essence of the problem: the identity concept of contemporary Macedonia - as Macedonia, i.e. the contemporary Macedonian nation - as Macedonian, thus shattering the identity concept of the modern Greek nation - state in the most direct and flagrant way.

Therefore, present-day followers of Paparrigopoulos - Ευάγγελος Κωφός (Evangelos Kofos) obviously the leader among them, having to abandon the "Plan A", contained in the Lisbon Declaration of the EU from 1992 – the existence of a state and national identity referring to as Macedonia and Macedonian in general is not recognized, moved to "Plan B" - the obvious reality, existence of Macedonia and the Macedonian national identity is recognized, but this Macedonia and this Macedonian national identity is not the real Macedonia and Macedonian, but some

other Macedonia – "Makedonija" and some other Macedonian national identity – "Makedonski" (actually, repeatedly suggested by the mediator Nimitz).

The situation is due to the fact that Macedonia, Macedonian identity and Macedonian language are recognized in the major world professional / scientific community as references for Antiquity and Classical - Macedonian identity which is actually the second (of four) fundamental pillars, founding and developing the identity concept of the modern Greek nation - state, the concept where the "gospel" is obviously Paparigopulo`s "History of the Greek Nation".

Key words:

The Macedonian national identity concept; The Greek national identity concept; Classical and Ancient Macedonia - Macedonian identity; Paparrigopoulos, Kofos.

Introduction

Macedonian - Greek problem referring the name of the state, having constitutional name the Republic of Macedonia, essentially is a deep and basic problem of identity. This problem can be understood and formally treated as a problem concerning the name of that state, actually as a problem of how to modify / amend the country's name in order to make an international "distinction" between the historical and the geographical region of Macedonia and the state with its constitutional name *the Republic of Macedonia*. In fact, such a change / addition of the constitutional name internationally would have to be pointed out to make a difference, to understand and to make crystal clear and undisputed that the state with the constitutional name - the Republic of Macedonia just spreads on a part of the total territory of the historic and geographic region of Macedonia.

If this is the real nature of the problem, then actually, no problem exists, simply because the constitutional name of the state Republic of Macedonia clearly shows that it is the constitutional name of a state with clearly defined borders while based on such clearly defined borders, among other fulfilled conditions, that country became a subject of the present international legal system and was admitted as a member of the UN. The name Republic of Macedonia is a typical name for a state entity and it is not a name for a geographical region - a geographical region in its name cannot contain the determinant - state. From this point of view it is quite obvious that the country with its constitutional name Republic of Macedonia, having clearly defined borders upon the admission to the United Nations, made a clear and precise distinction between the state and geographic region, i.e. between the name of the state and the name of the geographic region above.

Thus, we mentioned and we would like to point out that this form of the problem is false, and in no way express the reality, essence, nature and

content of the problem. Namely, the problem in its nature is nationally-identifying immanent, and as such, it does not relate to and does not complicate the concept of the contemporary Macedonian national identity, but none the less, this problem refers to and complicates the contemporary identity concept of the Greek nation – state as well.

The identity concept of the contemporary Greek nation – Paparigopoulo`s state

The work of Κωνσταντίνος Παπαρρηγόπουλος / Constantine Paparrigopoulos (1815 - 1891), as a historian, along with the work of Σπύρος Ζαμπέλιος / Spyros Zampelios, as the two most important key researchers and authors of Greek history, laid the foundations and erected the "entire building" of the Greek history. The Paparrigopoulo`s concept of Greek history was accepted as an indisputable national / state history of the contemporary Greek nation - state[1], by the Greek historians and by all relevant Greek ideological - political parties and structures (Greek political parties), and based on it (on the concept of Paparrigopoulos), it was built and is still building the national policy (internal and external policies) of the contemporary Greek state, established in 1830 as the Hellenic Kingdom.[2]

Paparrigopoulos is the author of "History of the Greek nation", a six-volume book published in the period of 1860 to 1877, which in its essence is the "gospel" of the identity concept of the Greek nation - state. However, the final edition of this work is considered the publication of 1925, where amendments and adaptations of the sixth book were included by Παύλος Καρολίδη / Pavlos Karolidis. This concept of Paparrigopoulos basically the same as the concept of Zampelios is mainly characterized by certain holistic approach, view and understanding of the Greek history. To be more precise and more accurate, this concept sets up a strict and exclusive continuity of the Greek history, starting from the ancient history through medieval (embracing the concept of Zampelios about the continuity of the Greek history, Paparrigopoulos consecutively promotes Zampelios standing which is of exceptional significance for this period of Greek history), up to the period of contemporary history, i.e. the establishment of the present Greek nation - state.[3]

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[1] Joseph B. & Tserdanelis G. : Modern Greek, www.ling.ohio-state.edu/~gdanelis/Variationstypologie.pdf, 2005

[2] Kostis K. : The Formation of the Greek State, *www.arts.yorku.ca/hist/tgallant/documents/kostisgreekstate.pdf*, 2005

[3] Smith S. D. : Greek Identity and the Athenian Past in Chariton: The Romance of Empire, *www.ancientnarrative.com/pdf/ansup09frontandback.pdf* , 2007.

This Paparrigopoulo`s concept of continuity of the Greek history, in that historical - civilizational / cultural - civilizational continuum includes the ancient period, the period of the Middle Byzantine and the period of the contemporary Greek constituency, however, denoting and founding the four pillars that positioned and upgraded this concept - the identity concept of the Greek nation - state. It could be defined, interpreted and elaborated accordingly, but in the reality there are four historical – civilizational / cultural - civilizational lines / transversal lines that do not just cross and intersect at the point of the identity concept of the Greek nation - state, but those historical - civilizational / cultural - civilizational and finally irreversible historical - civilizational / cultural - civilization lines are consumed by and throughout the Paparrigopoulos's identity concept of the modern Greek nation - state. Those historical - civilizational / cultural - civilization periods, in a certain essential way being of the same importance are historical - civilizational / cultural – civilizational, (self) implemented in and through the identity concept of the Greek nation - state.

The four historical - civilizational / cultural - civilizational pillars that supports, develops and upgrades the Paparrigopoulos` identity concept of the Greek nation - state i.e., the four historical - civilizational / cultural lines, historical civilization - civilization / culture - civilization that are melt into one another, consumed and (self) implemented in and through this concept are:

1. historical - civilizational / cultural - civilizational pillar of ancient Greece heritage.
2. historical - civilizational / cultural - civilizational pillar of ancient Macedonia heritage.
3. historical - civilizational / cultural - civilizational pillar of Byzantium heritage i.e. the Byzantine / medieval orthodoxy.[1]
4. historical - civilizational / cultural - civilizational pillar of the Greek contemporary statehood - the struggle for liberation and independence from the Ottoman Empire and its successful finalization by founding / establishing an autonomous, sovereign and independent state named Hellenic Kingdom in 1830.

The historical rationalization of the second pillar

This paper is not, and does not pretend to be a historiographical one, its authors are not professional historians, and therefore we are not going to

[1] Chrysoloras N. : Orthodoxy and Greek National Identity, www.hks.harvard.edu/kokkalis/.../Nikos%20Chrysoloras%20Paper.**pdf**

discuss the scientific - historical accuracy, value and respectability of this historical concept of the Greek nation, which is in no way and by no means subject or the purpose of this paper, but we strongly underline that the history concept of the Greek nation, treated within the Macedonian - Greek national - as identity problem, practically generates, explains and rationalizes the Greek "red line".

If you pay a quick look or if you make basic analyses of these four Paparrigopoulos` pillars that support the identity concept of the Greek nation - state, it could be easily noticed that the basic task Paparrigopoulos and Zampelios had to deal with was argumentation and documentation of this concept, i.e. argumentation and documentation of the application for these four historical - civilizational / cultural - civilizational pillars that support and build the concept, which is argumentation and documentation of the second pillar - the pillar of historical - civilizational / cultural - civilizational heritage of ancient Macedonia.

Paparrigopoulos solves this task in such a way that basically refers to the real and objective, taking into account the majority point of view at Western artistic and historiographical (primarily - literary) public, that the ancient Macedonia and the ancient Macedonians historically - civilizational / culturally - civilizational, in reality belong to the ancient - Greek historical - civilizational / cultural - civilization matrix or paradigm. Actually, the great kingdom of the ancient Macedonians diffuses antiquity - Greek historical - civilizational / cultural - civilizational substance throughout the structure of a huge geographical, demographic and socio - cultural area everywhere the state was stretched out, its government - political jurisdiction. It had to be so, simply because the ancient Macedonians historically - civilizational / culturally - civilizational belong to the ancient - Greek historical - civilizational / culturally - civilizational circle, since there was no ancient - Macedonian historical - civilizational / cultural - civilizational matrix / paradigm – thus the ancient Macedonians historically - civilizational / culturally - civilizational were nothing else, but / (ancient) Greeks only.

Generally speaking the prevailing historiographical and artistic - literary position in the Western World / Western Europe (primarily in Germany, France, England etc.) gets this theoretical genesis and its determinant during the Renaissance period when the west - European imaginative and cultural - artistic creative world turns towards the ancient – the Greek spiritual / intellectual (philosophical and cultural - artistic) achievements, looking for a rational, spiritual - intellectual base and cultural - artistic inspiration of the new (European / Western - European) spiritual - intellectual and cultural - artistic world.[1]

[1] Gropas R. & Triandafyllidou A. : The State of the Art: various path to modernity,

At the very moment, by the contemporary spiritual - intellectual and cultural - artistic creators of the time, a historical - civilizational / cultural - civilizational line of connection was drawn between the ancient Greece / ancient Greeks and ancient Macedonia / Ancient Macedonians, so finally, it became a major standpoint (in the western world) intellectual / historiographical and cultural – artistic, after which, sublimely specifying and defining, ancient Macedonia became Greece, ancient Macedonians became (historical - civilizational / cultural - civilizational) Greeks, kings Philip II and Alexander III became (historical - civilizational / cultural - civilizational) Greeks.[1]

Just as an illustration of the total social power, including the political one, at this point of view, we would like to point out that this was exactly the key that imposed a huge influence on the policies of the most powerful European / Western - European countries in that period of time in order to support, as decisively as possible, the Greek struggle for independence and final establishment of the new independent Greek state / Hellenic kingdom.

However, in the context of our topic, such a connection of ancient Greece / ancient Greeks to ancient Macedonia / Ancient Macedonians would not have had such severe negative consequences on the present Macedonian - Greek relations such as the (national - identity problem) if the connection we are talking about was not raised to the level of exclusivity.

Namely, about the identity concept of the Greek nation – the present state of Greece and the present Greeks (self) struggled and were (self) rewarded with a historical - civilizational / cultural - civilizational qualification of unique / exclusive successors and continuers of historical - civilizational / cultural - civilizational heritage of ancient Macedonia, the ancient Macedonians, the King Philip II and the King Alexander III.

Greek national - identity "omega point"

At this very point in this text of the topic explanation and elaboration, we would take the freedom to make certain parallels and metaphorically use the well known (philosophical - anthropological) theory of "omega point" by Mr. Pierre Teilhard de Chardin.

In the thematic framework of contemporary Macedonian - Greek issue having national - identity nature, the Greek national - identity "omega point" is just the postulate of the concept of the modern Greek nation, exactly the same like the point where it were previously elementary

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www.eliamep.gr/wp-content/uploads/2010/06/WP4-Greece.pdf , 2009.

[1] Hall J. M. : Ethnic Identity in Greek Antiquity, www.*ebooks.cambridge.org/ebook.jsf?bid=CBO9780511605642* , 2010.

explained and elaborated four historical - civilizational / cultural - civilizational lines which were also the four fundaments, supporting, raising and building the identity concept of the modern Greek nation – state, are not only crossed, but what is qualitatively and fundamentally much more important, more cardinal and more crucial the identity concept of the present Greek nation - state (as historical - civilizational / cultural - civilizational "omega point") historical - civilizational / cultural - civilizational has finally and irreversibly been consuming, spending, adjusting to a historical - civilizational / cultural - civilizational "organic unity" - the organic unity of the identity concept of the present Greek nation – state, all four historical - civilization / cultural - civilizational lines, respectively columns of this "organic unity" - "organic unity" of the concept of the today`s Greek nation - state .

Of course, all this final and irrevocable historical - civilizational / cultural - civilizational consuming, spending and adjusting, refers to the second of four historical - civilizational / cultural - civilizational lines - the ancient line - the Macedonian identity and the historical - civilizational / cultural - civilizational heritage, in a manner and with a content which, as an essential commitment and quality, also include the exclusivity of such historical -civilizational / cultural - civilizational Heritage.

This postulate of the identity concept of the modern Greek nation - state, especially and primarily observed and understood through the prism of its relationship and application of historical - civilizational / cultural - civilizational exclusiveness, necessarily connotes that the contemporary Greek national identity, i.e. contemporary Greece and contemporary Greeks are those who are Macedonia and Macedonians exclusively: Simply because they are exclusive successors of the historical - civilizational / cultural - civilizational identity and heritage of ancient Macedonia and the ancient Macedonians.

That is the main reason why it must not exist, because ancient Macedonia and the ancient Macedonian identity, historically - civilizational and historically – cultural, are finally consumed and adjusted in and throughout the identity (the concept) of the Modern Greek nation - state. Therefore, the existence of some Macedonia and some Macedonians today, originating from “that” Macedonia, directly and flagrantly undermines the identity concept of the contemporary Greek nation - state.

Greek "Plan A" and "Plan B" in Macedonian - Greek national - identity problem

Now, (of course, we are limited by the space available) we come to the place of a special importance in this elaboration.

Namely, this Greek position to the Macedonian - Greek national - identity problem,[1] is exactly the same position that led us to the EU Lisbon Declaration of 1992 and was in fact incorporated as its substance and content - the existence of the state and the national identity in general referred to as Macedonia and Macedonian is not recognized.[2]

This is the essence of the Greek "Plan A", which failed to realize simply because of breaking of some of the basic human rights - the fact is that according to the mentioned rights there is a country that defined its constitutional name as Republic of Macedonia (if nothing else, there is no other state having such constitutional name) and there is another fact that there is established and developed sense of collectivity / people belonging to a Macedonian national identity.

Faced with this reality, Republic of Greece (Greek political - government / political – party elites as well as the Greek intellectual elites - it became obvious that Ευάγγελος Κωφός / Evangelos Kofos[3]) played the role of new Paparrigopoulos), and continued to implement his "Plan B" - surely, the reality or the existence of established and developed Macedonian identity today is recognized, the right of the people to constitute their own autonomous, sovereign and independent state with constitutional name containing the word Macedonia is also recognized, but this present state of Macedonia and present Macedonian identity must be necessarily, sharply, precisely and irrevocably distinguished from the ancient Macedonia and the ancient Macedonian historical - civilizational / cultural - civilizational identity (that is the content and the essence of the Greek "Red Line"). It is necessary to achieve it, because (political - diplomatic and intellectual - historiographical) the contemporary Macedonia and Macedonian national identity today must not acquire self historical - civilizational / cultural - civilizational qualification being successor of ancient Macedonia and the ancient Macedonian historical - civilizational / cultural - civilizational identity,[4] and it inevitably undermines the identity concept of the contemporary Greek nation - state - a concept that is built and developed (explicated second pillar of the concept, elaborated above) of exclusive

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[1] Tziampiris A. : The Name Dispute in the Former Yugoslav Republic of Macedonia After the Signing of the Interim Accord, www.se2.isn.ch/serviceengine/Files/ESDP/13760/...DF6E.../05_225-252.pdf, 2005.

8 Papavizas G. : FYROM – a country with a borrowed identity, www.ahiworld.com/**pdf**s/Speech_Papavizas.**pdf**.

[3] Kofos E. : Greece' s Macedonian Adventure: The Controversy over FYROM's Independence and Recognition, **http://www.myriobiblos.gr/texts/english/kofos_adventure.htm**, 1999.

[4] Seraphinoff M. : Dimensions of the Greek – Macedonian Name Dispute, www.macedonianlit.com/pdfs/personal/Dimensions%20of%20the%20Dispute.pdf, 2007.

historical - civilizational / cultural - civilizational heritage of ancient Macedonia and the ancient Macedonians, respectively, the historical - civilizational / cultural - civilizational treatment of ancient Macedonia and the ancient Macedonians as Greek and Greeks.

The distinction of Macedonias and Macedonians in the Greek "Plan B" primarily and was very clearly envisaged and contained into two points:

1. To make a distinction between Macedonia and Macedonian vs. Makedonija and Makedonski.

It is not a coincidence that the mediator Mr. Matthew Nimitz, although having a completely determined mandate – mediation in order to come to an acceptable name for both sides, despite the name, constantly offers a package of compromised identity solution. To be more precise, he suggests how to write in English the name of the state and the name of identity - particularly: the name of the language. In his proposals the mediator always omits the standard English transcription - Macedonia and Macedonian, and proposes a nonstandard (so far, never used, nowhere and by no one) transcription instead - Makedonija and Makedonski.

The point is the following: not only in the scientific but also in the broadest international community the references Macedonia and Macedonian / like ancient Macedonia and ancient Macedonians are established and accepted. Concerning the national - identity problem the Greek side must not allow contemporary Macedonia and contemporary Macedonians to reveal themselves through the English transcription of Macedonia and Macedonian, as the ancient Macedonia and the ancient Macedonians. If it eventually happens, the identity concept of the modern Greek nation - state will fall apart, and that will break the second pillar supporting and building that concept - the post of an exclusive historical - civilizational / cultural - civilizational heritage of ancient Macedonia and the ancient Macedonians of the modern Greek nation - state: In fact, that heritage was absorbed in the identity of the modern Greek nation - state.

That is why, concerning this problem, the Greek side asks for, and the mediator with his proposals gives it, only formally at first - a symbolic level, distinction between the two Macedonias (Macedonia and Makedonija) and two Macedonian national identities (Macedonian and Makedonski) - the one of Greek Macedonia / Macedonia and Macedonian (having status of exclusive heritage, as had been previously elaborated) and the second contemporary Macedonia (Makedonija) and the contemporary Macedonian identity (Makedonski) – in fact, all in accordance to the Greek position, Slavic Macedonia that must not be misrecognized of any historical - civilizational / cultural - civilizational contact with the ancient Macedonia (Macedonia) and the ancient Macedonian identity (Macedonian).

2. Geographical determinant to the country's name Macedonia - erga omnes.

There is nothing accidental in the Greek request, the determinant (North) to be strictly placed before Macedonia – Macedonia as Makedonija but not as Macedonia. In the circumstances when there is no other state being Southern and having that name, the intention of this determinant is crystal clear, the complete North Macedonia syntagma generate a new identity (North Macedonian) as opposed to Macedonian identity as Macedonian - Macedonian identity, that as an identity concept of the modern Greek nation - state has an exclusive treatment of Greek historical - civilizational / cultural - civilizational heritage.

It is one situation when same nation constitutes two states, where one in the north is called Northern and the other in the south is called Southern while there are no national - identity differences and disagreements between them (e.g., North and South Korea do not have mutual national - identity problem); it is quite another situation when a nation today that has established and developed a sense of Macedonian nationality constitute their own state – the Republic of Macedonia, while, there is no other state constituted by the same people, nor there is a state with the same name Republic of Macedonia, there is no Southern state Republic of Macedonia, nor any other state except the state of the Republic of Macedonia, that contains in its constitutional name the statement Macedonia; there is no declaration of intention that any other state will be constituted, except the state of the Republic of Macedonia that wants to include in its constitutional name the statement Macedonia.

Conclusion tips (lapidary formulated due to limited space)

1. Macedonian - Greek problem is a problem of national - identity nature.
2. The problem is bilateral: the Macedonian and the Greek side as well.
3. The concept of national identity of contemporary Macedonia - as Macedonia, i.e. the contemporary Macedonian nation - as Macedonian, undermines the identity concept of the modern Greek nation – state in the most direct and flagrant way.
4. This is so because the concept of the modern Greek nation - state was established and built (also) on the pillar of an exclusive historical - civilizational / cultural - civilizational heritage of ancient Macedonia and the ancient Macedonian identity, since the ancient Macedonia identifies as Macedonia, while the ancient Macedonian identity as Macedonian to the wide international public.
5. Therefore, the Greek side requires:

5.1 The contemporary Macedonia to be identified differently from Macedonia - Makedonija - as proposed by the mediator, and the contemporary Macedonian identity to be identified other than Macedonian - Makedonski - as also proposed by the mediator.

5.2 Geographical qualification – Northern, to be strictly and exclusively before the word Macedonia-written as Makedonija not Macedonia in the name of the state, so the newly invented syntagma - Northern Macedonia gets a potency to generate a new national identity – North Macedonian as distinction to the Macedonian identity as Macedonian, which in concept of the modern Greek nation - state has a treatment or is a pillar of exclusive Greek historical - civilizational / cultural - civilizational heritage.

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CRIMINALISTIC APPROACH AND FORENSIC STANDARDS WHEN ACQUIRING EVIDENCE AT THE CRIME SCENE

Abstract

Forensic science in the broadest sense can be defined as any science that is in service of the legal system. In fact, forensics is the application of science through an interdisciplinary approach in criminal and civil law, done by the competent investigative authorities in the criminal justice system.

Criminalistic forensic processing (investigation) at the scene of the criminal event represents one of the first and most important steps undertaken to determine important facts about a criminal event. The investigation at the crime scene is the starting point for successful use of material evidence by the forensic laboratory and the criminologist. The basic procedures which are carried out at the crime scene are: identification of material evidence, its documentation, proper collection, packaging, preservation, analysis in order to provide for a reconstruction of the crime scene.

This paper focuses on issues related to the planning of the prior and the criminal procedure in the context of criminological forensic processing, in order to effectively identify and preserve the evidence from the crime scene - as well as standardization of the procedure for preserving the evidence for analysis, and the analysis itself.

Keywords*: inspection, crime scene, planning the investigation, evidence, proof, scientific evidence, European standards.*

Introduction

Criminological forensic processing at the crime scene represents one segment of the inspection as a very complex and multidisciplinary investigative activity. [1] In theCriminal Procedure Code (CPC, Art.233) Inspection is defined as an investigative activity undertaken to determine or

[1] See: Andrew R. W. Jackson and Julie Jackson, Forensic Science, Nampres, Skopje, 2009, Stuart James and Jon J. Nordby, Forensic Science: An Introduction to Scientific and Investigative Techniques, Second edition, Tabernakul, Skopje, 2010 pages 167-184 –Merlin T. Miler

clarify any relevant facts in a procedure by direct observation with the senses. The term "fact" means an objective-real existence of a specific thing, occurrence, process, event, attribute or relationship, which is basically always partial, special and abstractly-specific, determined by a mental sensory activity.[1] From the point of view of criminology, the inspection is a system of criminological tactical and technical actions, regulated by law, performed by direct observation with the senses (or using an "extension of the senses" - technical aids) and by studying material objects using versions that are planned (based on the methods of induction, deduction, generalization, abstraction, comparison, analysis and synthesis), checked in parallel with the inspection (its flow) in order to freeze up the overall situation at the crime scene as an ideal material system (condition, attributes, properties and mutual connections and relationships of evidentiary information) in its unchanged original condition and forms of manifestation in order to clarify the structure of the criminal event.[2] The end result of the inspection is the minute of the inspection with the supplementary documentation (photo documentation, audio and video recordings, sketches, situation plan, official note on criminological technical examination of the crime scene, expert opinions, etc.).

1. Crime Scene, Manner and time of Committing the Criminal Act

The question regarding the place of committing the criminal act (the crime), becomes a problem in cases where the action of committing the criminal act happened at one place, and the consequence of that act occurred elsewhere. (So-called - distance tort). Our legislator (as most foreign legislators) has chosen the so-called ubiquitous law theory (Latin: *ubikuitas* - existence or occurrence everywhere). According to art.31 of Criminal Code (CC): 1) the offense is committed at the place where the perpetrator acted or was obliged to act, as well as at the place where the consequence of his action or omission to act occurred, 2) the preparation as well as the attempt to commit a crime are considered to be done both at the place where the perpetrator worked and at the place where according to his intent the effect should have occurred or could occur, 3) the action of the accomplice is committed at the place of the action of the perpetrator or the accomplice, as well as at the place the accomplice acted or was supposed to act. Pertaining to the manner of committing the crime, art.29 of CC determines that: 1) the

[1] See: Šešić, General Methodology, Science Book, Belgrade, 1974, pg 273.
[2] See: V. Bondelić, Criminalistics, Uncovering and proof, Volume I, Skopje, 1985, pg.474; also, Lipovac K., Traffic Safety, Official Gazette, SRJ 2008;

crime can be committed by action or by omission to act 2) the crime can be committed by omission to act only when the perpetrator has omitted action which he was obligated to do, and failure to act has the same meaning as causing the consequence by committing a crime through action. According to art.30 of the CC the crime is committed at a time the perpetrator acted or was obliged to act, no matter when the consequence occurred.[1]

2. General remarks on evidence and proof

In papers of criminal procedure law theorists, evidence is defined as: a set of grounds or explanations which show the truth or the reliability of some facts important for the proceedings (Markovich, 1921); facts about the truthfulness or falseness of the disputed practical condition (Dimitrijevic, 1981); facts on the basis of which, the existence or nonexistence of disputed relevant legal and other facts in criminal proceedings is determined (Miloshevich, Stevanovich1977: 206); facts on the basis of which the competent authority shall determine the existence or non existence of facts whose determination is necessary in a criminal procedure (Bejatovich, 2003). The evidence contains two elements: evidentiary grounds and means of proof. Evidentiary grounds (probatio, argumentum, reason) is an already known, established fact, on the basis of which it can be concluded that another fact, which should be determined in the specific case and which is subject to be proven, is true. (P. Marina, N. Matovski, 1972); Means of proof (media probandi, instrumentum) are sources out of which data can be acquired, i.e. facts which are evidentiary grounds. (P. Marina, N. Matovski, 1972).

In this regard, it has been pointed out that beside the court, other entities may also collect, provide or verify the evidence, but only the court can present evidence. The court must become convinced the facts are true based on some grounds that correspond to the law of logic. The certainty of a fact which is to be proven is determined by the court by concluding from other facts that have already been proven or are related to what needs to be proven.[2]

In criminological theory, it is emphasized that the evidence represents an established, relevant link found between processes, which directly or indirectly affected the occurrence of the crime, traces, objects and people. From a gnoseological point of view, evidence includes all changes to the environment where the criminal event was prepared, executed, concealed

[1] Gj. Marjanović, Criminal Law, General part, Students Word, Skopje, 1988, pages 100-101;
[2] For more detail see: N.Matovski, G.L.Buzarovska, G.Kalajdžiev-Criminal Process Law, Skopje 2009, pages 190-198;

and where the fruits of the criminal act were enjoyed, which are in a relevant relation to the crime. [1]

Because in order to provide numerous material evidence all modern methods and techniques of fundamental and applied sciences are used, the term scientific evidence is often used to indicate these types of evidence. The use of such evidence in criminal proceedings receives its full expression in terms of development of many scientific methods and their use in detecting and preservation of traces and objects which are related to the crime in their original form.

The process of providing proof encompasses those actions taken by the court in order to form its opinion on the existence or absence of facts that may affect its decision. The activity of the court consists of determining the facts necessary for application of law and the enforcement of law on the relevant facts, which have been proven to be true. Proof covers all the facts which the court deems relevant for a proper verdict (art.314, paragraph 2 of the CPC).

3. Planning in the prior and in criminal procedure

The investigation is a united process in which one thing comes from another. High quality search and examination of evidence required for clarification of criminal acts and finding the perpetrator, is possible only when the unity of investigation is ensured - purposefulness of the investigation.

The process of discovery in the prior (the procedure which comes before the criminal procedure begins) and in the criminal procedure actually represents a systematic and detailed approach to finding the latent and potential information and their decoding (deciphering).[2]

The success of the fulfilment of the plan for the investigation depends to a significant extent on the timely preparation, as well as on the elasticity of the process of realization of the plan, i.e. a timely introduction of changes to it. The main task of any plan for the investigation of the crime scene (in the prior and criminal procedure) as a thinking and creative process, starting from its specificity in any particular criminal case, actually consists of the following coherent elements: 1) determining the circle of circumstances and facts that need to be discovered, clarified and proven (in line with the main issues of criminalistics - the subject of proof), 2) setting versions of the main issues of criminalistics, 3) determining and specifying the operational tactical measures and investigative actions that need be undertaken in order to

[1] See: V. Vodinelić, Criminalistics, Modern Administration, Belgrade, 1984, pg. 293;
[22] See: V. Vodinelić, Criminalistics, Modern Administration, Belgrade, 1984, pg 295

determine criminal law relevant facts, 4) determining the sequence and timing of execution of operational tactical measures and investigative actions, and 5) pre-evaluation of collected evidence and reasoning about what circumstances are discovered and identified, and what circumstances still need to be discovered, investigated and clarified. [1]

The preparation of the plan begins by comparing all the found and caused facts (from a material and personal nature), which are determined during the first undertaking, and the formation of versions (hypotheses, working assumptions, presumptions), that should be based on actual (objective) and verified facts. The versions are marked as one of many possible interpretations of an event and their number and diversity (plurality) represents an important element of the concept. It actually represents a kind of "embryo" of the system of general and specific versions. During the investigation in general, the *general versions* are subject of careful provision of proof (thema probandi), others are versions of the subject (the subjective side - component) and of the object (the objective side - component) of the crime, while the *special versions* are assumptions (hypotheses) for evidentiary facts. Namely, in the entire system of all installed versions – general versions play the role of a kind of "reinforcement" (ex. a general version of the indictment - guilt, a general version of the defence - innocence). The assumptions for direct and indirect evidence (the authenticity of the evidentiary facts and the relation of indicative facts towards the subject of proof) - which are called special versions must be compatible with the subject of proof (general version). Versions on the subject of the criminal event (who did the crime) for the subjective side of the crime (deliberately or negligently performance - what happened?), the motive for the crime (why?), the object of the crime (when or what?), for the objective side of the crime (the way and means of execution - how? with what?) as well as the method of concealing the crime, have the task to be a kind of binding tissue between the general and specific versions.

When performing criminalistic tactics activities (through the full implementation of the three methods: system of accumulating evidence, the method of defunding - concerning negative facts and the method of elimination - exclusion), the relation between indications and direct evidence is fulfilled above all in that they each for itself and all together, supplement each other in the direction of the conclusion, i.e. confirm or eliminate a certain version (hypothesis) and thereby, independently from one another, suggest the same fact (subject to proof - thema probandi). The subject of proof is the major/key fact through which all the clues and direct evidence

[1] For further detail see: V. Vodinelić, Cited paper, pg 29-38 and M. Angeleski, Criminalistics, NIO, Student Word, Skopje,1993, pg. 49-67

are mutually connected. For example, fire and smoke after a short circuit of the electrical energy are not directly related to each other, but through their common cause (reason) - short-circuit, as two consequences of the same cause. Or the escape and the threat are mutually interconnected rings of a system of crime, but only if that person really committed the crime. The merger of the evidence is called *complex of evidence accumulation*.[1]

One object, taken in isolation, for itself, has no qualities of evidence, and to be relevant as evidence it is necessary to take into account two issues, i.e. to determine the following:

1. In order for one object to be material evidence, it is necessary to establish its relationship with the crime or the perpetrator and the victim, because only such objects can serve as evidence. Therefore, when finding such objects it is necessary to conclude, to preserve and to describe the object itself, the place where it was found and its relationship to the specific criminal justice case as a record in a minute, in a way specified in the CPL.

2. Attention needs to be paid and must be taken into account that everything changes, that all items are subject to change and it changes their quality. In such cases it is necessary to take measures to preserve that subject as evidence i.e. to take all necessary measures for conservation. But, there are items that can not be conserved and preserved in its original condition. In such cases, the objects must be described in detail, must be photographed, sketched or in any other suitable way preserved as evidence. We think that the material evidence should not be viewed as an evidential tool that has the advantage (prevalence) and greater probative value than other evidence. What characterizes the material evidence and gives special importance is their frequent use in detecting crimes and track down the perpetrators. They do not have a bigger and stronger probative value, as they can not have it in our legal system of evidence where there is no classification of evidence according to its probative value and where all evidence is evaluated.

4. Detecting, preserving and role of material evidence

The discovery, collection and provision of material evidence is performed according to general views on the burden of proof, but there are also some specifics. Material evidence can be given by parties in the proceedings themselves, and third parties, but it is characteristic that in practice they are often disclosed by the court and police officials of the Ministry of Interior. If voluntary submission of material evidence is not achieved, the court and the authorities of the Ministry of Interior are directed to acquire them by force with an inspection at the crime scene, search and

[1] For more detail see: V.Vodinelić, Criminalistics, 1984, pg. 191-194

physical examination of individuals as well as by using appropriate methods and assets of the criminalistic technique-forensics. The discovery, collection and provision of material evidence are preserved in the minutes from the procedural actions with which they are obtained. The preservation of the state found on the scene is done using the verbal method, method of photography and video recording, the memo-graphic method and the method of taking objects and traces from the scene of the crime, for further processing – conducting of analysis. A basic prerequisite for the successful execution of the inspection is hiring professionals with the proper technique for performing the inspection. The extent of quality to which the inspection will be performed depends on several factors, primarily from: the level of training and expertise of the members of the inspection team (different types of specialists), meteorological conditions, securing the crime scene, as well as the equipment that is available to the inspection team (modernity, quality, suitability, etc).

With the advancement of technology, it is made possible to use advanced features to quickly gather large amounts of data which were previously not available, and which analysts can use in analyzing the events in the court proceedings. With the application of modern devices, opportunities are presented for the formation of multimedia inspection documentation with a large volume of information and opportunity to carry out a number of subsequent analyses, which should lead to analysis of greater quality and a greater number of evidence. The preservation of the crime scene in the virtual world allows for an easier reconstruction, a check of the statements of witnesses and testing hypotheses about the event.[1]

The presentation of the material evidence in the proceedings is made by certain procedural actions, such as inspection, reconstruction, analysis and identification of persons and objects. With the help of these activities one comes to data provided by the material evidence for clarification of important facts in a criminal case. *Probative value* of the material evidence in criminal proceedings shall be assessed based on the general rules for assessing evidence. However, generally speaking, in favour of the value of such evidence, which are called "silent witnesses to the crime" it can be pointed out that they, by their nature are objective and impartial.

[1] According to K.Lipovac, I.Bjelovuk, M.Nešić, Codex of papers, Law and Forensics in Criminalistics, Kragujevac, 2010, pg. 36.

5. Standardization of the procedures for preservation of the material for analysis and the process of analysis[1]

In order for an object to serve as evidence, it should be preserved and intact (uncontaminated), properly transported, during the criminal proceedings should not have changed its substance, it should accurately be registered where it was found and what is the relationship with the matter that is being proven.

The standardization of the *procedure for preservation of the material for analysis* involves optimization of the procedure with the material evidence when: Securing the crime scene, performing the inspection, sampling the material traces of the crime scene for further laboratory processing (analysis), packaging, transport and storage, as well as collecting material for comparative analysis. The following must be defined: the forensics qualification to perform the inspection, necessary equipment with appropriate documents for their accuracy, the procedures for handling the crime scene regarding the conditions found there and the preservation of the traces found, the procedure for writing the appropriate submissions (minutes, reports, notes from the crime scene), the procedure relating to packaging and storage of the traces during transportation to the forensic laboratories as well as the laboratory equipment with proper documents for accuracy and the necessary qualifications of persons and procedures relating to the conduct of persons when it comes to handling the submitted samples and equipment, application of appropriate research methods and interpretation methods, and of course, the form of presentation of the results.

The standardization of the *analysis procedure* involves standards for storage of material which is analyzed in lab conditions - places where it is analyzed, standardization of methods used for specific kind of analysis, standardization of the form of presentation of the results obtained from the analysis (documentation of the performed analysis should include a written part that includes the introduction, findings and opinion, and also -related additions in the form of photographs, drawings, calculations, diagnoses, schemes, etc.), and standardization of methods of presentation of forensic results before the court.

When we talk about the *handling of material evidence taken from the crime scene to laboratories for analysis*, the following standards especially stand out: before packing and after unpacking the wrapper of the package in which samples are submitted, the submitted materials must be photographed

[1] According to M.Žarković, I.Bjelovuk, L. Nešić, Codex of papers, The European Integration and Combating Criminality, Criminalistic Police Academy, Belgrade, 2010, pg. 242;

(It is mandatory to make sure to perform the unpacking on a clean laboratory table so as not to contaminate the traces) after completing the processing of the traces the rest of the sample must be placed back in the original packaging (never spend the entire material that is submitted for analysis); special account must be taken to ensure that the traces that are submitted for analysis and refer to the different court cases are processed in a way to ensure that it does not come to unintentional errors and mix up of findings and opinions of different analysis.

Conclusion

During the processing of the crime scene, it is necessary that the relevant and competent persons and teams during the investigation, through planed, methodical and systematic performance with the application of modern methods and techniques, thorough professional and full investigation of the find, adequate preservation (not contaminated) of all the relevant facts and evidence (of material and personal nature) and in accordance with set standards to transport them to forensic laboratories for appropriate analysis. Also, during the investigation, information should be fully retrieved about all the concrete conditions and circumstances that contributed to the occurrence of criminal events through the relation of the perpetrator to the victim. In addition, evidence which go in favour of the defence and in favour of the indictment should be explored with the same attention and care

When building the evidence bulk during the prior and the criminal proceedings, we think that the only correct strategic direction, when it is possible, is to move to the combined evidence, which consists of both personal (private) and of the real (material) evidence, as well as direct and indirect evidence. This way, the individual types of evidence are complementary and check, confirm or deny each other. Thus, the combined evidence naturally is worth as much as its elements are important.

During the investigation, despite the positive facts and circumstances, equal attention should be paid to so-called negative "facts", which means not only the absence of something, but existing traces and objects of the crime, if one or the other contradict the usual course of the event.

We think that it is necessary to take an interdisciplinary and coordinated approach in the research of on criminal events using modern research methods and techniques, and a continuous process of training and education in the field of forensics of the competent authorities and stakeholders in that activity.

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DETECTIVE WORK IN TRANSITION-THEORETICAL AND PRACTICAL ASPECTS IN MONTENEGRO

Abstract:
Detective activity includes collecting data. People are asking for detective services in different situations. Lawyers use private detectives to collect and analyze information when preparing the defense of their clients, people are asking for detective services to help in finding missing persons or persons being sought on any ground (minors, persons with mental disorders), the director or responsible persons in larger or smaller collectives are asking for their services in carrying out the abuse within companies, insurance companies use it to detect fraud in connection with the insurance (malpractice in insurance, disappearance of motor vehicles that are insured against theft and damage), spouses are interested to discover infidelity in marriage, relatives and families are interested in seeking their relatives, brothers, sisters or parents etc.[1] *In this paper, regardless of the level of current scientific and professional hydrodynamic aspects of security in Montenegro, it is aimed to give a synthetic review of some very important aspects of private security in Montenegro.*

INTRODUCTION:

Regardless of the fact that in the neighboring countries there can often be found papers that indicate interesting nature of this area, science in Montenegro, not even from a distance follows the growing interest in analyzing the effects of this pioneer but serious matter, papers relating to the physical and technical protection of persons and property are very numerous, while the scientific community does not deal in details with this segment - the detective business.

[1] The detective activities involve collection of data: persons disappeared or been hidden, debtors, authors or senders of anonymous letter, or persons who spread slander or libel; persons who have caused the damage to another people, objects that are lost, missing or stolen, evidences necessary to protect the rights of the parties and evidence before judicial and other authorities or organizations, who decide in proceedings on such rights; performance of persons in the business practices, performance of companies and other legal entities. Detective work and activities are considered to be searching for lost persons, activities of private investigators and surveillance. Art. 10 of the Law on detective activities, Official Gazette of Montenegro no. 29/05

Detective business is a reality and a need in the modern world. The aim of this paper is to point out to some theoretical issues and problems that are imposed in practice. Also, the goal is to point out the value to the social autonomy in order to promote, but also to address the problems in this area.

Many problems that affect societies in transition such as the society in Montenegro, the kleptocracy, corruption, rapacity, financial abuse, fraud, theory and practice of introduction of the nations in so-called voluntary slavery, the dominance of ignorance over knowledge and free thought, mobbing, silence of the science and the like. By the organization and promotion of professional, non-politic and unideologized, free and autonomous detective activities it is given a constructive contribution to resolving existing problems in all the laminated structures of society and the state (...).[1]

Very important is the fact that detective work is, or should be source of employment for professional, educated and young people who show sensitivity to do this kind of work. In transition countries, unemployment is endemic problem.

In transition countries the institutional weaknesses come to the fore, bolshevism is directed mostly to political rather than legal institutionalism. In order to prevent from the exploitation of individuals and groups, from such, prone to making the material wealth in an illegal manner, they must be aspired to such a social environment where all individuals and the collectivity will be protected, and not marginalized. In economically and politically unstable societies, personal and business security of individuals and legal entities often becomes the subject of various machinations and abuses.

The constitutional basis for enacting this law is contained in the provisions of Article 12 of Montenegrin Constitution, which stipulates that the law is governing issues of interest to the Republic.

Law on detective activities is for the first time to be adopted in Montenegro, and there are numerous reasons for its adoption.

In a system of legally regulated forms of protection, there is another segment of protection, quite different from the existing one, which is entrusted to the state, companies and entrepreneurs engaged in protection. It is undisputed that the state obligation is to provide every citizen a certain degree of protection. However, citizens often, out of subjective or objective reasons, demand that someone provides them a higher degree of protection than the standard one, provided by the state, which required the

[1] Duško Vejinović, and others - “Detektivska djelatnost teorijski i praktični aspekti po standardima EU” (Eng. "Detective work - both theoretical and practical aspects of the EU standards"), Banja Luka.

establishment of the legal definition of these new forms of protection, with the kind of services they provide. Starting from the process of ownership transformation which has emphasized private property, the practice and the needs of the property holder, influenced the actual existence of a detective agencies providing services, that are registered as NGOs.

The need of improvement of the economic environment and the free entrepreneurial initiative in the field of protection, especially for the fact that the detective work as an independent profession is done by detectives who are entrepreneurs by their legal definition, is one of the most important goals that are achieved by the enacting of this Act.

The actual performance of detective activities imposes an obligation and a need, by the adoption of specific law which would be appropriate for our legal system, to precisely regulate all matters relating to the activities of existing agencies providing detective services, licenses and permits for work, conditions for performing activities, forms of organization, authorization of detectives and others. In the social processes of highly developed countries there can be observed a trend of privatization of the security and the protection and increasing industrial development in the area.

NORMATIVE - THEORETICAL ASPECTS OF DETECTIVE WORK

Over the past decades due to the process of ownership transformation and rapid growth of private property in Montenegro, the private security sector has moved from peripheral to one of the key subjects of protection of personal and property safety of citizens. Such a situation has brought to the need for professionalism and standardization of this sector, which is why it was necessary to establish adequate legal mechanisms.

The Constitution of Montenegro, as the supreme law of our country, has the public safety as its imperative.

The legal bases for organization and operation of the private security sector in Montenegro are the Law on Detective activities[1] and the Law on Protection of persons and property[2]. Protection activity tasks may be dealt by companies and entrepreneurs (subjects of protection). However, based on the indicators standardized in this paper, the emphasis is given to the detective services.

[1] Official Gazette of Montenegro no. 29/05
[2] Official Gazette of Montenegro no. 29/05

Detective activities can be undertaken by individuals such as: individually and in the detective office and only with the approval of the competent authority.[1]

Jobs of this activity can only be done pursuant to a written agreement, signed between the services orderer (institutions or persons), who offer their services in relation to the protected object and about the person who is protected or for whom a certain information is collected.

The legislation is very similar to our neighbours in countries such as Bosnia and Herzegovina, Croatia. However, specifics of national policies are reflected in the refinement in prohibitions to companies to follow a third party in the course of delivering services, do the surveillance of public places, collect information on the person without his approval and carry out the protection in a way that causes harassment of third parties.[2]

Also, the legislator has envisaged very important issues when it comes to detective work in Montenegro. Detectives are strictly forbidden to carry firearms and other means of coercion. These powers as the nucleus of their activity are accumulated to the professional police of Montenegro. Detectives who have been granted permission to carry out detective work shall not perform tasks and duties that are prescribed by law as police affairs, or use methods and means used by the police in accordance with the law. Also, detectives can not do the detective work for domestic and international defense, security and counterintelligence agencies. Detectives do not have public authority and are prohibited from recording with electronic devices and wiretapping.

Proving the status of detectives in the legal traffic is implemented by the ID card,[3] issued by the competent authority, which the investigator is required to show to a police officer or person from which they obtain the information, at their request. So, one of the "lex specialis" laws according to which detectives do their business legally is:

Law on Detective Services, the law regulates the performance of detective activities, conditions and manner of detective work, the rights and duties of a detective and supervise the performance of detective activities in Montenegro.

[1] The competent authority is the Ministry of Internal Affairs and Public Administration, with the prior approval in accordance with the internal organization from the lower organ of state administration and that is the Police Directorate of Montenegro.

[2] Art. 7 of the Law on Protection of persons and properties (Official Gazette 29/05)

[3] Detectives have legitimacy, ID card issued by the competent authority. The detective shall, during the performance of a particular detective work, make available the special power of attorney for the party and show identification at the request of an authorized police officer or other person from whom he shall obtain information. Form and content of the detective legitimation is defined by the Ministry of Internal Affairs and Public Administration of Montenegro.

Detective work is a collection of data, evidence and information, processing and data delivery to the client of the services or the party. This activity is performed as an independent detective profession, which is registered in Montenegro after obtained permits and consents and other statutory conditions in the Central Registry of the Commercial Court. The performance of detective activities may be carried out in the detective office with condition that this detective office has two or more detectives, and that the office is established as a company. This law defines the specific requirements in terms of obtaining approvals for carrying out detective activities.[1]

Regulation of this area is planned by subordinate legislation that has a lower legal force than Laws on detective activities which were also adopted by the countries in our neighborhood, such as Croatia and Slovenia. Ongoing obligation of these countries is the harmonization of national legislation with the European Union and with established international standards in this area. These standards are fully adopted by this law.

Finally, based on the best international practices globally, it is important to emphasize that the economic system of America, as the most liberal, even in the past century recognized the need of individuals for a greater degree of protection than the level which the state provides as a standard, so that the state used the services of private detective organization for providing the services of protection.

Concept and content of the Detective Services Act is systematically given into eight chapters, which are rounded in thematic units, within a single act of contents as follows: I Basic provisions, II Approval for carrying out detective activities, III Permission to carry out detective activities, IV Rights and duties of a detective, V Records, VI Supervision, VII Penalty provisions and VIII Transitional and final provisions.

The improvement of the private sector security is a global process. Privatization of security affairs is present in the developed countries, countries in transition and developing countries. In this study we will meet the general discussion of the nature of detective activities, because there are very few comparative analysis and studies in this field.

[1] Approval to carry out detective activities may be issued to a person who is: 1) a citizen of Montenegro;

2) is domiciled in the Republic of Montenegro, 3) has a university or college degree, 4) was not sentenced to unconditional imprisonment for the crimes which are prosecuted ex officio, or for such offenses is not charged, 5) is not imposed to violations as defined by law, 6) is medically fit; 7) has passed the detective professional examination. It is believed that the person meets the requirements, if he/she has two years of experience in performing the duties of the competent authority, safety - operations in the Army of Montenegro and security-informational and intelligence agencies, the business of execution of criminal sanctions and attorneys affairs.

Detective work as a form of all the total investigative or research activities is as old as the overall activity of the police in the area of its operations. However, in the past, depending on the social organization of the country, the constitution of the security structure and other circumstances, mainly the national police structure had jurisdiction to deal with discovering, investigating crimes and bringing them to sanctions. Regardless of such an organization of security affairs and exclusive jurisdiction of state bodies, constantly in informal communication, a dose of knowledge was always present, and feasibility for the citizens to themselves engage in such activities (whether on their own initiative, whether by request or order by the police). This issue has always been under a certain veil of mystery, given the considerable earlier mystification of this specific activity.

Problems of security protection of persons, property and business, especially detective activities in Montenegro has been popular in the last ten years, i.e. in the period when there existed legal and subordinate legislation that regulate comprehensively and adequately this interesting and important matter. It is believed that in Montenegro, private detectives are particularity of the private security engagement of people, for a number of reasons of legal and substantive issues, and the detective work as a form of private business in the future is likely to experience their expansion and affirmation. Despite this, we can say that since the Law on Private Detective Services was adopted in the area of Montenegro, there were established very few agencies primarily engaged in detective work activities. There are records of the number of private detectives who are basically dealing with multiple operations involving security content mainly in real estate, help lawyers in gathering information, documentation, etc... Less, or almost none of the detectives are currently engaged in activities that have close links with the area of detection of crimes and perpetrators and their applications to the competent authorities. The above facts lead us to conclude that the establishment and operation of a private detective or office for these so-called sensitive tasks is probably still unknown and non-profitable private business, which in its engagement has certain confusion and difficulties because of which people are rarely willing to carry out such activities.[1]

DETECTIVE WORK IN MONTENEGRO AND OTHER SELECTED COUNTRIES

In the modern world, the growth of private security sector is a global process. Some of the reasons for this dramatic increase are related to the

[1] Founders of this industry in Montenegro are Vladimir Pavićević, Branislav Marsenić, Boris Bulatović etc.

widespread of private property in the post-industrial and in developing countries. On the other hand, the fear of crime of those who own the assets has grown faster than the interest of states to allocate more money for its protection. Social and political lobbying groups in this direction has led to an interest of the state to invest more resources in this form of security. In addition, criminal groups and individuals have seen a chance to easily come up with the money in the disorientation of the society, thus increasing the rate of crime against those who had a significant capital. Private security is one of those industries that developes significantly fast.

According to the available data, the private security sector in the European Union and the United States, has 30.000 companies employing 3.1 million people.

In conducting private detective business, the great importance as a special matrix is knowing the basis of criminalistics, criminology, defendology, forensic science, tactics and methods as well as law enforcement operations. Very desirable is adequate basic knowledge of criminal psychology and psychopathology.

As a basis for quality work in the field of private detective activity, there is also the action of proceeding in accordance with the laws of a state. A basis is certainly the basic knowledge of criminal law, and procedural and material legislation, as well as misdemeanor law and some other areas of social life.

Acting of detectives within the performance of the private detective business is a very important work, but is always based upon the principle of legality and always in accordance with the laws covering the operation of private detectives and in accordance with best detective practice.

A very important feature of the performance of the detective services is the availability of data collected by detectives, with the absolute voluntariness of the person informing. Such a legal provision clearly shows that a private investigator in carrying out this type of work, must respect the personality of each person, client or institution without any kind of coercion. It just confirms that this is a very difficult job, different from the first impression people get being not sufficiently familiar with these matters of the security aspect. Private detectives authority provided by law in essence do not exist or they are very insignificant. However, at the same time it puts them in a position to adapt its activities to the structuring of the technology or to a mode of action that will be attractive to citizens and also acceptable. Finally, volunteerism in the provision of information by private individuals gives a full assurance that the detective will not exceed the authority in the field of coercion, because, in fact he does not apply them.

Collect data and information is a very widespread activity, primarily related to police and other competent bodies and institutions within its jurisdiction.

The basic rule in data collection is the aspect of receiving and seeking information. This means that data can be acquired without a prior search from persons or institutions on a voluntary basis, through the transfer of data, and that they can be obtained by expressing request to the persons or authorities. However, there is always the question of whether citizens are required to provide information voluntarily or upon request of authorized persons or bodies. In this context, the place and jurisdiction of a private investigator to collect data can be observed, as well as the material traces and evidences etc.

The Law on Detective Work and partly the Law on Criminal Procedure are further governing this area and it is the focus of this paper.

Detectives can collect data on the basis of a written contract for carrying out detective services for the party and by written authorization, with a visible purpose and scope of collecting such information, and given authority. Besides this, detective may collect information directly from person to whom they relate, as well as from the other persons who possess data and are willing to give them voluntarily, from the mass media, and in relation to:

1. persons who have disappeared or are hiding, debtors, senders of anonymous threats and those that have caused financial and non-pecuniary damage;
2. objects that are stolen or lost;
3. evidence necessary to protect or prove justice and the merits of parties request before judicial and other authorities or organizations, who decide on proceedings such rights;
4. compliance of obligations of employees relating to the competitive clause;
5. data on the effectiveness and professionalism of legal and natural persons;
6. crimes which are prosecuted by private action and their perpetrators;
7. disciplinary offenses and offenders;
8. candidates for employment;
9. other issues, according to the rights the detectives have.

Before collecting data, the detective is obliged to warn the person that information is given voluntarily. Finally, it is envisaged that detectives can

also provide consulting services to natural and legal persons in matters of prevention from crimes and other offenses.

In terms of access of official data to detectives, it is envisaged that a detective has a right of access to judicial and administrative decisions in cases when this right has the party who authorized him / her. Also, it is determined that on the basis of evidence about the fact that he / she took particular job for completion of data from the records, the authorized person in possession of information shall give data the to detective within the following areas:

- records of registered vehicles: registration number, information about the owner and vehicle data;
- records of residence: data on domicile or residence;
- records of employees: information on employment (employer, position);
- ship registry and the registry of the aircraft: the data on vessels or aircraft and owners;
- other official records, under the conditions laid down for the party which gave the authorization.

To obtain this information, it is not necessary that the person to whom the information pertains is previously familiar with the fact that data is obtained in this way. An evidence that the detective can conduct the concrete task for the fulfillment of which he / she needs data from the records is considered to be a written authorization and the contract signed between detectives and the parties (the client). On the other hand, the detective must above all, keep and use the personal information received, according the Law on preservation of personal data.

Upon the performance of a contract with a client, a detective is bound to give to the client all the collected data in accordance with the contract. In case that during the work he / she comes to information about a criminal act, the detective is obliged to report this to the competent authority, unless this would be in contrary to the obligations to the party arising out of obligations to the client. This solution is the result of the fact that the detective work is based on the principles of mutual trust, guaranteed confidentiality and professional secrecy, which is regulated in some countries with a special code of ethics of the detective profession(the Republic of Slovenia, etc.).

Detective is required to maintain confidentiality in the work conducted by, or entrusted to him. Information and personal data collected by the investigator for the party are considered confidential and shall not be provided to third parties. Given the fragility of knowledge that arises in

performing these kind of activities as well as of data collection methods, it is quite logical that data collected by the investigator in performing the contracted work are considered trade secrets, not only during but also after the execution of work. In contrast, providing the information about the client to unauthorized persons by the agents of other activities of private security (bodyguard, object security, etc.).. by its nature is not disclosure of the business secret, but unauthorized disclosure of the professional secret.

Detectives in Montenegro usually perform the following tasks:

For lawyers and law firms:

- Verification of residence for the parties in civil proceedings, or witnesses in criminal proceedings.
- Verification of property - movable and real estate - for the needs of court for the parties who avoid the execution of court verdicts.
- Collection of material evidence in favor of the party that in criminal or civil action is represented by a lawyer - the user of detective service.
- Check of the credibility of legal entities and individuals, and establishment of bank accounts in banks and others.

And for enterprises and people:

· Search for missing people, and eventually discovery of their remains.
· Search for missing objects, in most cases such that are disposed to criminal offense of theft or larceny.
· Search for stolen vehicles, fraud in the insurance of motor vehicles (intentionally causing traffic accidents and recording dramatically higher damage on the vehicles than the real one), and discovery of motor vehicles who were reported to be stolen, and sold without valid documents at a drastically lower price, as well as other frauds.

Private detective can collect data and information directly from the person to which they relate, or of persons who are willing and ready to give the information requested. When collecting data and information, the private detective is prohibited to interfere in carrying out the responsibilities of state bodies, other agencies and organizations.

Collecting data from persons under the provisions of the given laws, differs from the situation when the police collect relevant information from citizens at a time when there are grounds for suspicion that a crime which is

prosecuted ex officio occured. Police, acting under the provisions of the Code of Criminal Procedure, is authorized to invite citizens to court, and even to bring them by force if they do not answer the invitation, provided that such a possibility was mentioned in the invitation that was sent to the party. A private detective can not, by any action limit freedom of movement of citizens, applying force, threats or blackmail, what leads to the conclusion that he is not authorized to call on citizens, to take their statements, because if the legislator wanted that, than it would be explicitely stated that the detective is authorized to invite the citizens in order to collect data and information as part of carrying out detective activities.

Very debatable are questions, whether or not a private investigator may offer to give awards to obtain relevant data, information and evidence, and whether he / she is allowed to publish photos and information in the media to search for missing persons or objects, or to collect data, information and evidence. These are important questions because they are in direct connection with the performance of detective work and on their ability to perform these activities, in many situations will depend the success and quality of delivering detective activities, especially in particular cases.[1]

CONCLUSION:

Detective work is a significant innovation which will take in the future more momentum in the modern business security. The influence of the media, open borders and free movement of people and numerous other growth factor will change the relation of the citizens to these jobs and eventually open a wider space to businesses offered by detectives and intelligence activities.

What is very typical in the neighboring countries is the fact that a private investigators more and more perform works of mediating in finding missing vehicles, insurance frauds, cooperation with lawyers and the like.

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[1] Risto, Lugonjic, Journal „Defendologija"("Defendology") - Society of defendologists of the Republic Srpska 2008 pp. 59

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THE DEVELOPMENT OF PRIVATE SECURITY IN REPUBLIC OF MACEDONIA: CONTRADICTIONS AND POSSIBILITIES

Abstract

The Republic of Macedonia has been witnessing a rapid ascent of private security in the last two decades, followed by numerous contradictions. The indisputable, but also unbalanced development of the private security subsystem opens a lot of questions related to its true place and functioning within the whole security system. The private security in the Republic of Macedonia walks on a very thin line, meaning that there are real possibilities for it to be either a significant factor of stability and security of the country on one hand, or a serious threat for the overall security, on the other. In that sense, this elaboration gives a review on the actual state of affairs in this sphere, the existing contradictions and possible solutions for overcoming the weaknesses and strengthening the private security subsystem or sector. Furthermore, the ascent and possibilities for further development of private security reflect on the whole contemporary Macedonian security situation, which is specific in many regards, as well as subjected to the deep socio-economic changes that have happened and are still happening in the long process of transition.

Keywords*: private security subsystem (sector), security system, securing persons and property activity, private detective activity, transition*

INTRODUCTION

Private security sector is a new development within the contemporary Macedonian security system. Its growth and development were triggered by the reform of the entire security system that followed the fundamental and comprehensive socio-economic changes started two decades before. The very constitution of the private security sector as a subsystem of the single security system within the country, created new and previously unknown situation in terms of structure and functioning of the security system as a whole and of carrying out the security function in successful manner. Nowadays, looking from the present perspective, it is undeniable that private security sector has changed the security map and the security system in

Republic of Macedonia to the point that it is legitimate to ask about its limits and consequences to the security system and function, considering all the positive and negative aspects as well. The development of the private security subsystem or sector in the Republic of Macedonia shows several peculiarities that reflect the socio-cultural, economic and political relations and processes that shaped Macedonian social reality in the transitional period. They launched serious contradictions that are still residing within the private security sector and that are still burdening it, creating serious obstacles for improving the quality of work, professionalism, ethical standards and strengthening the capacity of the whole security system.

There is a grounded belief which could be scientifically proven, that private security sector in the Republic of Macedonia needs reducing of the imbalance between its quantitative and qualitative development, the relations between the private security sector and the public or state security system have to be uplifted to a level of partnership instead of present competition and that must be a proportional and complementary development of its two constitutive segments: securing of persons and property activity and private detective activity (the first one being strongly developed and the second one almost completely undeveloped). Improvement in these three segments represents three basic pillars on which the reform of contemporary Macedonian private security sector should rely on. Overcoming of these flaws should ensure the true position, role and function of private security sector as unavoidable and essential complementary segment of the present Macedonian security system. It should also justify the privatization of the security function, which in Republic of Macedonia has been developing according to the successful model of the so called top-down privatization, defined as "deliberately planned and government implemented privatization of the security function" (Wulf, 2007: 35-40). Nowadays, we can freely say that Macedonian private security sector is on a half way to reach all of these prerequisites to actively contribute in carrying out the security function. In order to accomplish its goals, the private security sector in the Republic of Macedonia, first, has to improve its legal framework, which nowadays "is becoming more and more obsolete as the sector develops rapidly and innovation in this sphere appears inevitable" (Gerasimoski, 2009: 320). It should also follow the fast and sometimes contradictory changes in the socio-economic structure and relations, especially the processes of social differentiation and private property development on which it mainly depends. And, of course, it should be adaptive to the changes and reforms taken within the security system. We shall try to locate and elaborate the crucial points of previous development of the Macedonian private security sector as well as to equally stress the present contradictions and to offer some possible solutions concerning the future of it.

WALKING ON A THIN-LINE PRIVATE SECURITY SUBSYSTEM IN THE REPUBLIC OF MACEDONIA BETWEEN FACTOR OR POSSIBLE MANACE TO SECURITY

Private security sector in the Republic of Macedonia has developed both in size and scope, as well as in qualitative terms. Significant growth and development can be divided in two chronological periods or decades. The first one, saw somewhat spontaneous and uncontrolled growth and development of the private security subsystem (sector), which happened in the period of so called "security vacuum" (Спасески, Аслимоски, Герасимоски, 2008: 65). It was characterized with absence of special legal framework and poor state control and oversight that lasted from dissolution of the former Yugoslavia in 1991 and proclamation of independence of Republic of Macedonia up to the end of 1999 when the legal framework for private security sector was finally established. The second decade is the one that spans from the end of 1999 until nowadays and is mainly characterized by continuous improvement of the work of the private security sector in all aspects, of course, with inevitable problems that always accompany this sphere elsewhere, not only in the Republic of Macedonia. Official numbers speak of rapid development of securing persons and property activity, while, private detective activity is almost completely undeveloped (latest information from the Ministry of Interior tell about only one registered private detective). This staring imbalance is pointing out to some real or possible anomalies and problems in the functioning of the private security sector as a subsystem. Namely, securing persons and property activity and private detective activity should be developed proportionally since they are complementary to each other. This imbalance also shows that the contemporary Macedonian security system needs more protective than investigative security services, which reveals the structures and relations within the contemporary Macedonian society. Securing persons and property activity is so quantitatively developed, that, when we observe the situation with police officers and security officers ratio in other countries on the Balkans, it clearly poses serious questions of the character and implications towards functioning of the entire security system and providing the optimal (the best possible) level of security to its citizens. When we see the levels of development of the private security in the other Balkan countries, Macedonia stands in the middle, between Slovenia and Croatia that have seriously advanced, and Bosnia & Herzegovina, Montenegro and Serbia, that have much to do to improve the private security sector (Станаревић и Ејдус, 2009: 104; Petrovič, 2008: 42-51; Veić, 1994: 345-357). In terms of numbers, private security companies (16 000 guarding staff) overshadow the

police (12 000 officers), a 1:1.33 police / private security ratio (van Steden & Sarre, 2010: 424-439). It means that there are 800 private security officers in a population of 100 000 citizens, which is far beyond the European average of 268 private security officers in the same population. In comparison to other Balkan states, for example, Republic of Macedonia sticks out and is the only country where the number of security officers in the private security sector exceeds the total number of police officers, as can be seen from the table below.

Table 1. Comparison of police and private security in ex-Yugoslavia and 34 European countries

Country	**Country Population (million)**	**Police officers**	**Security officers**	**Police / private security ratio**	**Private security/ 100,000 population**
Slovenia	2.0	8 500	6 200	1:0.73	1/310
Croatia	4.5	19 000	16 000	1:0.84	1/357
Serbia	7.4	34 000	>28 000	1:0.82	1/379
Bosnia and Herzegovina	4.6	16 000	2 000-4 000	1.0.12	1/44
Macedonia	2.0	12 000	16 000	1:1.33	1/800
Montenegro	0.7	4 500	2 500	1:0.55	1/357
Europe (34 countries)	594.6	2.1 mill	1.6 mill	1:0.76	1/268

Source: Adapted from van Steden & Sarre, 2010: 424-439

Macedonian situation concerning the volume of private security activity indicates tendencies of further growth, although it seems far enough from the U.S. current situation in this sphere, for example, where there are almost three times more private security officers compared to that of the police (Abrahamsen & Williams, 2009: 1-17). The number of 16 000 private security officers is a real potential both for use or abuse, since it could easily turn from respectable warrant of security to a real security nightmare. What is also very interesting is the fact that the number of private security officers almost tripled from 2007 to 2011, if we take into consideration the comparison from Zoran Dorevski's data and CoESS study of private security across Europe and present official numbers, meaning that there were 2 600

licensed private security officers in 2004, 5 600 in 2007, while nowadays the number has reached 16 000 (Доревски, 2004: 27; CoESS, 2008: 47-48). In Macedonian case, it is more than evident that private security sector presents vital and complementary part of the contemporary security system and the one which is on the way to be the most serious partner to public or state security system in guaranteeing security within its borders (Спасески, Николовски, Герасимоски, 2010: 254). The private security sector in the Republic of Macedonia, in terms of professionalism, respect and implementation of ethical standards of work, education, public perception, working conditions and legal framework still falls behind its volume of growth and development. That suggests that the main points of improvement should be aimed at attaining qualitative progress. The sector is a very delicate one that needs continuous oversight, control and proper management, because wrong moves can cost a lot, especially in a post-transitional society like Macedonian.

Defining the position, role and function of the private security sector in the Republic of Macedonia is of utmost importance for ensuring appropriate functioning of the entire security system. This is due to the fact that private security sector has meaning, social and security legitimacy only if it contributes towards higher efficiency of the system, i.e., if it is a complement, not a substitution of the state security system. In its very essence, the private security sector bases its authorization on the right of individuals for self-protection which is delegated to the security organization or detective on a contractual basis. To adopt a role wider than that stipulated within the contract would represent a violation of the law. This is because an individual right to self protection can be exercised only in situations where the state security sector cannot intervene (Spaseski, 2009: 305-315). In other words, it is not at least easy to settle the different interests of private, state and civilian security actors with the aim to build, maintain and develop sound model of relationships between them, especially between private and public actors, since, as Gorazd Meško and Andrej Sotlar put, "the motto of the public police is 'to protect and serve', while the motto of private security is 'to protect and make money'" (Meško & Sotlar, 2009: 269-285). Solid and sustainable partnership between the private security subsystem and other segments of the contemporary security system is of utmost salience, since private security sector, by its nature, tends to understand and practice security as a fragmented phenomenon. Without that partnership, the right understanding and practicing of the security as an integral phenomenon would not be possible, and private security would be a contradictory notion (Џонс, 2010: 841-865).

Quality and level of relations with the state security system constitute a vital part of these efforts, because "it is true that police and the private

security sector have many similarities and similar functions, but it is also equally evident that they have different roles within the single security system" (Swanton, 1993: 2). And not only the roles, but their different status, as well as the differences between the wider term policing (usually related to public / state / security actors) and private policing as part of it, speak to what extent they are similar and different at the same time (Mjypej и Мек Ким, 2003: 635-646). To be honest, much effort has been done so far and still continues to be done in the future concerning Macedonian experience with the development of the private security sector. Namely, present relations between the private security subsystem and the state security system in the Republic of Macedonia can be mainly characterized as relations of competence, not as relations of partnership. In these terms, we can be content that there are no systematic and visible (maybe hidden) animosities, conflict and competition between police and security officers, which means that we are on a half way to build a desired model of relationships between the private security sector from one and the rest of the security system (public / state / and civilian) on the other side. It implies that present relations are not as close in terms of mutual cooperation as they should be. For instance, there is a lack of cooperation in exchange of information; unpreparedness for cooperation and even indifference from representatives of the state security sector; subtle and hidden and in some situations direct and open favourising of one instead of other private security entity; occurrence of clientilism, protection and bolstering disloyal competition on a market of security services; underestimation of the work of private security entities from certain officials and structures of the state security system; mutual mistrust; arrogant and self-conceited stance and behavior from representatives of certain private security entities towards police officers or private security officers from other private security entities (agencies, PSC - private security companies); close political affiliations; covert forms of pressure and even criminal activities etc. These existing problems in the competence between the private security subsystem and the public system and also with the civilian security sector create potential for an air of susceptibility, unfavorable image and negative public opinion. That is why all security actors should double the efforts in the future to make sure that the competence turns into a sound partnership.

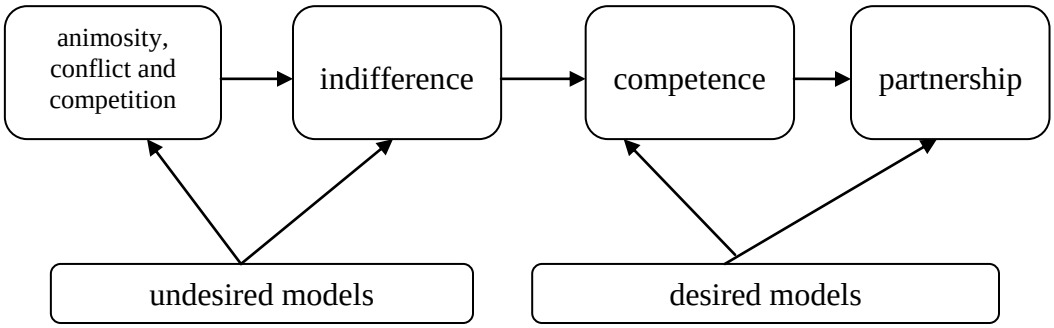

Figure 1. Evolution and types of models of relationships between the private security sector and the rest of security system (public / state / and civilian)

On the other hand, the development of the private security in Macedonia has numerous positive features, among which there are such that should be stimulated in the future with the aim of determining the right direction of the further growth and development. These features are to be found in areas such as recruitment of staff (many former police officials and state / public security officials are nowadays working in the private security sector, thus transferring positive influence on the private security actors through education, training and experience); absence of practice where police officers are working at the same time in private security sector (meaning they observe the law regulations which forbid working in police and private security sector simultaneously); regular and good practices of cooperation between police and private security companies (agencies), especially when securing public events; positive practices of mutual exchange of useful security information between police and private security sector etc. (Bakreski & Miloševska, 2009: 286-304). Of course, private security sector should build, cultivate and promote mutual cooperation through exchange of information of security character, strengthen mutual trust and contribute to the security of all citizens that constitute the civilian security sector, since, according to the positive law on private security (Law on securing persons and property from 1999, amended in 2007 and Law on detective activity from 1999, amended in 2007), carrying out the private security function is an activity of public interest, not only of interest of the private subject who hired security service from certain private security (detective) agency (company). Another crucial issue when determining the current state of affairs with private security sector in the Republic of Macedonia is related to watching, controlling and overseeing the work of the private security entities. In actual fact, the private security subsystem must be stately controlled and overseen, since it represents its constitutional part

that operates according to delegated authorizations. But, it is equally true that it must possess some level of autonomy that can allow the sector to operate and develop. Frankly, the question of providing the right level of state control of the private security sector continuous to be one of the most delicate, since it should balance the necessary level of state control with the appropriate level of freedom and autonomy of functioning of the private security sector (Avant, 2005: 5-7). Also, the practice has shown either tendencies to overregulate and overcontrol this sphere, which has happened in a small number of so-called strong (developed countries), or a lack of regulation, control and oversight in most of the states, mainly undeveloped, developing and transitional, so-called weak states. And as Mark Button rightly remarks, "the regulation of powers used by the private security personnel is generally not as systematically controlled in comparison to police officers" (Button, 2007: 18). In Macedonian case, there's a need to control and supervise the private security system more closely and thoroughly, since there is a rapid growth and increased potential for abuse of the authorizations, especially those related to violation of the basic human rights and freedoms, privacy and intimacy of the people. Macedonian Ministry of Interior (MOI), according to the positive law in this sphere, has right and obligation to carry out control and supervise the private security entities, while MOI and Chambers for securing persons and property have shared competencies in governing and managing the sector.

POSSIBILITIES FOR DEVELOPMENT OF PRIVATE SECURITY IN THE REPUBLIC OF MACEDONIA-WHAT SHOULD BE DONE IN THE FUTURE

The private security sector worldwide has been developing so fast, that its size, scope and diversity of security services they offer to clients has transformed the sector to what is referred as "a private security industry". It can be viewed as a result of the complex processes related to pluralization and redistribution of security function in the era of globalization and post-Cold War period. As a matter of fact, this pluralization and redistribution of security function followed the deep and comprehensive socio-economic and political changes, mainly characterized by the worldwide spreading of neoliberal economies and social and political fragmentation (Њубрн и Рејнер, 2010: 910-952). The enormous growth and development of the private security industry are obvious, and we anticipate an increase in its volume in the years to come (Shreier, Caparini, 2005: 38). The legal framework which allows international work of the private security entities has contributed to rapid development in this sphere. As an example of the dimensions and extent of development, we could only mention the five

greatest international private security companies: G4S, Securitas, CSC, L-3 and Guardsmark, that together have around 1 million employees, operating in more than 50 countries in the world (Krahmann, 2009: 13). For example, the smallest of the abovementioned companies has more private security officers than the total number of private security officers in the Republic of Macedonia. In terms of this, the Republic of Macedonia is still a country that is closed for the international market of private security services, since Macedonian positive law regulating private security does not allow operation of foreign private security entities in the Republic of Macedonia and reverse, although Macedonia is a member of CoESS.

Also, the social and economic impact besides the dominant security impact, have a significant place when assessing the degree of development of the private security worldwide. In order to understand the dimensions of this growth in development, we would only present the estimation that "in 2010 the total amount of revenues reached fabulous $202 billion and the turnover of private security sector in EU is estimated to 15 billion of euros" (Born, Caparini & Cole, 2007: 1; Davidović i Kešetović, 2009: 235-251). Indeed, there are countries in which the size of the budgets and number of employees in the private security companies exceed those employed in the state security (for example, in Israel, U.K., U.S.A. and South Africa) (Richards & Smith, 2007: 1-14). Considering the private security sector in the Republic of Macedonia, there are no available data about the social and economic impact of the growth and development of the private security sector related to total turnover, revenues, participation on the market of security services, social conditions, etc. The only exceptions are the CoESS data about the monthly salary, which ranges between 200-300 euros, which is smaller than the average salary in the Republic of Macedonia of about 350 euros and significantly smaller than the average monthly salary of the police officers ranging from 400-500 euros. This may be interpreted as a degrading fact, because the private security officers and detectives also participate in creating security climate and guaranteeing of security as a public benefit. Secondly, this may look like a kind of exploitation in this sphere which is likely to create an opinion that their work is not so worth and socially recognized, in spite of the very high security risks they take in carrying out their professional tasks and duties and a high level of responsibility for the overall security.

The private security sector in Macedonia followed the patterns of development in its near and wider neighborhood. In terms of privatization of security, rapid commercialization of security function led to danger and in some cases to privatization of the security as essentially negative phenomenon within the wider process of privatization of security (Герасимоски, 2007: 32-39). In the most developed countries like U.S.A.,

for example, the term privatization of security has been gradually abandoned and replaced by the term "multilateralization", meaning that private policing is approaching to the term policing, while Les Johnston urges for the use of the most appropriate term according to him, the term "hybrid policing" and James Sheptycki calls for "post-modern policing", adequate for the post-modern conditions in which we are living (Bayley & Shearing, 2001: vii; Johnston, 2004: 115; Sheptycki, 2002: 323-338). Indeed, all efforts that were and will be done in the future are mainly concerned with providing that privatization of security function will develop in systematic and controlled way, avoiding any stranding that will end in various forms of privatizing the security function for private interests. The main points of improvement of the work in the private security sector in the Republic of Macedonia, actually, are to be found in the areas where negativities and weaknesses have been remarked and these points are the points of privatizing the security. Therefore, the possibilities for future development of the private security sector in the Republic of Macedonia lie in four areas: economic, political, social and security. In other words, there must be concerted efforts taken in all of these four areas in order to ensure that we would have an optimally developed private security sector (subsystem). Thus, in economic terms, the state must create fair conditions on the market of security services; discourage the disloyal competition; constantly improve the conditions for raising the salaries and other working conditions in the sector; create space for further diversification of the security services that could be carried out by private security entities etc. In political terms, the state authorities must exclude any kind of political pressure, affiliations or any other kind of political involvement and influence on the development of the private security sector; forbid involvement of political parties in the work of the sector; reduce the unnecessary political decisioning thus leaving necessary space for the needed autonomy of the sector etc. In social terms, the state should prevent and suppress any kinds of criminal links and influence on the work of the private security sector; raise the level of public perception and awareness for the need of existence of the private security sector; help educate the social strata and public concerning the status, role and function of the private security; encourage citizenry to play more active role in locating the weaknesses and giving useful proposals for improvement of the work in this sector. And finally, in terms of security, the state should adopt clear legal framework for the functioning of the security system and the private security subsystem as a part of it; assure timely and comprehensive control and supervision of the sector; incite and promote sound relationships between the private security sector and the other parts of the security system (public / state and civilian); prevent and reduce any possible conflicts within the contemporary security system, thus paving the way for creating solid,

lasting and sustainable partnership, and, raise the principles of humanism and prevention as basic principles of security policy in the whole security system, and thus, as Ian Loader and Neil Walker suggest, "civilizing security" (Loader & Walker, 2007: 7).

Table 2. Comparative analysis of the development of the private security sector in the Republic of Macedonia

Main features of development	**Period from 1991 to 1999**	**Period from 2000 to 2010**	**Period from 2011 onwards (what should be done)**
Legal framework	Legal vacuum	Law on securing persons and property activity and Law on detective activity adopted in 1999 and amended in 2007	Complete legal innovation in this sphere is needed to overcome the weaknesses
Model of relationships with other segments of the security system	Mainly competition with several cases of conflict	Mainly coexistence	Establishing solid and sustainable partnership
Number of employees	No available data	2 600 in 2004 5 600 in 2007 16 000 in 2010	Tendency towards reducing the number and ensuring more balanced employment between private security and private detective officers
Positive	Advent of the	Rapid growth	Enabling of efficacious, balanced and

developments	private security function	and development	optimal level of development according to security needs with an overtone to prevention
Negative developments	Criminalization, politization, no state control, disloyal market competition, privatizing of private security	Clientilism, politization, disloyal market competition, possible threat to security	Tendency towards elimination or reduction of negative developments

CONCLUSION

The private security sector is a completely new security phenomenon in Macedonian history. Burdened with many difficulties, it strives to develop to a respectable partner to other segments of the contemporary Macedonian security system. The two-decade growth and development of the sector has pointed out many weaknesses that appeared mainly through privatizing the sector as negative phenomenon of the process of privatization. However, it can be undoubtedly said that the private security sector in the Republic of Macedonia has vast opportunities for further development, especially in qualitative terms, since in quantitative terms it has already developed a lot and further development in this direction would seem completely unnecessary and would probably pull the sector down. In the years to come, we will certainly witness further shaping of this sector to fulfill the contemporary security needs.

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РАЗВОЈОТ НА ПРИВАТНАТА БЕЗБЕДНОСТ ВО РЕПУБЛИКА МАКЕДОНИЈА: ПРОТИВРЕЧНОСТИ И МОЖНОСТИ

Резиме

Република Македонија во последниве две децении е сведок на рапиден подем на приватната безбедност следен со бројни противречности. Несомнениот, но и неурамнотежен развој на приватниот безбедносен потсистем отвора многу прашања врзани за неговото вистинско место и функција во целината на безбедносниот систем. Линијата по која се движи развојот на приватната безбедност во Република Македонија е многу тенка, а со тоа и реалните можности таа да биде значаен фактор на стабилноста и безбедноста на земјата од една страна, но и сериозна закана за нејзината вкупна безбедност од друга страна. Во оваа смисла, трудот дава осврт на сегашните состојби во оваа сфера, противречностите кои се присутни и можните решенија за надминување на слабостите и јакнење на приватниот безбедносен потсистем (сектор). Исто така, подемот и можностите за развој на приватната безбедност се согледани во целината на современата македонска безбедносна состојба која е специфична по многу нешта и во која се одразуваат длабоките социо-економски промени кои се случија и се уште се случуваат во долгата транзиција.

Клучни зборови: приватен безбедносен потсистем (сектор), безбедносен систем, дејност обезбедување на лица и имот, приватна детективска дејност, транзиција

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THE USE OF MULTI-CRITERIA ANALYSES FOR THE SECURITY NEEDS OF REPUBLIC OF MACEDONIA

Abstract

This paper aims to support transnational cooperation for integral spatial connection of RM with its environment. By the use of the multi-criteria analyses many alternatives could be examined in accordance with many objectives and neutral criteria, analysis of their usefulness and recommendations for selection of the most realistic alternative in the decision making process of the existing and planned road infrastructure from the aspect of the spatial security organization of the territory of RM.

For the decision making process to carry out the projects for the needs of spatial organization of the RM for the security, should reduce the negative influence of the existing territorial conditions over the national and international security and improve the connections with the SEE countries.

The methods of multi-criteria decision making identify the best compromised solution to overcome the modern security threats and risks, to elevate strategic security environment and to position the Republic of Macedonia closer to the Euro-Atlantic integrative processes.

***Keywords**: transnational cooperation, spatial security organization, decision making, threats, risks, multi-criteria analyses, strategic security environment.*

Introduction

In realization of one of the missions of Perspectives in the spatial development of Europe (ESDP)[1] special role is played by those regional initiatives of the spatial development which include some EU members and some EU member

[1] ESDP - European Spatial Develoment Prespective.

candidates. Even during the preparation of ESDP, The European Commission has initiated regional initiative called INTERREG II C[1], in order to support transnational cooperation in the spatial planning of European countries and regions for security needs. In this context ESTIA[2] and OSPE[3] are the two most important regional initiatives in the area of spatial, urban development and security connection with the Southeast European countries. The need of applying multi – criteria analyses in the decision making process while analyzing the existing and planned road infrastructure has been preconditioned by the features of the infrastructure which is entitled public benefit/good (many interested subjects into it), but also to minimize the problems and risks connected with developing such projects which are important from the perspective of security and spatial connection of the Republic of Macedonia (RM) with its environment.

1. Spatial connection of the Republic of Macedonia with its environment

External connections for spatial and functional connections include all direct connections of RM with the neighboring countries, and through them the most direct relations as part of the commitment for developing good neighboring relations and enhanced exchange and cooperation with the environment are best manifested. Certain bilateral agreements with the neighboring countries still lack sufficient precise elements that could be included into the concept of future spatial organization of RM, by which they do not satisfy the substantial needs in developing future integrative elements and ties so it is realistically initial to offer all categories of developing relations instead of passively expect them.

In spite of the whole social, political, economical, geographical, security and other difference in the Western Balkan states, the efforts are more in a way of general harmonization of the own spatial-functional organization on a micro plan. It means that the western Balkan countries are seriously considering the needs and the opportunities, to express their participation in this continental constellation with greater level of harmonization referring to their macro functional structure. However, there are facts that it cannot be done by absolute autonomy in each national – spatial community, as the same has been preconditioned by the new integrative relations.

The foreseen functional regionalization of the security systems simultaneously reflects the desired level of integration within the European regions, which means participation of each country with its functional

[1] INTERREG II C - Cross-border cooperation.

[2] ESTIA - European Space and Teritorial Integration Alternatives), A strategy and policy of integration in the space development for South-East Europe. In this project, participants were Albania, Bulgaria, Greece, Macedonia, Romania and other Balkan countries.

[3] OSPE - Observatory of spatial planning and environment in South-East Europe.

structure. The category of security systems in the future period will represent the most intensive form of spatial –functional integration and realistically, it is expected that the whole Europe will be covered with significantly more harmonized net of security subsystems. Significant differences will appear in the area of capacities of certain functions in certain areas of the European space. A condition to overcome this is to see the functions which each member country can offer as a spatial-functional union to the European constellation on time.

The suggested direction of the common security systems for development of the Balkan has been carried out based on the assessment of the European macro-regional tendencies of development. Special benefit from directing the security connection in the future development of the western Balkan countries is the increased participation in sharing the European functions.

Spatial connection of RM with its environment for the security needs is necessary from many aspects, but generally, we can say that the studies for its influence are divided into two parts:

Studying the area –territory for political reasons and

Studying the space-territory for subjects which carry out politics.

The first type of studies treats the phenomena connected with it from the aspect of security politics which is carried out by certain political subjects. The goals of such studies are always defined from the aspect of wider interests which are part of political platforms of the parties and based on such studies of the territory the global and specific politics are being defined.

The second type of studies is necessary for decision making which is directly connected with the agencies which provide security. There are private agencies which provide services for others (people, buildings etc.) in order to accomplish certain interests.

In both cases there is a need for analyses of the spatial connection and finding explicative factors which can foresee the future effects of certain activities.

2. Multi-criteria analyses – tools to assist when making decisions

Methods of multi-criteria analysis are a type of a tool to make decisions developed in the beginning of 60s of the XX century. More techniques have been recommended to enable the subject that makes decisions to make *a good choice*. Certain theoreticians think that the choice exists only in the *mind* of the one who decides while the techniques to assist in decision making should enable just to confirm that in reality. For others,

such decisions should enable to make the decision that previously did not exist.

The process of decision making has been defined (Bernard, R., 2002) as a "process of confrontations regulated through different corrections which come out successively among the different participants". Such a final decision progressively elaborates to such a level that the final decision can only be a moment of ratification of the previous decisions or synthesis of grouping the decisions.

The reality in which people live is multidimensional and complex. Living, planning working and accomplishing activities in various shapes and types within the framework of such multilayered reality implies the need of the craft for facing, managing and successful resolution of *conflicting situations,* i.e. solving the resulting problems and adequate decision making.

Regardless of the shape and form of the world in which we live and regardless of the rations and changes it will prepare, the humanity is constantly facing the need for planning and making substantial decisions in connection to the realization of the plans at different levels and with different meaning. Planning is not a science, but it represents a process of normative decision making (deciding). Still, in order to carry it out successfully it is necessary in the process of decision making to base it on scientifically proven methods and techniques.

Numerous analysts and other experts as well as other involved parties whose opinion and points of view should be incorporated in the process of decision making are included. Due to the variety of opinions it is necessary to apply techniques of harmonization of the principle which refers to the considered activities or techniques which help when analyzing the negotiations of the affected sides.

"Decision making is characterized with processing information, assessing the values and optimization. It means that the inventiveness requests numerous possible answers, while the analysis actually necessitates a unique answer and the decision making is striving to choose the best possible answer "(Dixon J.R., 1996).

Decision making process (deciding) occurs, when there is a need to take an activity and then due to lack of information, lack of experience in a certain area and other reasons which impede to see the outcome, it is not completely clear what should be done and in which way. There are more options to carry out the activity and in accordance with it more outcomes with different consequences, quite often opposite and conflicting.

Different authors use different terminology for the comprising components of the decision making process (Saaty, T. L. 2006). However, generally they could be reduced to *three components* (or *conditionally five*, if

a delineation is done between attribute, basic goal and additional goal) shown in Table 1.

Table 1: Definition of attributes (goals, higher goals), criteria and alternatives (relations and differences between them)

	DEFINITION	EXAMPLE
1	2	3
Attributes (features)	Description of reality: Could be subjective or objective distinguishing of the external world	height, weight, intellects, beauty etc.
Basic goals	Directions for improvement based on attributes	Maximization or minimization of some of the attributes
Higher additional goals	Recognizable in accordance with the needs and desire of the decision makers	Reaching superior goal composed as a combination of reaching attributes
Criteria	Measures, rules, standards which represent guidelines in the decision making process	Can be attributes, goals, higher goals classified as relevant for certain situation by the decision makers
Alternatives	Set of possible solutions among which to look for the optimal one in relation to previously defined criteria.	Solutions which include all or more of the previously defined attributes and are compatible with all previously defined attributes and correspond to all defined criteria

Source: adapted from Parkan, C. and Wu, M.L., (2000): "Comparison of three modern multi criteria decision making tools", International Journal of Systems Science, 31(4), 497-517.

Attributes or the features are defined as features which describe the state of a product or a system. In principle, philosophers make distinction between attributes and features. Feature is a quality of certain objects and individual posses although we are not aware of the fact. Attribute is a quality which we consciously give to a certain object or individual. Attributes/qualities could be observed as goals which give certain direction or as superior or additional goals which define desired or targeted level,

expressed through exact defined condition in time and space which should be reached. Selected attributes should simultaneously reflect the measureable (objective and / or subjective) components of alternatives and criteria (objective and / or subjective) coming out of the preferences and analyses of the decisions makers.

Criteria define standards of assessment or rules to treat acceptability of another alternative or as a rule they are indicators of the goals and /or the attributes. Actually, through an adequate function, the attributes transform into relevant criteria for the certain problem of interest.

Alternatives are set of possible solutions among which the optimal one is looked for in relation to the previously defined criteria selected as relevant for the specific problem.

Since the projection of problem and the process of final decision making (solution to the problem) depend a lot on the used criteria, adequately the different preferences could cause significantly different projections and accordingly different outcome (decision).

3. Multi criteria analyses – Multi criteria decision making

According to (Bell, M. L., Hobbs, B.F., Elliott, E. M., Ellis, H. and Robinson, Z., 2002), and (Ortega, J. F., 2002) during the development of an area of the science known as *multi-criteria analysis* different terms were used and they are actually a subset of the multi criteria analysis i.e.:

Multi criteria decision making (MCDM);

Multi attributive function of usability (MAFU) and

Multi targeted (multi objective) programming (MOP).

In order to understand and differentiate among multi criteria decision making, multi attributive function of usability and multi targeted programming, it is important to consider the different alternatives and relations among the components into the decision making process.

Multi criteria decision making (Tille, M., 2001) is defined as a process of searching for a solution of problems involving more attributes, goals and higher goals. For that purpose, multi criteria decision making applies numerical mathematical techniques which help the decision makers to choose between discrete set of alternatives.

Multi attributive function of usability (Knoepfel, P., Larrue, C., Varone, F. and Hill, M., 2007) refers to a procedure: how, from attributes to define goals or in other words how to find and define goal for the maximization.

Multi targeted (multi objective) programming (Knoepfel, P., Larrue, C., et Varone, F. 2006) investigates problems with different goals but does not look for targeted function at higher level.

Simultaneously, different authors in function to facilitate the decision making process i.e. to find a solution of the problem of coming to a right decision when it includes multi criteria and numerous decision makers, different methods have been developed, as well as processes, techniques and analyses which incorporate complex mathematical models and/or theories when talking about decision making which refer to the **security–spatial environment.** (Krakutovski, Z., 2005)

The Method of sum up of the assessment represents comparison of the alternatives with sum up of the values of weight according to the method of global sum.

Method ELECTRE 1 is (Elimination Et Choix Traduisant la RÉalité), method which enables to lead the subject which makes a decision in selection of a possible activity (a) in the set A of activities knowing that it should consider numerous criteria of preferences of non aggregated features of possible activities and uses the technique of comparing of such activity or alternative.

The Monte Carlo method, are numerical algorithms which serve to simulate systems in different regimes of work and survival based on the theory of probability.

SWOT Analysis (SWOT analysis), assists to assess the decision maker in four classes of evaluations: Strengths, Weaknesses, Opportunities and Threats, seen from the perspective of reaching the desired condition or goal.

Trees of decisions can apply: technique of program assessment and review, analysis of the critical path, analysis of the critical chain.

Analytical hierarchical process is a procedure which enables solving hierarchically established problem with more levels (Glavinov, A., 2010).

Linear programming includes problems of optimization in which the targeted function and limitations have a linear character (Simplex Method).

Pareto Analysis, selection of an option between certain numbers of tasks which generate (general) activity.

Grid analysis is carried out through comparisons of average weight values of ranked criteria in relation to previously selected alternatives.

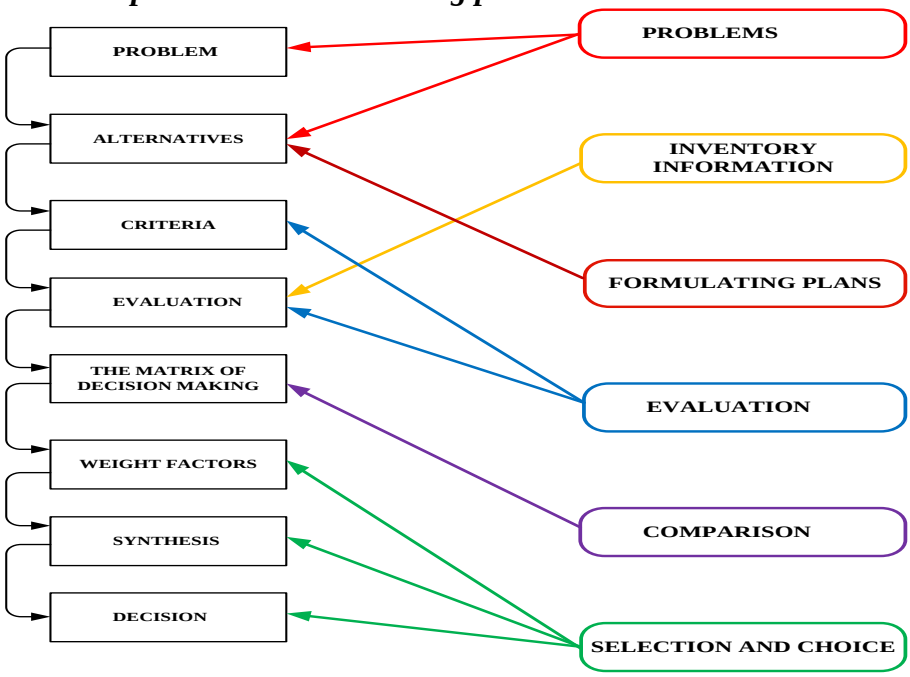
In accordance with the general theory of decision making, the main components of the process of multi criteria decision making are: *resources*, process of transformation (mapping – subjective) and / or (mapping – objective) and final desired condition which will result or would result from the decisions being made.

Decision making process can be complete when the level of knowing the problem is high enough and is called function of usability which well

describes the projected problem. In such a case, the decision making process shown on picture 1, consists of:

- ⇨ Identification of problem and its definition as a main goal;
- ⇨ Identification and construction of alternatives;
- ⇨ Identification and construction of criteria according to which there will be evaluation, assessment of the alternatives in function to carry out the main goal which includes:
  - ⇘ Understanding and clarification such as the preferences of the decision maker through defining of objective and subjective mapping of the space to attributes in the space of criteria and alternatives;
  - ⇘ Extending the sets of alternatives and in that way enabling the decision maker completely to figure out the problem and preferences through an interactive process of evaluation/assessment of alternatives;
- ⇨ Constructing the matrix of decision making. Since the multi criteria decision making encompass solving wider range of problems, including those which use compromise, we can mention that the experts who are dealing with the process of planning will see the matrix of decisions from multi criteria decision making; it is actually compatible, identical with the concept of performing substantial influences and impacts in the process of planning;
- ⇨ Defining and allocating the weight factors, coefficients of pondering, if there is a finding that those criteria are not with the same meaning and weight;
- ⇨ Synthesis: defining the function of utility;
- ⇨ Identification and choice of the optimal alternative (the final decision);

Picture 1: Steps in the decision making process



Source: Lazarevska, A., 2007:"Definition of a MCDM Model for Improving the Public Transportation Concept in the City of Skopje", Proc. 26th IASTED International Conference on Modelling, Identification, and Control (MIC 2007), pp. 375-380.

Since the alternative which satisfies previously identified and defined criteria has been recognized, application of the selected alternative can start, as well as the evaluation of the gained results and defining whether the solution is satisfactory.

Conclusion

The influence of the spatial connection of RM with its environment for the security needs, is a subject of interdisciplinary research in different areas. One of the basic functions of the spatial connection is to provide access to every micro location of the area of a given state which is of special interest for the security of each country of the Western Balkan, due to which the contemporary world is facing asymmetric threats and risks (contemporary threats and risks, contemporary security challenges) and is characterized with quick, complex and dynamic changes.

Also, challenges such as the energetic dependence and climate change have negative influence over the national and international security. During the last few years, the strategic security environment of the Republic of Macedonia significantly changed and improved during the last few years.

Democratic changes in the SEE Countries and the EU and NATO support have increased the impact over the Euro - Atlantic integrative processes. These positive changes are creating the current political and security scene in the Western Balkan where the peace, cooperation, economic and democratic development among the states are significantly improving and are contributing to the development of the whole region and the Republic of Macedonia

In the multi criteria decision making process, the spatial arrangements and spatial development of RM are included from the aspect of the security needs. Analysis of the spatial connection of RM with the environment has been made and different methodologies have been recommended to apply multi criteria analysis in the decision making process in the security area.

Specific contributions from these analyses for facilitating the decision making process are:

- ⇨ steps in the decision making process when multi criteria analyses and spatial-security connections are integrated;
- ⇨ a great number of subjects - decision makers from the western Balkan can be included in the security –spatial environment..

From the offered methods, processes, techniques and analyses as well as from the proposed steps in the decision making process from the aspect of the security needs, the category infrastructural systems will represent most intensive form of spatial–functional integration and it is realistically to expect that the whole Europe will be covered with more harmonized net of subsystems of roads, railroads, canals, oil pipelines, transmission lines, gas pipelines etc. Specific example of implementation of multi criteria analysis has been made on the existing and planned road infrastructure for defense - security needs as the most intensive form of spatial and security connection of the SEE countries through the corridors VIII and X.

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УПОТРЕБАТА НА МУЛТИКРИТЕРНАТА АНАЛИЗА ВО УРЕДУВАЊЕТО НА ТЕРИТОРИЈАТА НА РЕПУБЛИКА МАКЕДОНИЈА ЗА ПОТРЕБИТЕ НА БЕЗБЕДНОСТА

Резиме

Трудот има за цел да ја поддржи транснационалната соработка за интегрирано просторно поврзување на РМ со нејзиното опкружување. Со помош на мултикритерните анализи (МКА) може да се испитаат разни варијанти според најмногу објективни и неутрални критериуми, анализа на нивната корисност и давање препораки за избор на оптимална варијанта во процесот на носење одлуки за постојната и предвидената патната инфраструктура, од аспект на просторното безбедносно уредување на територијата на РМ.

Носењето одлуки за реализација на проектите за потребите од уредување на територијата на РМ за потребите на безбедноста треба да го намалат негативното влијание на постоечката сосотојба врз националната и меѓународна безбедност и да го подобрат поврзувањето со земјите од југоисточна Европа (ЈИЕ).

Методите на мултикритериумското донесување одлуки го идентификуваат најдоброто компромисно решение за надминување на современите безбедносни закани и ризици, заради подигање на стратегиското безбедносно опкружување и доближување до евроатланските интегративни процеси.

Клучни зборови: *транснационална соработка, просторно безбедносно уредување, носење одлуки, закани, ризици, мултикритерни анализи и стратегиско безбедносно опкружување.*

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THE RISKS AND THREATS TO ECONOMIC AND POLITICAL STABILITY,SECURITY OF THE REPUBLIC OD MACEDONIA VS INTEGRATION

Abstract

The core components of risk of the state can be divided into two groups: quantitative measurable components, and parts that are described as qualitative, and whose assessment is complex. Components that can be quantified and assessed are: economic risk, financial risk and risk of exchange rate changes, while components that are described as qualitative and whose assessment is complex are: political risk, cultural risk, risk related to the legal framework of the country, regional risk and systems risk or global crisis. All these elements affect the security and political stability of Macedonia and the whole region in general.

This paper will tackle the dilemma whether the integrative perspectives that are open for the country are the only options for dealing effectively with risks and threats. Among other things, a reference to the strategic environment of the Republic and its security and defense policy will be made.

The article will analyze the threats to security and political stability of the country: the citizen as an individual, the enterprises, the state itself, life requirements and the overall international security and economic system.

Officially there is no direct link between political risk and becoming a NATO member. Therefore, the analysis should provide the answer to the question of how joining the Euro-Atlantic integrations will affect the reduction of political risk in the Republic of Macedonia and other threats or significant increase in the economic growth. The problem with security is extremely important, so without finding an adequate solution, the solving of all the other problems is under a question mark.

The development and strengthening of the level of democracy in theory is one of the conditions to fully complete the integration process. It also involves development of the security sector, which further affects the increase of employment, strengthening of infrastructure and creation of conditions for growth and overall development of the society. All this affects the reduction of threats toward the Republic of Macedonia and the region as a whole.

Key words: risk, political stability, security, NATO, foreign investment

Introduction

The risks of the state can be defined as a sum of the different risks associated with investments in foreign country. All economic transactions involve some degree of risk that is associated with return on invested assets and profitability of the transaction, or investment. When it comes to transactions outside the state, added risk appears that is different from the risk that the home investors and business entities are facing. This additional risk also implies the differences that exist in the structure of national economy, running the policy of the country, sociopolitical institutions, geographical location, stability of the currency and similar.[1]

The basic components of the risks of the state can be divided into two groups:

1.Components that can quantify and evaluate:

- economic risk;
- financial risk;
- risk of the exchange rate;

2. Components that can be described qualitativly and whose evaluation is complex:

- political risk;
- cultural risk;
- risk related to the legal framework of the country;
- regional risk;
- systemic risk (global crisis);

The country risk is important for the inflow of foreign investment. If the risk is large, the interest among the foreign investors to invest in the actual state is reduced. There is a risk that is associated with the legal framework of the state. It occurs as a result of unexpected changes in rules and legal grounds relating to economy, trade, financial transactions and laws related to direct foreign investments. This risk implies a lack of transparency in the legal framework.

There are three sources of political risk:

- direct: nationalization, confiscation, crime and terrorism;

[1] Tatjana Karaulac "Country risk, foreign direct investments and NATO" CCMR Belgrade 2009

- indirect: civilian accidents, inefficient laws, ideological and cultural differences, sanctions and blockades;
- interactive: corruption, bureaucracy and weak institutions, etc.;

Economic and political analysis, in the majority of the developed countries are publicly available. These countries have highly developed and predictable economies and relativly stable governments, which is not the case with the developing countries. In these countries there is a lack of transparency and a lack of relevant statistical data, which creates additional problems and uncertainty and with that, the risk of investment is increased. Political risk is often defined as (in)stability of the government and presence or lack of an independent judiciary and legal system. Furtheron, for the political risk, the relationship of a country with its neighbors and other countries is very significant. Poor political relations with other countries can lead to unexpected problems in the operations and investments, such as sanctions, boycotts of customers or suppliers, and even violent behavior or boycotts against companies from specific countries (eg. in the Republic of Macedonia VERO, OCTA) .

Depending on how events affect the foreign investments, there are three categories of political risk[1]:

1.Specific country risk (macrorisk):

- Political and economic stability of the country, position of the Government and the public of the host country from where the investment comes;
- Political and administrative infrastructure of the host country for example: the number of political parties, the time change of the government (frequent change of the ruling structure can produce quite uncertain environment for commercial operations);
- Ideology of the strongest political parties, especially the party in power;

2.Specific risk of the company (microrisk):

- Conflict of interest of investors and host country;

3. Global risk (terrorism, environmental protection, poverty, etc.).

There are at least three sources of information to which the prediction and the risk assessment, and all their components in a particular country are made: written reports, information obtained for the financial market, and full measurements, such as various indices and ratings. Due to the difficulty that

[1] Dr. Sima Motamen, Political Risk Analysis, Westminster Business School (2008)

comes when qualifying the different risks in the assessments, all the following sources are used.[1]

The impact of political risk on foreign direct investments

Foreign direct investments are crucial for the further development of our country, and due to this fact, the focus will be put on the three risks that are important for the foreign investments. One of the examples of how the foreign investors look at the security in the region is the report "The Employers Association of Bulgaria and The Centre for Liberal Strategies". For example, in the report as main risks for foreign investments in Bulgaria are set aside:

-ex-communist country: bad legislation, the incidence of corruption, high level of economic uncertainty (Doing business 2008);
-high transaction costs;
-Balkan-country: interethnic and interstate tensions, instability;

Foreign investors invest their capital outside their home state primarily for making profit. When deciding in which country they will invest part of their capital, beside the basic economic indicators (amount of investment, labor costs, tariff barriers, etc.), investors, as previously stated for Bulgaria, observe the social, economic and the legal frameworks in the country, and thus the security of their investments. Also very important are the presence of corruption and the geographical position of the host country (security in legal sense and in the possibility of outbreak of conflicts in the country and its surrounding).

Economic security threats

Discussions on economic security result from the tension between vulnerability and performance that are constantly emerging at all levels of economic activity of individuals and businesses to the state and the international economic system as a whole.

Individual

The level of individual economic security represents the ability to access funds required to meet basic living needs. Survival of the individual depends on the supply of basic needs such as food, water, clothing, housing

[1] Kjell B. Nordal, Country risk, country risk indices and valuations of FDI: a real options approach, Foundation for Research in Economics and Business Administration (SNF), 2001, Norway

and education.[1] Through this minimum the idea of economic security of the individual becomes extremely complicated.

The relative level of welfare and the problem of employment are actually very important for the individual or the whole society, but in economic terms, they are not important for biological survival. The question is whether the economic security of the individual is limited to basic needs or it should be determined by maintainance of certain living standard.[2]

Namely, the case of the right to employment or the right to minimal income represents a necessary condition for ensuring economic security of the individual and can lead to serious difficulties in the functioning of the market. With the exception of extraordinary favorable circumstances, states can not really control the economic activities in this way.

If this still succeeds, it will lead to reducing the economic competitiveness of the country. So the economic security of the individual is achieved at the expense of the general decrease in living standards. Also it leads to a relative decline in the economic growth, and thus the associated difficulties of maintaining full employment.

In the economic security of the individual there is a contradiction which comes from the double role of the consumer and producer. As consumers, individuals logically support the functioning of the market because it allows them the best choice. On the other hand, as producers, the individuals can act as fully oponnents to the market, if the market with its functioning is jeopardizing their incomes and employment.

We can conclude that only relatively good economic conditions provide relative economic security, because the individuals on one hand are enabled to have employment and money, and on the other, they are enabled with choice when buying goods.

Companies

Similar approach applies to companies that are solely economic actors, and due to this, when securing their own economic security, they simply can not avoid security contradiction with other actors. Consequently, in case when companies are trying to provide economic security by creating a monopoly or protection of the operations on the market, there is a big

[1] Buzan, B., Waever, O., de Wilde, J. (1998). Security: A New Framework for Analysis. Boulder, Lynne Rienner Publishers

[2] Dalby, S. (1992). Security, Modernity Ecology: The Dilemmas of Post Cold War Security Discourse. Alternatives 17, 95 - 134

possibility that security conflicts may appear between their own interests and the interests of the consumers.[1]

Companies that have economic security provided in this way, claim that their survival is a matter of national security, because otherwise the national economy will remain without strategically important manufacturing facilities. At the same time, as monopoly, the protection over the functioning of the market leads to increasement of the prices of the consumers' goods.

Additionally, the protection can include subsidies that are paid from taxes. In the case when companies are trying to provide economic security with better adaptability and innovation than others, the situation is resulting with security confrontation between successful and unsuccessful companies, which, by rule, do not represent a serious security issue. [2]

By their very essence, companies continually adopt functionality. Unlike other economic actors, companies do not hold deeply rooted sense of permanence. So, most companies can fail without major consequences, because this practice is a normal part of the economic activity. This significantly affects employees, but because of this there are no major obstacles in the functioning of the economic system. With exceptions, it comes to this rule when companies are large enough to occupy a key position in the economy, and their failure would cause large and widespread consequences. If the state tends to bigger self-sufficiency, status of a referent object of security can be obtained by bigger number of companies, from those that produce shoes, to those such as steel companies. Although this view primarily supports the economic nationalism, liberalism also recognizes the role of a referent object of security of the large manufacturing companies and banks, whose failure could jeopardize the stability of the national economy or the financial system stability.[3]

The state

The state represents a Reference object of the economic security. Yet the reasons for this can be found out of the economic area, in form of care for the supply of military facilities and care for endangering the political status or political influence of suppliers of strategic raw materials and products (oil, food, weapons). Although the state is immune to some existential threats that other economic actors meet, the bankruptcy of the

[1] Buzan, B. (1991). People, States and Fear: an agenda for international security studies in the post-cold war era. Hemel Hempstead, Harverster Wheatsheaf

[2] Buzan, B. (1991). People, States and Fear: an agenda for international security studies in the post-cold war era. Hemel Hempstead, Harverster Wheatsheaf

[3] Buzan, B., Waever, O., de Wilde, J. (1998). Security: A New Framework for Analysis. Boulder, Lynne Rienner Publishers

state could jeopardize its political and military security, but it definitely affects its economic security. In fact, the logic of the economic security of the state is similar to the one of the individuals. The economic security of the state is simply equated with the provision of economic conditions necessary for survival of the state.

Life needs

National option of the so-called meeting the life needs consists of two parts. In the first part, as stated when speaking about the individual, the so-called meeting the life needs indicates an opportunity to access resources necessary for national survival. The state, despite the individual, can create a fully self-sufficient system from the agricultural production in the country for nurture. The most important industry is the food industry which has to supply the population. Yet, the national economy, as a rule, is not entirely self-sufficient with the resources needed to provide food for the population; due to that, access to foreign reserves is an important part of the economic security of the state. In conclusion, the logical strategy of the states is to maintain stable international economic system in order to ensure continuous supply and to mitigate its vulnerability by providing for reserves of the most important goods.[1]

The only reason that liberalism is still considered among one of the economic conditions necessary for survival of the states is the need for continual adjustment which allows monitoring the global changes to the national economies. This second part of "satisfying life needs" arises from the internal regulation of the national economy and therefore it cannot be equated with the needs of the individual, because apart from the internal, more or less constant structure of the individual, the internal structure of the states is exclusively and continuously variable. Health and the survival of the state depends on its adaptation to the most advanced and successful practices in the international economic system. The failure of adjustment or even a relatively slow adjustment of the national economy implies a relative, continuous loss of the state power and continuously increased vulnerability, compared to those states that adapt more successfully. Thus the relative growth plays a key role in determining the power of the state and therefore it is a key element for the national security.[2]

Therefore, today, states are facing economic and security dilemma which argues that the relative growth plays a key role in determining the power of the state. Unlike the military power, the relative wealth of the state is not strengthened at the expense of others. Namely, the economic

[1] Ullman, R. H. (1983). Redefining security. International Security, 8(1), 139 – 150
[2] Kennedy, P. (1989). The Rise and Fall of the Great Powers. London, Fontana

development of a country does not imply that due to it, the other countries will become poorer. The economic crisis in the country through the consequent reduction of global capital markets adversely and negatively affects other countries. Considering the great power of globalization, it is clear that less space is left for serious economic security dynamics at national level. Even a state that not too long ago was strongly governing this level is largely surrounded by the imperative of liberalism, today. This means that now, the international economic elements prevail the national levels.

If the position of the state within the international production trade and financial networks is crucial for its economic security, then, the economic security of the international economic system is crucial for the overall stability of the network of international economic relations. When the network is functioning smoothly, some economic actors obtain profits and others lose, depending on their interests and skills. If the functioning of the network is inhibited, nearly all economic actors end up worse than they initially were.

International Economic System

At least two types of internal stress also weaken the existing international economic system. Gradation of the trade competitiveness is a logical consequence of the increased volume of producers in almost all areas, resulting in deindustrialization of older bidders that have become uncompetitive. Globalization of economic efficiency is good for the consumers, but on the other hand it causes great pressure on the offered that they constantly have to adapt if they want to survive. Similarly, the financial liberalization of some economic actors allows such freedom, in a way that they can follow only their interests which exceed the capacity of the international economic system, and thus endanger it. The powerful global financial actors can attack different national currencies and even destroy projects for stabilization of the exchange rates (ERM), which, if successful, would significantly reduce earnings of the changing currencies and financial speculations in those countries. [1]

Unfolding of events could deepen the crisis in the international economic system in two ways: to weaken the ability of the states to cope with the consequences of the gradation of the national trade competition, or, with the use of uncontrolled exchange rate, to complicate the creation and the performance of the national industrial policies. A major crisis in the

[1] Helleiner, E. (1994). From Bretton Woods to Global Finance: A World Turned Upside Down. V Stubbs, R., Underhill, G. (ur.) Political Economy of the Changing Global Order. Toronto, McClelland in Stewart

international economic system already appeared due to the non-optimal use of credits.[1] Therefore, the development of the international financial system, the flexibility and the independence of the economic management, instability, inequality, the possibility of political abuse and of collapse of the international economic system itself, represents a great danger.[2] The main external threat to the security of the international economic system today, remains mainly in wars that involve a bigger number of powerful states. Globalization processes provoke a large climate changes in turn, and again they can become an important threat to the security of the international economic system.

The relationship between a country risk and NATO membership

Officially there is no direct link between political risk and the entry of the country into NATO. Also, all studies and researches related to this issue are based on theoretical debates and opinions of experts. It is true that there is no empirical analysis of how the country's entry in the Euro-Atlantic pact affects the reduction of political risk or the significant increase in economic growth.

Theoretically monitored, the benefits of joining NATO are:[3]

- collective defense - every assault of a member state is treated as an attack on all member states;
- lower costs compared to the country when it would not be counted as a member of NATO;
- collective security, the security of one state is security for all the states;
- full involvement in decision-making;
- increasing of the international influence;
- promotion of reforms in all areas;
- membership in the European Union is not officially connection with membership in NATO. However, it is believed that the countries which were socialist, consider NATO membership as acceleration to their approximation to the EU);
- economic growth and direct foreign investments. No direct link exists, although it is true that NATO membership brings greater

[1] Buzan, B., Waever, O., de Wilde, J. (1998). Security: A New Framework for Analysis. Boulder, Lynne Rienner Publishers

[2] Gilpin, R. (1987). The Political Economy of International Relations. Princeton, Princeton University Press

[3] Kriendler J. (2007) Ukrainian Membership in NATO: Benefits, Cost and Challenges, George Marsall, Europen Center for Secutity Studies

security to the country, thereby reducing political risk, which in turn affects the growth of direct foreign investment and economic growth.

It should be emphasized that membership in NATO is above all an important positive signal to all potential investors. The development and stabilization of the level of democracy in theory is one of the conditions for NATO membership. It also provokes development of the security sector, which consequently affects the increasing of employment and strengthening of the infrastructure, and thus creates conditions for growth and development of the overall economy. All this leads to reduction of risks of the country.

Indicators of political risk that are followed by the World Bank are:

- freedom of speech;
- political stability and absence of violence;
- efficiency of government;
- quality of the regulations;
- rule of Law
- control and combat against corruption;

Conclusion

From the first moment when the idea appeared for Macedonia to join NATO, the public debate is focused on the political and military aspects of this issue. However, there is no political process that holds no economic implications, and this is particularly relevant when it comes to integration of one country in the most powerful defensive formation of the world.

Besides the political and security benefits, joining the most powerful political and military alliance will bring numerous economic benefits to the Republic of Macedonia. This should be the reasons why Macedonia should soon become a NATO member and thus to realize the basic foreign policy and security priority of the state.

It is known that NATO promotes the basic values which the modern state is based upon, values such as democracy, personal freedoms and a market economy, and to values Macedonia is also aiming. Membership in the North Atlantic Alliance implies that the country has achieved the necessary reforms, democratic standards and transformation of the armed forces.

With the entry in NATO, the Republic of Macedonia will receive secure foundation for rapid economic development. The experience of the majority of the twelve new members from Central and Eastern Europe that were admitted into NATO in 1999, 2003 and 2008, suggests that the benefits gained from the membership in NATO, the security and the democracy of the society are particularly important for economic development. In all these countries, the membership led to the growth of the Gross Domestic Product. The Republic of Macedonia with the concept of collective security within

NATO will become more secure and reliable for foreign investments, given the fact that membership in this alliance brings an image of stable and perspective country in which there is no risk for investment. Also, for a small country like Macedonia, when it comes to reformations of the defense system and the costs for achieving of the required level of security, it is cheaper to join NATO instead of staying out of it.

In conditions of limited budget funds, staying out of the collective defense and security systems will cost the Republic of Macedonia more, because the state would have to develop very expensive equipment and systems for defense, such as military aircraft and anti-air defense, etc... The Republic of Macedonia will have to guarantee the security and implement reforms of the defense on its own, which would be significantly limited, and the defense system will be, in general, inferior to the systems of the surrounding countries.

The entrance to the collective security system means professionalization of the army of the Republic of Macedonia, lower costs, since it does not need to invest in costly combat assets and capabilities, which makes the system cheaper and defense inter-operational for NATO countries. The Republic of Macedonia is almost completely surrounded by NATO member states. Albania and Croatia in 2008 became members of NATO, Bosnia and Herzegovina and Serbia are members of the Partnership for Peace in Kosovo and the NATO forces there. The admission to NATO will not require separation from the country funds for the defense to increase beyond 2% of GDP.

Under the security umbrella of NATO, Europe has built a thriving and integrated economy, developed trade and deepened democracy and free institutions. NATO membership means an increased number of foreign investors and improvement of the economic health and stability in that area that, at this moment, is highly required in the Republic of Macedonia. Western Europe and North America have embraced the concept that "safety is oxygen of progress" and they achieved significant results in that direction. This is the reason which should represent driving force in the security sector reform in Southeast Europe. Balkan countries will not only be long time beneficiaries of the security guarantees and financial assistance, but they can be significant contributors to the defense, the economic and political potential and the fresh thinking on some of the issues of Euro-Atlantic and global security.

Strategic investors do not easily decide to be moved and localized to one region; such is the case with Macedonia and the surrounding. If we receive an invitation for NATO membership, it will definitely solve all the dilemmas of political and security issues. Even if the growth in the economy will not hold aggressive dynamics, the results will be positive. We can say

that the Republic of Macedonia holds no choice, no alternatives, it will either go in the dark zone or enter as a small country, adapting to the global processes and entering into these integration processes.

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РИЗИЦИТЕ И ЗАКАНИТЕ ПО ЕКОНОМСКАТА И ПОЛИТИЧКО-БЕЗБЕДНОСНАТА СТАБИЛНОСТ НА РЕПУБЛИКА МАКЕДОНИЈА НАСПРОТИ ИНТЕГРАТИВНИТЕ ПЕРСПЕКТИВИ

Резиме

Основните компоненти по ризикот на државата може да се поделат на две групи: квантитативни мерливи компоненти и делови кои ги опишуваме квалитативно и чија проценка е сложена. Компонентите коишто може да се квантификуваат и проценат се: економски ризик; финансиски ризик; ризик на промена на девизниот курс. Додека пак, компоненти кои ги опишуваме квалитативно и чијашто проценка е сложена се: политичкиот ризик; културолошкиот ризик; ризикот поврзан за правната рамка на земјата; регионалниот ризик и системскиот ризик; (глобална криза). Сите овие елементи влијаат на безбедносно-политичката стабилност на Република Македонија и, генерално на целиот регион.

Во трудот ќе се отвори дилемата дали интегративните перспективи, пред кои е исправена земјата, се единствените можности за ефикасно справување со ризиците и заканите. Меѓу другото се прави осврт на стратегиското опкружување на Република Македонија и нејзината безбедносна и одбранбена политика.

Во текстот ќе се анализираат заканите по безбедносно-политичката стабилност на земјата: граѓанинот како поединец, претпријатијата, самата држава, животните потреби и целокупниот меѓународен безбедносен и економски систем.

Официјално не постои директна врска меѓу политичкиот ризик и влезот на државата во НАТО. Затоа, преку анализа ќе се даде одговор на тоа како влезот на Република Македонија и евроатланските интеграции влијаат на намалување на политичкиот ризик и на останатите закани или на значајното зголемување на економскиот раст. Проблемот со безбедноста е толку исклучително важен, што без да биде најдено соодветно решение, под знак прашање се става решавањето на сите останати проблеми.

Развојот и стабилизација на степенот на демократија, теоретски претставува еден од условите за целосно заокружување на интегративните процеси. Исто така доаѓа до развој на безбедносниот сектор, што понатаму влијае на зголемување на вработеноста, зајакнување на инфраструктурата, а со тоа и на создавање услови за раст и развој на целокупното општество. Сето тоа влијае на намалување на ризикот на Република Македонија, како и на регионот пошироко.

Клучни зборови: *ризик, политичка стабилност, безбедност, НАТО, странски инвестиции*

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ESTABLISHING AN INTEGRATED INTELLIGENCE MODEL TO PROTECT THE PERSONAL AND PUBLIC SAFETY IN THE REPUBLIC OF MACEDONIA AND THE INFLUENCE OF THIS MODEL ON THE EURO-ATLANTIC PROCESS IN CONTEXT OF CREATING AN EARLY WARNING MODEL AGAINST CONFLICT ESCALATION

Abstract

This thesis consists of a series of surveys conducted among experts in the Republic of Macedonia employed in the institutions of the country's security system. The surveys are about the existence of an integrated intelligence model in the Republic of Macedonia, the inter-connections within the European Union and police cooperation, as parts of the instruments of the model of early warning against conflict escalation.

The early warning model against conflict escalation is a mechanism within the Conflict Prevention Program of the European Union. It consists of several instruments that are used to influence the early warning against emergence and escalation of conflicts, one of them being the establishment of an integrated intelligence model and the establishment of police cooperation. The calculations were based on indicators from the Union's list. Among them, as a basic indicator of danger and risk sources, is the personal and public safety calculated on the basis of several indicators such as violent crime, illegal migration, illegal weapons, corruption, illegal drug trade, and so on.

The establishing of an integrated intelligence model in order to create an instrument that would point to a possible threat on security and conflict escalation is a modern response to the new risks and threats against security. The existence and the functioning of this model, as well as the active police cooperation within the European Union enable the administration of the European security policy to achieve European security strategy with the aim of creating a joint European security space and protecting it.

The goal of the Republic of Macedonia to become a member of the Union and a part of the realization of ESP and ESS, calls for adjustments the country would have to make in the area of exchange of data about criminal activities, crime progress, and crime implications in the region. The key role in establishing an integrated intelligence model and interdivisional cooperation is in the hand of

experts in public administration employed in the institutions of Republic of Macedonia's security system.

Their attitude and knowledge of the process of establishing an integrated intelligence model for personal and public security protection, the question of whether this model exists in the Republic of Macedonia or not, whether it functions in relation to the early warning against conflict escalation, and whether there is coordinated and regular cooperation between the EU member countries represent the key factors for evaluating its impact and need for development.

The answers provided by experts and compared to the European Union notes in the annual reports on the development of the country in the process of approaching the European Union give a better picture of the level of establishment and functionality of the integrated intelligence model and the level of established police and interdivisional cooperation in the Republic of Macedonia. Above all, we get a perspective on the influence of this specific field in the Republic of Macedonia's Euro-Atlantic processes, their dynamics, and the level of possible protection of personal and public security as a key segment in the new security concept.

By presenting the obtained survey results, we expect this thesis to give a scientific and social contribution to this field of study as well as a contribution to the development of the second mechanism of the Union's Prevention Program, i.e. the risk and threat evaluation. It also enables creation of an appropriate model for predictive analysis on the personal and public security risks and threats.

Key words: *integrated intelligence, personal and public security, early warning model.*

MODEL FOR EARLY WARNING OF ESCALATION OF A CONFLICT

Early warning model for escalation of conflicts is a mechanism within the Program for Conflict Prevention of the European Union, together with the second mechanism risk assessment. In this context, the EU linking early warning and risk assessment as mechanisms in the prevention of conflicts are complementary. The model for early warning of the European Union is a mechanism in which the contents are 120 indicators divided into several groups of timely warning of the possibility of the emergence and escalation of conflicts. Some of these indicators and groups of indicators are related to the legitimacy of the state and the rule of law, which included indicators of personal and public safety. With this model for early warning of the European Union, the decision making process is affected, creating the security policy of the Union, in particular by predicting the risks and prevention as a prerequisite in dealing with threats and endangerments.

Establishing a model for early warning in relation to the theoretical model has its beginnings in the creation of a model for early warning of the emergence of humanitarian disasters within the United Nations.

Each model of early warning is largely based on empirical knowledge that society has acquired in its history of dealing with risks. Early warning is a prerequisite for successful prevention and coherence throughout the analysis, planning, decision making, implementation and evaluation of information that are important in applying the model of integrated intelligence in personal and public safety.

Theoretical model for early warning may be part of a larger number of models, but also part of a larger phenomenon. You could say that the model for early warning does not necessarily refer to only one challenge. Multiplicity of the theoretical model in terms of security issues makes it very difficult to establish the model in a specific and coherent pattern, which refers to a threat[1]. One of the comprehensive theoretical models for early warning is that of Ted Gur and John Davis. In its early warning system they refer to the following elements of the model:

- Research and development
- monitors,
- detection,
- notification/warning,
- selection of agendas and channels for response and
- instrument response[2].

For most models for early warning in focus is the likelihood of the emergence of political and armed violence, but it does not exclude the danger and the personal and public safety, especially if you have several kinds of impact indicators: illegal weapons, violent crime and illegal migration. It causes a dependence on some major conceptual flaws as the focus of fraudulent contracts, diversity and social situation, so most timely warnings are handled promptly with relevant and effective actions[3].

The perfect for early warning, must be kept operationally. Creating the model of early warning requires its understanding and modeling consistency. It involves defining the object of early warning, as well as experience in its operations, acceptance of initial investigations and their results in the area, synthesizing variants of theoretical settings through the

[1] L. Georgieva, ***"Managing Risks"***, Philosophy Faculty in Skopje, 2006, pp.143

[2] P. Brecke, ***"Risk Assessment Models and Early Warning Systems"***, Internationale Politik, Berlin, 2000, pp.8

[3] J.Galtung, ***"From Early warning to Early action"***, Directorate Crisis Platform and Policy Coordination in CFSP, European Commision (External relations), Luxembourg, 2008, pp.387

transformation of the social sciences and research, which should always be accepted as decisive. Finally, modeling concerning the type and method of use, and depending on the quality and detail of analyses through one or more experts, is involved in several cases of analysis. Through quantitative analysis usually statistic basic methods are perceived such as correlation and variation of variables and results. Such is the example of the European Union on the application of indicators, and in this context it includes application of an integrated intelligence model.

INTELLEGENCE MODEL AND ASSESSMENT OF JEOPARDY

Establishing a model for intelligence assessment of threat to personal and public safety is a basis for permanent protection of the same. The implementation of this model within a model wider relating to early warning of escalation of conflicts represents important segment in the development of security policy in Macedonia in the area of personal and public safety.

Integrated intelligence model, through its action on the model for early warning of escalation of conflicts, affects the decision-making and the creation of security policy. It is not the case only in the procedures for decision-making in security policy in the European Union, but it is necessary to exercise their influence in Macedonia as well.

In theory and practice related to endangerments, risks and threats to security, there are different definitions and gradation of the same. If we try to give some definition on what the risks, threats and conflicts are, and without intending to elaborate deeper, we will say that the threat primarily refers to unwanted, deliberate or unintentional event that could cause injury on a particular subject. According to Lennard Sjoberg, threat refers to the danger for which there is high probability that will happen and cause consequences. In this definition Sjoberg defines facing the threats and reducing the risk as synonyms, considering that the risk is an expectation of an undesirable event such as a social construct[1]. The risk can also be described as an expectation in terms of some external event, an actor or a structural condition.

Threats are expressed intents of an object that will cause injury upon the subject. They have a double meaning:

1. To know who sent the threat (whether a state, group, organization, criminal group, etc.) and
2. Back whom it is sent to (the state, a group, individual, etc.).

Threats in the overall theory of security are beginning the creation of the theoretical model, which should give a response in which direction to

[1] L. Georgieva, ***"Managing Risks"***, Philosophy Faculty in Skopje, 2006, pp.80-81

move into operations, not in relation to the procedures of the institutions, but with creation of a model for state protection.

This model is defined through the establishment of a security strategy and through it, in determining the immediate elastic model to address the risks and threats. The model is implemented through the instruments that meet the strategic objectives and implement these instrument institutions. Institutions must be adjusted to detecting threats through their efficiency.

Such a model instrument for early warning and an integrated intelligence model should promptly identify endangering personal and public safety, and warn against it.

In Macedonia there is a need for establishment of this model as a tool within the wider model for early warning of escalation of conflicts, but also as an appropriate model in terms of adaptation of legislation and practices of the Republic of Macedonia in the process of accession to the European Union.

The experiences we have had in terms of access to security were mainly based on the traditional concept of security and threats stemming from it. The new security concept within the Union is founded on the principles of good governance and is called Democratic Security; it is a new approach to security with human security in its central interests. Starting from the established security concept, personal and public safety or the protection of lives and property of citizens, ensuring their reliability and constant feeling of safety is a priority in building the security policy of the state. Thus, elimination of threats and protection of personal and public safety from them, through the establishment of an integrated intelligence model represents an important step that affects the establishment of a model for early warning of escalation of conflicts, compatible with that of the European Union. This compatibility implies conformity in the way of use of information and exchange and compliance in the protection of personal and public safety in the whole European security space.

The establishment of the integrated intelligence model for protection of personal and public safety is exposed to the new risks and threats to security of the state, arising from the emergence of terrorism, organized crime, violence, illegal arms and drug trafficking and the possibility of other forms of danger that will impose threat to personal and public safety. The integrated intelligence model should give superior response and reaction to situations and institutions in the occurrence of the same. That answer should be equally effective not only by the appearance of the threat to personal and public safety, but primarily as a deterrent. Integrated intelligence model should enable the detection of risks and threats to personal and public safety, but also to anticipate future developments that will enable prevention.

ASSESSING THE RISKS AND THREATS AND THE USE OF MODEL PREDICATIVE ANALYSIS IN PERSONAL AND PUBLIC SAFETY

The assessment of risks and threats, and establishing a model for assessment and predictive analysis of phenomena in the field of crime and in terms of prevention and its early warning within the upcoming threats and risks to personal and public safety represents a scientific and practical challenge and a necessity. Predictive analysis and assessment of movements and developments of crime in the society, and its impact on personal and public safety concerns as a model of decision-making about the actions of police or other security forces, is aimed at assessing the risks and endangerments not only toward the citizens but toward the members of security services as well. This analysis should give adequate results in the application of the model for early warning of escalation of conflicts, and by directing the integrated intelligence model to timely response in preventing and identifying the threat to personal and public safety. The application of models to assess and predict risks and threats to personal and public safety is different and constantly changing. It depends on the specifics of the state and the current risks and threats it faces, but also contains development components that make it dynamic.

The application of these models and researches conducted in this direction present the last ten years in the work of police and security services to U.S. and the Western European countries.

The basic theoretical model for assessment and predictive analysis of crime is established by Mek-Kju and it is established through two interrelated supplementary models including: intelligence process of the Central Intelligence Agency (CIA) and cross-industry standard process for studying the data (CRISP-DM). From these two models it stems the integrated process model for studying and practicing predictive analysis, specifically designed for application of the study data and for predictive analysis of the public safety.

Each of these models emphasizes the analytical and the iterative process. It should be repeated according to the changing conditions or new information. In terms of public safety, tools for studying the data and analysis offer the opportunity to characterize, sense, predict and prevent from specific criminal activities. As an example Mek-Kju provides a deployment strategy based on risk and on the concept that identification and characterization of what will probably happen in some areas will support the preventive deployment of police forces. This can be taken as analysis and application of a strategy that will not only affect the safety of citizens, but will include segments of the security police forces (what kind of equipment will be used, which tactics will be applied etc.).

A recurrent process is important because crime and criminals are changing[1], and with them the forms of violation of personal and public safety. But the institutions should promptly be warned of the changing environment and society, and consequently, of the changing risks and threats.

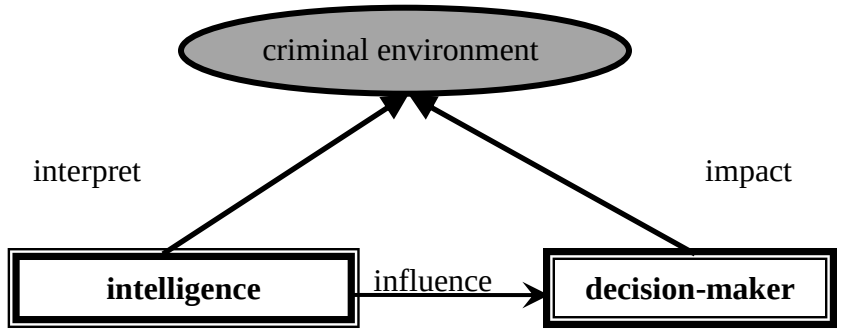
The process of prediction and analysis is a key part in the decision-making response as an addition to the analytical process, and includes mathematic and other exact sciences such as statistics.

The creation of the model is primarily a complex and specific process that depends on the objectives and purposes of the project. Thus, an integrated model of intelligence in the Republic of Macedonia, which in itself should include predictive analysis, should be based on the specificities and needs of the Republic of Macedonia as a result of endangering personal and public safety. It should include specific police operational measures aimed at combating crime, but also preventive measures to protect the population. The model for Integrated Intelligence is directly related to the decision-making process in the creation of security policy. The connection of criminal intelligence decision-making and the creation of security policy in general are shown by Ratcliff,[2] who sees the following pattern:

The influence of an early warning and assessment of risks and threats in the decision-making in creation of a security policy within the European Union is expressed by its top priorities, such as integration processes and protection of the traditional European values.

Figure: 1

A simplified intelligence-led policing model



In that context the intelligence integration model should be seen, as the Union when making decisions gives a special significance to the section

[1] K.Mek-Kju, ***"Study data and predictive analysis"***, Tabernakul, Skopje, 2009, pp.49-50

[2] J.H.Ratcliffe, ***„Strategic thinking in criminal intelligence"***, Federation Press, Leichhardt, 2007, pp 8

on civil planning and capacity management. This civilian planning and ability for management do not only apply to the civilian operations in crisis management, but also in terms of capability and capacity, protect personal and public safety through the implementation of an integrated intelligence model.

Let us return to the model of Mek-Kju. Creating the model for studying and practicing predictive analysis for public safety, Mac-Q determines the next steps of the model:

- question or challenge,
- collecting and merging data,
- operationally relevant preprocessing,
- recoding,
- choice of variables,
- identifying, characterizing, modeling,
- specific assessment and public safety, and
- operational practicing output element[1].
-

The risks and threats, and their assessment within such a concept model of assessment and analysis, are perceived primarily as risks and threats arising from online crime in the area of public safety expressed on security (police) forces. This model concentrates on the process of identifying risk factors associated with the field of action. Basically, this model for prediction, assessment and analysis in the field of the public safety provides a comprehensive picture and guidance in making relevant decisions and practical actions in terms of improving public safety. Though the model is for police forces, it can be updated to involve other stakeholders and indicators applied to a model that has been tested in practice.

The way Mac-Kju provides the model to upgrade or adjust in practice in the Republic if it is applied as part of an integrated intelligence model would affect the integration process in Macedonia through the establishment of a model for early warning of escalation of conflicts, a research challenge.

STATUS OF THE MODEL FOR INTEGRATED INTELLEGENCE PROTECTION OF PERSONAL AND PUBLIC SAFETY IN THE REPUBLIC OF MACEDONIA (expert opinion)

However, past experiences of experts employed in the institutions of the security system of the Republic of Macedonia regarding the application of integrated intelligence model in the Republic of Macedonia and its impact

[1] K.Mec-Q, ***"Study data and predictive analysis"***, Tabernakul, Skopje, 2009, pp.58

on integration processes provide initial research data for further development. These research data will see the next chapter.

The situation with the existence of a model for integrating intelligence into Macedonia, as an instrument within the model for early warning of an escalation of conflict and its influence in European integration processes of the state, is given in the framework of expert opinion. That refers to the actual police cooperation and harmonization of legislation in the field of justice and internal affairs of the Union, as well as existence of an integrated intelligence model in the country. Indeed, in research, integrated intelligence model is in close connection with the intelligence and police cooperation at the international level, especially with the European Union, as to protection of personal and public safety, but as a result of its arrangement and functioning in the country.

The survey was attended by 150 participants, experts employed in the institutions of the security system of the Republic, i.e. 25 employees of the Ministry of Defense, the Center for Crisis Management, Police and the Army of the Republic of Macedonia, 28 participants from the Ministry of Internal Affairs and 22 employees from the Directorate for Protection and Rescue.

The first question refers to the position of experts in the Republic of Macedonia as to the intelligence integrated model in terms of protection of personal and public safety. The answers to this question can be seen in Table 1.

Table 1: *"Is there an intelligence integrated model in the Republic of Macedonia in terms of protection of personal and public safety?" The institutions in which respondents work are as follows:*

Institution		**A n s w e r s**				**total**
		Yes	No	I don't now	Not answered	
MOI	**F**	10	5	13	0	28
	%	35,7	17,9	46,4	0	100
MD	**F**	5	7	13	0	25
	%	20,0	28,0	52,0	0	100
CKM	**F**	5	7	13	0	25
	%	20,0	28,0	52,0	0	100
Police	**F**	7	2	16	0	25
	%	28,0	8,0	64,0	0	100
Army (general staff)	**F**	4	10	11	0	25
	%	16	40,0	44,0	0	100
DPR	**F**	3	6	12	1	22
	%	13,6	27,3	54,5	4,5	100
Total	**F**	34	37	78	1	150
	%	22,7	24,7	52,0	0,7	100

Expert view on this issue points out that more than half of respondents do not know whether in Macedonia there is an integrated intelligence model. Also these responses can be counted as ignorance of the role of integrated intelligence model to protect personal and public safety. This indicator should be neglected, since in practice there is a misunderstanding of integrated intelligence in protecting personal and public safety and is often defined with equal intelligence and counterintelligence in the traditional understanding of security. It is important to make a distinction between these two quite different kinds of intelligence activity. Intelligence in protection of personal and public safety can still be defined and simplified by calling it "criminal intelligence", which term is more acceptable for the experts in security.

Given this distribution of responses and answers, arises the second question concerning the level of intelligence and police cooperation at the international level, especially within the Union.
The evidence is in Table 2.

Table 2: *"The intelligence and police cooperation at the international level, especially with the EU in the protection of personal and public safety are at high level operational in Macedonia." Institutions' employees are respondents.*

Table 2

Institution		**A n s w e r s**					**total**
		Strongly agree	I agree	I am determined	Disagree	Strongly disagree	
MOI	**F**	10	11	6	1	0	28
	%	35,7	39,3	21,4	3,6	0	100
MD	**F**	2	7	10	4	2	25
	%	8,0	28,0	40,0	16,0	8,0	100
CKM	**F**	4	4	12	4	1	25
	%	16,0	16,0	48,0	16,0	4,0	100
Police	**F**	2	9	10	4	0	25
	%	8,0	36,0	40,0	16,0	0	100
Army (general staff)	**F**	0	3	19	2	1	25
	%	0	12,0	76,0	8,0	4,0	100
DPR	**F**	1	11	7	2	1	22
	%	4,5	50,0	31,8	9,1	4,5	100
Total	**F**	19	45	64	17	5	150
	%	12,7	30,0	42,7	11,3	3,3	100

In fact, the high percentage of approximately 43% of the experts who are not decisive on this issue, points out that they are not at all familiar with the application of the model for integrated intelligence and its level reached in cooperation with the Union. The Level affects many European integration processes in Macedonia. That influence is evident through the influence exercised by the model for early warning and analysis of reports by the European Commission's Progress towards accession to the Union. This progress is analyzed in relation to the acquisition or adaptation of legislation and procedures in police and intelligence cooperation with the Union, especially in the fight against organized crime.

European Union chapter in Justice, Freedom and Security is seen as an important chapter that affects personal and public safety not only in Macedonia but also in the whole space of the overall security of the Union. It expresses the commitment of all current and future member states towards equality of legislation in the fight against crime, homogenization of laws and legal proceedings and penalization of crimes. The reason for this setting is the application of legal, judicial, prosecutor and police cooperation to combat all forms of crime throughout the Union. This is in accordance with the European Security Strategy in the section of creating a common European security space. This answers the questions related to the integrated model of intelligence, its protection of the personal and public safety and its impact on integration processes of the state directed toward determining the weak administrative capacity of experts tested in the survey. Prior is their surprising lack of knowledge of the integrated intelligence model and its operation in Macedonia, especially the police or Public Security Bureau, in which the sector of criminal-intelligence analysis and criminal intelligence sector, where 64% of employees of Police (BJB) did not know whether there is an integrated intelligence model for protection of personal and public safety. Unfortunately, the percentage of ignorance among the employees at MOI is high and is 46%. The responses related to international police cooperation and intelligence give a picture of indecision or under the assumption that this kind of cooperation means the extradition of persons or expulsion of illegal migrants.

CONCLUSION

The paper offers an overview on the integrated intelligence model of protection of personal and public safety and its impact on the integration processes in the Republic of Macedonia, through the prism of establishing a model for early warning of escalation of conflict, provides a picture of several important elements for analysis. Above is shown the level of

administrative and professional capacity of the experts employed in the institutions of the security system in the country; it points to developing knowledge of the security system of the country, especially in terms of protecting the personal and public safety; it opens a dilemma for the interest and availability of information on the existence and functioning of such important models as integrated criminal intelligence or intelligence; indicates the interest of the European Union for developing this model as an integral part of the model for early warning of the escalating conflict. It highlights the significance of protecting personal and public safety as an inseparable segment of the European security policy on the protection of the European security space. The research provides further comparative researches, or extensions of researches on personal and public safety and criminal intelligence as an integrated model of intelligence and assessment, and as a necessity for security sector reform, collecting and evaluating information from multiple institutions.

As a result of the above, we conclude that the integrated model of intelligence has a major impact on integration processes in Macedonia, particularly in relation to the timely warning of threats and risks to personal and public safety. It is in the need of upgrading in the context of creating appropriate assessment analysis.

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SECURITY OF PERSONS AND PROPERTY IN THE REPUBLIC OF MACEDONIA – SITUATION AND PERSPECTIVES

Abstract

After gaining its independence, the Republic of Macedonia underwent a process of transition and reforms that touched almost all spheres of its socio-political system and functioning. The transition and the reforms also affected the sphere of private security, which for the most part is manifested through the securing of people and property, something that was previously under the jurisdiction of the Ministry of Internal Affairs, i.e. the uniformed part of the public security. This function transited into the private sector as the reform process transformed private property into primary, with a tendency to prevail over state property. In fact, state property, known until then as social property, was to be transformed completely, above all as private.

This thesis illustrates the work of the private companies securing people and individuals, their uniting into a Chamber for Securing People and Property in the Republic of Macedonia, the legislation governing this segment of security, etc. It gives an illustration of the current situation in this domain and suggests measures to bring security of people and property to a higher level.

Key words: *security, physical security, technical security, securing people and individuals, securing of property, Chamber for security.*

INTRODUCTION

With the disintegration of our former homeland, the Socialist Federal Republic of Yugoslavia (SFRY), the security of persons and property in the Republic of Macedonia got a new dimension. Namely, until then the issues concerning the security of persons and property within the SFRY, that is the Socialist Republic of Macedonia, were under the authority of the Public Security Service within the Ministry of Internal Affairs (MIA)[1], which is the uniformed part of the RSIA militia[2]. The legal regulations governing security, at that time mostly security of public property came from the Law

[1] Until the first democratic elections in Yugoslavia in 1989, MIA operated as a Republic Secretariat for internal affairs.

[2] After the democratic elections the transition of ex Yugoslavia started which saw the militia renamed in the *police*, aiming to emphasize the public character of this service.

of Public Self-Security[1]. Priority was given to securing the former state-owned Public company of associated labor and securing the state institutions. Private property was secured by its owners as well as by the Public Security Service.

After the Referendum from 8th September 1991, when the Republic of Macedonia became a sovereign country and started its process of social system transition, including transformation of capital and production capacities, a large part of the former SFRY's legislative remained in force until a new legal regulation was adopted by the Parliament of this newly-formed subject in the international community.

In this period, with the emergence and functioning of the first private security agencies and the first investigation agencies, which were mostly concerned with the private security of the citizens and public persons in the Republic of Macedonia, a need arose for a change in the legal regulation governing the security of persons and property.

These pioneering agencies and individuals dealing with the security of persons and property or investigating activities or a combination of both were faced with the serious problem of shortage of suitable legal norms and regulations. They based their operation on the existing legal regulations (above all the Law on Public Self-Security and its bylaws), but in general they were organized and were functioning based on the practical experiences of similar organizations in the capitalist democratic countries and the experiences of the new countries that emanated from the dissolution of the former SFRY. Doing this, they were forced to innovate, adjust and establish a new practice in the sphere of securing persons and property.

The situation in neighboring Serbia is similar as "their lack of legislation has also led to various organizational approaches and dilemmas regarding the jurisdiction of the subjects dealing with securing persons."[2]

These newly-founded private security subjects in the Republic of Macedonia were the very initiators for a government and parliament procedure for adopting regulations and bylaws that would fill in the legal vacuum they were functioning in. Based on their practical experiences and as a result of their legislative initiative, two laws were adopted in 1999: Law on Securing Persons and Property and Law on Investigating Activities. They were published in the Official Gazette of the Republic of Macedonia No. 80 of 17 December 1999, and came into force eight days afterwards, on the 24 December 1999, a date that marks a historical moment in the sphere of securing persons and property.

[1] Official Gazette of SRM No 18/76; 25/76 and 37/87.

[2] Bošković, M., Kekenović, З. *Securing Persons, Property and Business of Companies, Belgrade, 2003, page 7.*

The Law on Securing Persons and Property underwent changes and got its actual image with the enactment of the Law on Changes and Amendments to the Law on Securing Persons and Property1 in May 2007. The edited legal document of the Law consists of 46 Articles2 arranged into nine sections: I General Regulations; II Requirements for Dealing with Security of Persons and Property; III Rights and Obligations of Legal Persons and Employees Dealing with Security of Persons and Property; IV Obligatory Security; V Republic of Macedonia's Chamber for Security of Persons and Property; VI Recordkeeping; VII Supervision; VIII Misdemeanor Regulations; and IX Transitional and Final Regulations.

BASIC REGULATIONS OF THE LAW ON SECURITY OF PERSONS AND PROPERTY

The conditions and the way of securing persons and property are regulated in Article 1 of the Law, and according to Article 2 of the Law, they are activities of **public interest**. The public interest in this sphere is above all seen in the society's interest to secure personal stability and stability of production assets and personal property as pre-conditions for development of democratic relations and safety in the country. Only a stable and safe society is able to achieve the principles of the rule of law, and these are the main preconditions for a democratic society of equal subjects based on the Republic of Macedonia's Constitution, which incorporates all human rights and freedoms set by the international regulations for human rights and freedoms[3]. Only a stable economy can create conditions for accomplishing the rights and freedoms of man whereas economy can be stable only if there is a functional system for providing security, protection and safety of the production capacities that were transformed from social and state-run to private.

The security of persons and property is performed by: 1) private persons registered for providing this type of services to other private and legal persons and 2) legal establishments which secure persons and property for their own purposes according to the conditions set by the Law[4].

[1] Official Gazette of SRM No 66/2007 from 31.05.2007.

[2] This includes the four articles from the transitional and final provisions of the Law on changes and amendments of the Law on securing persons and property.

[3] The Statute incorporates the human rights provided with: the 1948 UN's Universal declaration of human rights, the 1950 European Convention on human rights, the 1966 UN's International covenant on economic, social, and cultural rights and the UN's International covenant on civil and political rights.

[4] Article 3 of the Law on securing persons and property.

The legal establishments mentioned above under #1 offer their services for securing persons and property on the labor market to other legal and private persons in the Republic of Macedonia in line with the laws of market economy. Respecting the principles of competition on the security services market, these legal establishments strive to offer high-quality services to their clients, i.e. better services for as affordable prices as possible. These service providers were included in the regulations of the 1999 Law on Security of Persons and Property but this law gave no possibility for legal establishments to organize security agencies for their own purposes (mentioned above under #2) although a large number of companies in the country had organizational units that were responsible for the security of the whole company.

The changes to the Law on Security of Persons and Property that were adopted in 2007 introduced regulations that enabled legal persons to establish organizational units for securing persons and property for their own purposes.

According to Article 4 Paragraph 1 of Section I, i.e. the General Regulations of the Law on Security of Persons and Property, the securing of persons and property can be of physical and technical character.

Physical security, according to this law (Article 4 Paragraph 2), is the securing of persons in order to protect them and the securing of property against trespassers who might destroy, ruin or occupy it unlawfully or might use other forms of action to damage the secured (protected) property. The security of persons is carried out through actions for protection of their lives, health and bodily integrity; protection against abduction and freedom restriction committed by known or unknown criminals and protection against diversion-terrorist acts threatening the property and material possessions on the protected object.

Technical security, which is carried out by technical devices, is, according to this law (Article 4 Paragraph 3), the securing of persons from all the possible and specific threats to their lives, health and intellect, as well as the securing of property against all forms of destruction, damage, and lawless occupation or any other actions that might harm the secured (protected) property. Of course, the technical devices used need to be in line with the regulated standards in the Republic of Macedonia as it would be illegal to secure persons and property in a way that would put in danger third persons or property that are not part of the contract between the provider and user of the security service (for example, protection of property with a 220V wire).

Of course, in practice, the provision of security services is a complex activity and in most cases, for the purpose of achieving a successful protection of persons and more commonly property, physical and technical

security are used in combination. Depending on the specific characteristics of the secured property, sometimes only one type of security can be used, either the physical or the technical. In fact, according to the principle of cost-cutting, the measure with minimum engagement and maximum efficiency will be used.

REPUBLIC OF MACEDONIA'S CHAMBER FOR SECURITY OF PERSONS AND PROPERTY

In order to improve the expertise, professionalism and business, and to protect the profession, the Law sets rights and obligations for the legal persons who offer services in the field of securing persons and property and for the legal persons who perform security for their own purposes to join in a Chamber. The conditions for joining in a Chamber, according to Article 26[1] of the law, are met if at least ten legal persons from this field summon a founding assembly and establish a Chamber for Security of Persons and Property in the Republic of Macedonia and register it in the Republic's Registry.

On the 21st June 2000, the **Republic of Macedonia's Chamber for Security of Persons and Property**[2] was founded. The Chamber has the authority of a legal establishment. Besides the Law on Security of Persons and Property, the activities of the Chamber are also regulated by the Chamber's Statute adopted on the day of its foundation, which underwent changes in 2004 and 2011.

The security of persons and property is an industry of public interest. The process of transition from a one-party to a democratic system, i.e. the entire reconstruction of the social system, also covered this segment of persons and property security. Before these changes, the security of persons and property was under the jurisdiction of the Public Security Service at the Republic of Macedonia's Ministry of Internal Affairs. With the transition, this segment was transferred to the hands of the legal establishments which were dealing with security in the private sector. As a result, there arose a need for legal regulations that would coordinate and improve the work of these legal establishments. Lawmakers were right to envision legal norms and conditions for the formation of a Chamber, whose aim would be to unite, coordinate and upgrade the expertise, professionalism, business and protection of this profession. As we are talking about a sensitive issue that is closely related to public security, which remained under the jurisdiction of

[1] This decision was envisioned in the changes to the 2007 Law. The basic regulations of Article 26 of the 1999 Law envisioned that security employees be united in a Chamber. Article 38 of the 1999 Law set that at least ten (10) security employees need to unite to form a Chamber and until its formation MIA of RM was authorized for regulating this field.

[2] Hereinafter *the Chamber*.

the Republic of Macedonia's MIA, it would be only logical that this Chamber is the only institution of this kind in the country and it has close relations with MIA.

The authority of the Chamber comes from Article 27 of the Law on security of persons and property. It is entitled to: organize exams, issue IDs for security workers, issue licenses, prepare and produce acts on how regulations for securing persons and property will be applied, and to perform other activities prescribed by this Law.

The Chamber plays a significant role in preparing manuals and regulations for the operating of legal establishments and workers securing persons and property. Apart from its Statute, the Chamber also produced a Codex of professional ethics for security service providers, a Pricelist with the recommended lowest fees for securing persons and property, Manual on how to secure the transport of money and other valuable consignments, and other documents.

A REVIEW OF CERTAIN FACTUAL ASPECTS OF THE PRIVATE SECURITY

By the end of 2010, the Ministry of Internal Affairs of the Republic of Macedonia (MIA of RM) issued a total of 165[1] registration and operating licenses for agencies which provide security in the form of offering services to other legal and private persons. From these, 151 licenses were issued in the period from 2001 to 2007, 9 were issued in 2009, while 2008 and 2010 each marked the issuing of 3 licenses. Due to personnel issues and other weaknesses, the MIA of RM issued no licenses for its own security although most of the self-secured companies perform this activity without any impediments.

From its founding to the present date, the Chamber for Securing People and Property in the Republic of Macedonia which has 35 member agencies, has issued a total of 15 747 licenses for securing people and property, 12 315 of which were issued from 2001 to 2007, 1575 in 2008, 759 in 2009, and 1098 in 2010. These data point to the fact that there is a great interest for providing services related to security of persons and property.

It is interesting to look at the data concerning the security IDs issued by the Chamber from its founding until the end of 2010. A total of 6192 IDs were issued from 2000 to early 2011 out of which only 3809 were still valid at the beginning of 2011. 2516 were issued for security workers who work in 47 security agencies and hold more than 10 IDs (in conformity with the Law on securing persons and property), while 179 were issued for workers who

[1] This data were acquired from the Chamber for Securing People and Property in the Republic of Macedonia.

work in 31 security agencies and hold less than 10 IDs which questions their legality. 1114 IDs out of 3809 are valid for workers that work in self-securing companies. The remaining 2383 IDs were either annulled, destroyed, or replaced due to new regulations.

The above data show that private security in the Republic of Macedonia is a serious activity which continuously improves the standard of services, whether relating to physical or technical security. In this respect, the Chamber's security activities have enormous importance.

Still, one should point out certain flaws concerning the security of persons and property arising from the practice of agencies, above all reducing competition i.e. when certain agencies act against the relevant regulations. These negative aspects are present mostly due to MIA's failure to supervise the operating of agencies, under whose authority this issues falls.

PERSPECTIVES OF PRIVATE SECURITY

The practical realization of the security of persons and property in the Republic of Macedonia backed up with the above statistical data is at a satisfactory level and tends to become more organized and standardized, which is immensely important to the functioning of the Chamber for Securing People and Property in the Republic of Macedonia. One could conclude that the transition of private security from the state to the agencies which provide security services as well as to the self-securing companies is almost over. In order to improve this field in the future, more attention should be given to the following activities: changing and amending the Law on securing persons and property, issuing licenses to the self-securing companies, and above all, reinforcing the supervision of those working in the security of persons and property and the Chamber. With the carrying out of these activities the standardization of this area will significantly improve and the conditions for eradicating the illegal operating and disloyal competition will become more convenient.

CONCLUSION

As shown by the above presented statistic data from the Chamber for Securing People and Property in the Republic of Macedonia, the securing of persons and property in the Republic of Macedonia has become a serious and well organized business of public interest. Most of the weaknesses that existed in the years of legal regulation deficiency have been overcome. Most of the companies that deal with providing security of persons and property show a high level of professionalism, setting standards that satisfy the needs of their customers.

Here's what needs to be done in order to improve the overall situation in the sphere of securing persons and property: changing and amending the Law on securing persons and property, issuing licenses to the self-securing companies, and above all, reinforcing the supervision of those working in the security of persons and property and the Chamber.

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ОБЕЗБЕДУВАЊЕ ЛИЦА И ИМОТ ВО РЕПУБЛИКА МАКЕДОНИЈА – СОСТОЈБИ И ПЕРПЕКТИВИ

Резиме

По осамостојувањето, како независна држава, Република Македонија е подложена на процес на транзиција и реформи во речиси сите сфери на општествено - политичкото уредување и функционирање. Транзицијата и реформите се одразија и на сферата на приватната безбедност која, пред сé, се манифестира преку обезбедувањето на лица и имот што претходно беше во надлежност на Министерството за внатрешни работи, пред сé, на униформираниот дел на службата за јавна безбедност. Се појави потреба ова функција да премине во рацете на приватниот сектор, бидејќи со реформскиот процес приватната сопственост, согласно уставот и законските акти, стана првостепена со стремеж да преовладува во однос на државната и дотогаш познатата општествена сопственост која во целост треба да се трансформира, пред сé, во приватна.

Во статијата се прави приказ на работењето на Приватните претпријатија кои се занимаваат со продавање услуги за обезбедување лица и мот, нивното здружување во Комора за безбедност на лица и имот на Република Македонија, законската легислатива која го уредува овој сегмент од безбедносниот систем и други подрачја, односно приказ на моменталната состојба во овој домен, а се прави и обид да се дадат препораки со кои безбедноста на лицата и имотот ќе се подигне на повисоко ниво.

Клучни зборови*: обезбедување, физичка безбедност, техничка безбедност, обезбедување лица, обезбедување имот, Комора за обезбедување.*

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REFORMS IN THE SYSTEM OF MILITARY EDUCATION AS PART OF THE EURO-ATLANTIC INTEGRATION PROCESSES

Abstract: *In this paper, we evaluated the latest reforms in the system of military education in the Republic of Macedonia. Based on the determination for NATO and EU membership, a need for transformation of military education and training system has emerged, and together with that, the redefinition of the role and responsibilities of the Military Academy. According to this, the Military Academy will educate, train and qualify officers for the needs of the Army, but also will educate personnel for the needs of the System for Crisis Management and System for Protection and Rescue of the Republic of Macedonia. The aim is to educate leaders with modern general and military knowledge, skills, and techniques. Starting from the summary of the requirements for military education and conditions in which this system is developing, together with the influences of modern warfare on this system, are considered. Evaluation of the curricula of military education is given, following with the need for permanent continuous education throughout the whole carrier. We also evaluate the need for implementation of the modern educational technologies and methodologies based on information technology in the system of education.*

Key words: *education, modern warfare, curricula, integration, information technology, modeling and simulation, Advanced Distributed Learning*

PREFACE

Providing security in a rapidly changing and unpredictable world is a foremost task of every government - a task shaped by political, cultural, and technological characteristics of a nation and the potential of its people. Maintaining national security still depends to a large extent on the military,

their morale, motivation, and specialized skills which are influenced by their academic background, professional education, and training.

The social justification for the subsistence of the Military Academy comes out of the needs of the Republic of Macedonia to generate its own officer core that will fulfill certain duties within the defense and security system of the state. Education and training of officers and civilian personnel that carry out certain duties and tasks within the defense system and the Army entails acquisition of theory and practice of complex military and other sciences at different educational levels within the system of military education and training throughout professional carrier. Together with that, quality of education and preparedness of the personnel within the defense system is in high correlation with the development of theory and practice in the area of military sciences.

The current requirements for military education are shaped by the new world political order, economic, technological, and legal factors, and the development of democratic institutions in the Republic of Macedonia. Some of these are general for military educators worldwide, while others are specific for the present situation in the region in which the Republic of Macedonia belongs. Of a particular importance is the role of the military education for development of democratic civil-military relations in the Republic of Macedonia. The most important single factor demanding change, however, is the Information Revolution and the corresponding Revolution in Military Affairs. More than ever, military must be educated to anticipate change, cope with ambiguity, question traditional boundaries, and lead organizational transformation.

Based on the determination of Republic of Macedonia for NATO and EU membership has emerged the need for transformation of officer education and training system, and in line with that redefinition of the role and responsibilities of the Military Academy. The transformation of the system is conveyed in accordance with the standards of NATO and EU member countries and includes establishing of a high level of compatibility with the educational systems of the NATO member countries. The transformation was required in order to build a new officer development system. Success in conducting defense missions, personnel training, teamwork, high personnel motivation and efficient command and control will be enabled with the construction of this system. In other words, it will provide efficient professional and qualitative personnel working in the Army of the Republic of Macedonia (ARM), and other institutions within the defense and security system of the country. The goal is to have well educated and trained officer core that should successfully accomplish the mission in the country and abroad, respecting the basic standards, values and regulations.

The transformation of the Military academy was connected with the requirements of the Republic of Macedonia to develop education and training in the crisis management area, which includes disaster relief and integral border control, in accordance with the standards and procedures adopted in the NATO countries and EU members, where crisis management is one of the basic security related tasks. The efficient conflict management and the active participation during the crisis management is an integral part in the NATO approach and represents significant contribution from our country in maintaining peace and reinforcement of stability and security in the region and all around Europe. The education and training of the personnel within this important area presents a key for their development, and for their appointment on positions and duties within this system.

NEW REQUIREMENTS FOR MILITARY EDUCATION

The Military Academy educates and trains the future military personnel to become leaders in the 21st century in order to be able to command with modern general and military knowledge, skills, and techniques. They are also educated and trained to be honourable people who will serve their country. *Science, honour, duty* and *country* are the motto of the Military Academy. In the future we will need military who are critical thinkers, officers who can anticipate the change and deal with ambiguity and uncertainty, leaders who can promote organizational change in the face of traditional attitudes and adverse economic situation.

These new missions demand from the officers, often even on a platoon level, deeper knowledge of psychology and social behavior, languages, history of the conflict, cultural and religious peculiarities of the fighting fractions. Communication skills on every level become critical[1]. A proper attitude of an educated officer can speed up the solving of the conflict and lower the casualties among the soldiers, as well as among the civilian population.

So far, another dimension of the use of military force - the ecological impact, has been largely unaddressed by the Macedonian military. However, the ecological dimension of a military operation could affect both the circumstances under which the Army is used and the way it is used in[2]. The area of ecology is still to receive attention from our military educators.

Perhaps no single factor has as much potential as the information explosion for changing the way in which military organizations function during peace and war. Breakthroughs in sensors, information processing, communications, and visualization will make huge amounts of information

[1] See more in Gray and Tagarev, 1995.
[2] See more in Rokke, 1995.

available to the individual soldier. Time will shrink, and space will expand. Furthermore, emerging technologies will allow knowledge-level information to become the responsibility of computers rather than responsibility of individuals. To implement these technological developments effectively, military needs unprecedented delegation of decision-making authority, decentralization, and flatter organizational structures.

The emphasis of the education and training of military personnel should be put on critical observance; value orientation towards professionalism, ethics, and cooperation; good academic background in the field of Operation Research, System Analysis, Artificial Intelligence, Networking, Organization of Life Cycle Support; Foreign Languages, Law and Economics Competence, as well as development of research experience and strive for quality.

Challenges such as new warfare forms, combined with the technical environment, will mean that officers have to be trained more comprehensively, less specialized and will have to cycle back through school often during their careers. They will need a broader range of skills in order to be more flexible[1]. Secondly, from the aspect of career, retirement from the military is not really a retirement but merely a change of careers. Therefore, to respond to personnel challenges, to contribute to the recruiting and retention of the best-qualified personnel, professional military education must tailor its education to individual needs.

One of the main features of democracies is the civilian control over the Armed Forces. Even countries with long-standing democratic traditions pay significant attention to maintaining such control. Main objective of the education and the military education in particular, in societies where the military is subordinate to political power is "to harmonize professional efficiency and democratic values which are determining factor in the civil-military interrelationship"[2]. Traditionally, professional men and women tend to stress their special technical expertise, which in many cases may lead to alienation from society. To provide professional efficiency without such alienation, the education of officers (and future officers) should never be confined purely to the technical aspects. The general academic aspects are equally vital. In the rapidly changing values and motivations of the society, understanding and accepting the principle of civilian control require constant attention.

The Military Academy aims to develop and improve the teaching staff as the foundation of the educational process and the bearers of scientific and research work. It also aims to modernise the curriculum according to the

[1] See more in Spacecast, 1995.
[2] See more in Gilman and Herold, 1993.

above mentioned principles, develop military science and technology, and to fulfil the needs of the Army. Another aim is to develop the instructional material base by introducing computer technology, and new teaching aids and equipment in the teaching process required by up-to-date teaching methods.

CHANGES IN MILITARY EDUCATION SYSTEM

Bases for new education and training system for officers in the Republic of Macedonia are connected with the promotion of quality, competitive spirit, training of new officer corps, promotion of new sources and methods for promotion of officers, selection and education of quality and competent candidates for officers. It should also, insure that the roles, duties and responsibilities of officers match future force structure by rank and level of responsibility, and insure that education requirements are linked to the needs for new missions and responsibilities of the Army.

Revolutionary changes place information and knowledge at the core of national influence and military power. Budget cuts and technological developments are pushing for smaller and more flexible forces. The growing complexity of forces and missions requires a new level of weapon systems integration and organizational change. The Information Age not only places requirements, but also provides opportunities to meet them. We conclude that the organization of military education has the chance to lead the changing military in the twenty-first century. It also becomes an agent for change or anachronism. To cope within such environment, we need military that anticipates change, which can deal with ambiguity and uncertainty, which can break traditional boundaries and lead organizational change even with the risk of questioning authority. There is no better place to prepare such people than in the system of military education.

The environment, in which the system of military education of the Republic of Macedonia functions, can be characterized by several main factors. Some of them are general for any modern society, and others are specific for the Republic of Macedonia. The first group encompasses the changing international political situation, corresponding changes in doctrine and mission, and the impact of the Information Revolution. The second group incorporates the specifics of the Republic of Macedonia transition towards democracy, obligations from the Ohrid framework agreement, the financial constraints, and the changes of the legal framework.

The changes in the international politics brought the end of the 'simple and stable' opposition of the Cold War. Answers to questions concerning players, capabilities, intentions, and perceptions, are not readily available anymore. Military students may not presume who their opponent or coalition partner would be and how they would act. New threats appeared

and the threat perception is changing. Terrorism, and especially international terrorism, international drug trafficking and organized crime are becoming targets of the military worldwide.

Respective doctrinal changes are taking places. New missions appear, i.e. international peacekeeping missions under the United Nations or the Organization for Security and Cooperation in Europe, and the emphasis is shifting towards participation in international missions, coalition warfare, peacekeeping and peacemaking missions, thus requiring from the military student a qualitatively new level of ethnic, religious, cultural, ecological, and human rights awareness.

The influence of technology and the information technology in particular, is overwhelming. It impacts the process of planning and conducting military operations, organization, communication, command and control, intelligence, procurement, education and training. A new kind of warfare emerged - the Information Warfare.

The domestic political situation influences the military in two main directions: orientation of the Republic of Macedonia toward integration in the European and Euro Atlantic security structures and building democratic institutions. The first requires education and training of the military for cooperation with new partners through participation in the Partnership for Peace program, leading the way to future interoperability of military forces. The latter is primarily concerned with building of democratic civil-military relations in the Republic of Macedonia. Both demand a stronger emphasis on leadership and cultural awareness of the military.

The preparation for such missions is taking place in a declining economic situation, financial limitations, force reduction and professionalization of the Amy. Furthermore, democratic transformations are paralleled by changes in attitudes of the population. Armed forces are faced with the changing patterns of behavior and changing motivations of society in large. Changes in the value system of the society of Republic of Macedonia reflect in the emphasis on the 'occupational' versus the 'institutional' trend in the attitudes toward the military profession[1].

Finally, one part of the process of changes in the military educational system are the corresponding changes in the legal basis. Military academy is founded by the Law for Military Academy and functions in accordance to the Law for university education and the Law for scientific-research activities in the Republic of Macedonia. It is accredited by the Ministry of education and science according to the European Credit Transfer System, as a university educational and scientific institution.

[1] See more in Williams, 1995.

The Military Academy became part of the university education system in Republic of Macedonia with a status of associate member to the state university "Goce Delcev" – Stip. Military Academy offers studies in three cycles (the first cycle - bachelor degree, the second cycle - master studies and specializations, and the third cycle - PhD). The university diploma of completed undergraduate studies at the Military Academy is verified in the country, which provides cadets and students with relevant positions for further education within the educational system of the Republic of Macedonia and other countries members of the Bologna process.

Military Academy, as the only military university education and research institution in the Republic of Macedonia, has a basic role to conduct research work and to educate, train and qualify personnel for the needs of the Ministry of Defense, the Army of the Republic of Macedonia, the System of Crisis Management and the System of Protection and Rescue.

One of the key functions of the Military Academy, beside education, is to carry out scientific and research work and development of special studies according to the guidelines from the Ministry of Defense and General Staff of the ARM, as support of the activities in the defense sector. It also accomplishes other tasks in the area of university education, which are in line with the law for university education. Military Academy also has the lead in introducing the modern computer technology in the field of education and training and enables the use of these technologies to the other subjects in the defense sector.

CURRICULA OF MILITARY EDUCATION

The new military institutions need soldiers who use their brains, can deal with a diversity of cultures, and can tolerate ambiguity, take initiative and ask questions, even to the point of questioning authority[1]. The military of the twenty-first century, more than ever, will need leaders able to anticipate change, to deal with uncertainty, to present ideas, to communicate vision, and to lead organizational change. There are no ready solutions. Some changes in the emphasis of the curriculum of military academies and colleges, however, cannot be postponed.

In the Information Age security environment, the first requirement for the curricula is to ensure that military students do not presume to know who their future opponents or coalition partners will be. This appreciation for uncertainty is the beginning of wisdom in the post-Cold War era[2]. Students must understand more than their predecessors about economics,

[1] See more in Toffler 1993.
[2] See more in Rokke, 1995.

technologies, and diverse cultures to make sound judgments. The emphasis of military curricula is shifting from preparing managers to preparing leaders.

In this context we can examine the cognitive difference in the 'Managers vs. Leaders' dilemma. Managers function in the lower cognitive domain of knowledge, comprehension, and application. Leaders function in the higher cognitive domain of analysis, synthesis, and evaluation. Managers are people who do things right and leaders are people who do the right thing. The difference may be summarized as activities of vision and judgment – *effectiveness,* versus activities of mastering routines – *efficienc*y. Capozzoli (1995) provides the following definitions[1]:

Knowledge is the ability to remember facts, terms, concepts, theories and structures.

Comprehension is the ability to translate communication and the ability to interpret facts, terms, concepts, theories and structures.

Application is the ability to apply facts, concepts, theories and structures.

Analysis is the ability to recognize unstated assumptions; the ability to recognize which facts or assumptions are essential to a situation; the ability to distinguish relevant and irrelevant statements in a situation; the ability to identify complex relationships.

Synthesis is the ability to put together elements and parts from different sources to form a whole; the ability to identify patterns or relationships in information and events; the ability to convey meaning by developing a concept, model, or theme; the ability to develop creative solutions and new insights into problems; the ability to tap relevant knowledge and experience without much conscious awareness.

Evaluation is the ability to identify and appraise judgments and values that are involved in a course of action; the ability to apply sophisticated criteria (the highest known standards) to the judging of the taken actions.

The dilemma in the military education how to provide balance between the academic and the specialized education, as well as between the humanitarian and the technical education, is not new. In the Information Age, however, the initial educational phase of preparation of a specialist is quickly rendered obsolete by the rate of progress. It is not only special skills and knowledge we should be seeking but a higher level of abstract thinking which can be acquired by university academic education and a system of life-long learning[2].

[1] See more in Capozzoli, 1995.
[2] See more in Gilman and Herold, 1993)

The educational processes in the Military Academy are accomplished through three cycles of university studies, and it will encompass continuous professional education for the officer core of the Army, mainly for the needs of the Defense System, and for the System for Crisis Management and the System for Protection and Rescue.

The three cycles of university studies are according to the Bologna Convention and European Credit Transfer System (ECTS) - university studies in duration of 4+1+3 years. The University diploma of graduate studies of the Military Academy will be verified in the country, which provides cadets and students with relevant positions for further education within the education system of Republic of Macedonia and other foreign countries members of Bologna process.

The curriculum for the I cycle (undergraduate study in duration of 4 years) will provide theoretical and practical education. This includes: fundamental knowledge in the social, natural, technical an military sciences (security and defense systems, security and defense policy, world affairs, civil defense, strategy, operations, tactics, war fighting techniques, military equipment and technology), broader general and technical culture for further education, computer knowledge, good foreign language training (English + other optional language), high military knowledge and skills, higher level of military expertise at tactical level, physical fitness and mental readiness, professional training for basic leadership responsibilities, etc. The curriculum for undergraduate studies includes academic disciplines, modules of military training and physical education. The first two years of education are general, and the last two years are specific (infantry, artillery, armor, signals, engineer, air defense, pilots, NBC, and for specific duties in crisis management, disaster relief, and protection and rescue). This will provide all the necessary preparation for the first commanding duty - platoon commander, and other duties. Military Academy will educate highly motivated, physically and military prepared cadets and students that will be challenged with all the dangers of asymmetrical and other threats, as well as organized crime, terrorism, WMD, etc.

PERMANENT CONTINUOUS EDUCATION DURING THE CARRIER

In the Information Age, formal schooling provides only the first step in a lifelong process of learning and utilizing technology. Learning is truly becoming a life-long endeavour rather than an activity that ends with formal schooling. Thus, students must learn 'how to learn' which means being able to collect, organize, analyze, evaluate, and communicate all types of

information. Military students must become active problem solvers and collaborative learners. They must also learn to become effective users of information technology[1].

Their education must be continuous, combined with training, coherent with the whole process of professional development and career planning. A long educational process or training apart from a real practice is not the remedy. The Information Age technology provides means for everyone to learn what they need, at a time they find convenient, from the place they are, in the way they prefer. Furthermore, the new technologies will greatly facilitate comparison shopping for education and will contribute to the emergence of a reliable education assessment system[2].

A prerequisite is the openness of military academies and colleges to each other, toward civilian universities, as well as toward foreign and international military and civilian colleges.

In addition to the primary level of education, Military Academy is responsible for continuous professional military education of officers, which represents the system of gradual increase of knowledge, skills and perspective throughout their career. The goal is to produce a quality officer core for the ARM with talent, courage, self-esteem, understanding and vision for future military tasks and ability to make right decisions at critical moments. Bearing in mind that ARM always has to be prepared to assess its duties and responsibilities stated in the Constitution, the officer core has to go through permanent training for functional roles as well as adaptation to newly developed situations and changes in accordance with high demanding tasks. This type of educational system has to be dynamic, progressive and integrated throughout the officer career.

Within the framework of continuous professional education for the officer core of the ARM, Military Academy will develop a set of courses at intermediate level (for the duties of company commanders and staff duties for battalion level). At this level Military Academy offers Company commander course (with duration of 1 month) and Battalion staff officer course S-1 trough S-7 (with duration of 1,5 months). The aim of the Company commander course is to produce officers for the appropriate positions while the second one is aimed to prepare the officers for battalion staff positions. The courses are organized and conducted by the Military Academy in cooperation with Training command. The intermediate level of education is not a specific branch and its aim is to provide the officers that are promoted to O-3 (captain rank) with all the leader skills, tactics and techniques necessary for commanding position on company level as well as

[1] See more in Houston, 1995.
[2] See more in Jacobsen, 1993

battalion staff positions. One should also be able to understand all the principles of joint military operations that include oversight of resources, and restrains and use of doctrine at this level of operations. At this level of education, there is a shift from officer skills focused on training and missions on lower tactical level to development of analytical skills pointed to planning and evaluation of more complex military missions.

The next level of continuous professional education for the officers is the advanced level. In this level, the Military Academy is organizing university studies for the II and III cycle (master and doctor of science studies) in the field of military science, defense and security. The aim is to improve the officer knowledge in military science even further, and to prepare the officers for command and staff positions at higher levels. Selected officers will be developing values and standards to professionally carry out military and nonmilitary operations during peacetime, conflicts and war. Throughout the studies, officers will develop greater intellectual and analytical knowledge and skills.

At this level, the officers learn procedures, tactics, scenarios and doctrines for joint tactical units at a battalion level and higher, and at the same time they are trained for staff positions at a brigade level and above, and command positions at a battalion level. Further, at this level the officer develops skills to analyze and solve different military problems, to work as a part of a team at the unit staff, which includes full understanding of complex military operations, organization and procedures for the mission. This form of education is organized within the II cycle of university studies, as a Specialization for command and staff duties. Specialization will be organized also for the need of the employees in the system for crisis management and disaster relief.

NEW EDUCATIONAL METHODOLOGIES BASED ON INFORMATION TECHNOLOGY

The development in information technology is changing the modes of the military and will train and plan for future military operations. Advances in technology are hardly new phenomena. Recently, however, breakthroughs related to warfare have occurred with greater frequency, more substantial impact on quality versus quantity tradeoffs, and increased organizational implications. The information explosion and the changing way in which military organizations function, both during peace and war, must be reflected in military curricula.

The Information Age technology and its all-encompassing influence not only demand changes, but also provide tools facilitating life-long education. Today's distance learning, multimedia, virtual reality, and

telepresence concept allow developing of a new concept of officer education and a relevant restructuring of the military educational system.

Technology enables us to facilitate learning in new and innovative ways and to provide access to the wealth of information available. Schools, academies and colleges can serve as the catalyst for these changes. Technology cannot substitute for good teachers but can allow a teacher to facilitate and tailor learning for individual students. The emerging concept requires redefining the way military schools are organized and what occurs within the school, as well as revision of how teachers teach and students learn. Technology enables restructuring of the military educational system by[1]:

- providing new and more powerful ways for students to receive, understand, and manipulate information;
- enabling students to become active learners;
- escaping the boundaries of a fixed location school to facilitate interaction with people and events in faraway places;
- encouraging international, multi-disciplinary project-oriented education;
- promoting cooperative learning;
- allowing both independent and distance learning opportunities;
- matching teaching methodologies to student's learning styles and preferences;
- developing new ways of assessing student performance.

Advances in simulation technology have enabled an increasing amount of training and instructions to be conducted on training simulations instead on real systems. Nowadays, practically no military training programs exist without some form of simulation or use of a simulator. The simulation of combat, or a wargame, is used more and more extensively to reduce cost and maintain a trained force. It is an inexpensive alternative to live training exercises[2].

Interoperability towards NATO standards for conducting Combined Military Operations and Operations Other Than War (like Peace Support Operations), require basic education, training and exercising based on common procedures and standards. Using Modelling and Simulation (M&S) for conducting Computer Aided Exercises (CAX) in which those standards and procedures are incorporated can significantly improve training of the multinational staff and its ability to conduct joint and combined operations.

Computer Aided Exercises will further become more and more common in all multinational training activities organized by NATO. This

[1] See more in Houston, 1995.
[2] See more in Coppieters, 2002.

means that implementing modeling and simulations in military education and training will help every NATO aspirant country to make the necessary progress in the preparation for NATO integration. We believe that this will help the Republic of Macedonia in the near future to posses increased capability for compatible and more effective planning and operation of its forces.

Partner nations need to establish and improve infrastructures and capabilities for modeling and simulations and Advanced Distributed Learning (ADL) in order to provide education and national training, and also capability to take part in NATO/PfP training/exercises. In order to achieve true interoperability with NATO it is not sufficient to provide only language training and formal staff-procedure training like the courses at schools and training centers. Having a capability and being able to use simulations in conducting Computer Aided Exercises can be very effective. In this context, it is very important to understand the need that besides training to participate in NATO led operations they need to conduct national training using Computer Aided Exercises.

CONCLUSION

Based on the determination of the Republic of Macedonia for NATO and EU membership has emerged the need for transformation of officer education and training system, and in line with that redefinition of the role and responsibilities of the Military Academy. Macedonian Military academy is determined to be top military educational and scientific institution comparable to similar institutions in the world.

The emphasis of the education and training of military personnel should be put on critical observance, value orientation towards professionalism, ethics, and cooperation, good academic background and their preparation for participation in international missions, coalition warfare, peacekeeping and peacemaking missions. This requires from the military student a qualitative new level of ethnic, religious, cultural, ecological, and human rights awareness.

We are aware that the key for achieving the necessary standards in education and training is in development of teaching personnel and equipping the Military Academy with teaching aids and facilities similar to military academies in the developed countries. Cooperation with similar institutions in NATO and partner countries has very an important role in further development of the Macedonian Military Academy.

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РЕФОРМИТЕ ВО СИСТЕМОТ ЗА ВОЕНО ОБРАЗОВАНИЕ КАКО ДЕЛ ОД ЕВРО-АТЛАНСКИТЕ ИНТЕГРАТИВНИ ПРОЦЕСИ

Апстракт: *Во рамките на трудот ги евалуираме последните реформи во системот за воено образование во Република Македонија. Врз база на определбите за членство во НАТО и ЕУ, се појави потреба за трансформација на военото образование и обуката, а во таа насока и редефинирање на улогата и одговорностите на Воената академија. Во согласност со ова, Воената академија ќе едуцира, обучува и оспособува офицери за потребите на Армијата, а исто така ќе едуцира и персонал за потребите на Системот за управување со кризи и Системот за заштита и спасување во Република Македонија. Целта е да се едуцираат лидери со модерни општи и воени знаења, вештини и техники. Почнувајќи од сумирање на барањата за воена едукација и условите во кои овој систем се развива, заедно со влијанијата на модерниот начин на војување се согледуваат во рамките на трудот. Дадена е евалуција на курикулумот за воена едукација, проследено со потребата за перманентна континуирана едукација во текот на кариерата. Исто така, се евалуира потребата за имплементација на модерни образовни технологии и методологии засновани на информатичките технологии во образованието.*

Клучни зборови*: образование, модерно војување, курикулум, интеграција, информатички технологии, моделирање и симулации, напредно дистрибуирано учење.*

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USAGE OF CONTEMPORARY INTELLIGENCE MODELS IN TERMS OF TRANSFORMING AND REFORMING SECURITY SECTOR

Abstract

This paper presents a new approach to the contemporary methods of organizing, establishing and functioning of the intelligence systems in a way of offering solutions against security threats and challenges of the 21st century. The effectiveness of implementing the measures and activities depends on the intelligence models, identified as functioning in relation to the structured elements of the represented and realistically created segments, standard operative procedures, security procedures and material and technical means.

Looking for a response to the issue of implementation of security and prevention activity during intelligence operations, this study emphasises the approach to using new types of organizing the intelligence structures, applying intelligence disciplines and intelligence components. Quoted are essential elements of the contemporary profile of organization of the intelligence structures like, unmanned aerial vehicles, global position system, information technology, geo-information system, national intelligence cells, the role of the military attaché, cooperation and coordination with partnership services and formation of special intelligence units, supported by contemporary technology and systems.

In this context, this paper initiates considerations based on scientific research regarding the successful implementation of reform and transformation of the security sector in Macedonia, in order to apply, unify and coordinate approach to existing capacity for successful implementation of intelligence operations, needed to oppose the security challenges of the modern era.

Key words: *intelligence, intelligence disciplines, intelligence components, security reforms, transformation, intelligence models.*

INTRODUCTION

Contemporary intelligence is a term which in the last fifty years is related to institutional state activities and international security systems, but

in 21st century it is used widely by the private companies, international representatives, business conglomerates and private agencies. Furthermore, this term is used by the paramilitary formations, insurgency and crime and terrorist groups. This phenomenon becomes a basic need and prior condition for successful functioning, establishing regulations and activities, having certain level of information, tracking events, occurrences, plans, activities to set up conditions for developing own potential, possibilities and capacities.

Implemented contemporary models in functioning of the intelligence services have to provide adequate information for authorities in the decision making process for making proper decisions for further institution activities which can be made in protective or exploitive purposes. Further, level, form and quality of intelligence information should provide security on national concerns and homeland security for each country.

Contemporary intelligence presents factor of development, creativity, creation and security in establishing security aims in order to logically direct ways of developing suitable solutions and specialized service for the country and the citizens.

The events from 2001 caused significant observance and changes in the way of effectiveness and efficiency on functioning of the national intelligence capacity and their capabilities and perspectives. Changes were started in the country (USA) which first considers the consequences from the events in 2001. The actions overtaken in that period are observed by the Department for homeland security and the Department for homeland defense; as a result of that, other countries members of NATO followed USA in transforming their Intelligence systems.

In that direction the efforts to reform the intelligence services and create organizational units in terms of intelligence disciplines, as well as the use of intelligence components had a significant role.

Some of them are issues of the research on this paper and are related to intelligence with the human factor, intelligence creation of images and maps, intelligence by measuring and marking, using the intelligence signals from technical-technological systems, and Intelligence open sources.

The twenty first century has opened the issue for the place and role of the reconnaissance and security services and their field of work. In conditions when the international community is threatened by the wave of violence, defined as asymmetrical threats, the need for intelligence and security information has become imperative in the time of necessity for awareness, knowledge, follow-up for particular events, occurrences and flows, establishment and maintenance of the security, preventive reactions and obstruction of the activities of the potential dangers. Europe has marked the democratic development of the modern societies with minimizing the military capacities towards the collective security systems. The intelligence

security systems have taken their place, especially the military intelligence - as a fundament for intelligence support in the military operations of the army forces.

INTELLIGENCE IN INTERNATIONAL ORGANIZATIONS (EU, NATO)

The intelligence in the European Union (EU). In pace with the fast global changes of events, the efforts in dealing with terrorism, proliferation of the weapon of mass destruction, occurrence of organized crime, humanitarian disasters and other, gain greatly in significance. The members of the EU develop politics of security with a sense for caution with shared perception and opinion on the threats. The constant intelligence cooperation is applied in support of the politics of the safe environment.

Within the Military staff of EU there is an intelligence department where intelligence information exchange is done1. The personnel prepare reports and analysis based on the national intelligence. From this modest organizational structure can be enumerated many tasks: the monitoring and development of the military capacities, the possibilities and control over them, estimations for the future steps in the use of military forces, planning the conditions during a beginning of a crisis, intelligence support for the activities and missions that are implemented in the moment, exchange of information, cooperation and coordination with the operative command and others.

The intelligence in NATO as a mission is implemented by the national intelligence agencies of the countries members and the commanders of the joint units of NATO, deployed around the world. The protection of the strategic intelligence information is done within the frame of the international military staff, or the Sector for reconnaissance, who informs daily the secretary general, the North-Atlantic Council, the Committee for defense planning, the Military Committee, the Political Committee and the Centre for proliferation of the weapons of mass destruction. It does not exist as an independent reconnaissance function or capacity. The Sector for reconnaissance in NATO acts as a coordinative body, where it does collection, estimation and delivery of intelligence information to the consumers in NATO's Headquarters and the organizational units which use their products (commands, units, agencies, countries)2.

[1] Trajan Gocevski, Oliver Bakreski, Stojan Slaveski, Lidija Georgieva "The Interests of the Republic of Macedonia in the Buildinf of European Security", Faculty of Philosophy, Skopje, 2008

[2] NATO, Reference Book, Brussels, 2001

This authority manages and coordinates the preparation and deployment of the strategic reconnaissance opinions in NATO, the documents connected with the intelligence politics, the preparation of intelligence documents, preparation and update of the databases and support of the intelligence personnel. In the frames of the competencies in the Sector for reconnaissance are included the tasks from the strategic warning and crisis management, maintenance, coordination and cooperation with other bodies and authorities of NATO and national subjects, which perform specialized reconnaissance activities.

The military intelligence often uses the term "intelligence disciplines", which represents a way in which information is gathered, and later, prescribed standard operative procedure and transformed into an intelligence product. Some theorists instead of the term "intelligence disciplines" use the terms "ways for gathering information", "sources of intelligence information", and in practice can be found even more associating words. The establishing of the intelligence disciplines depends on many factors, including the analysis and estimations of the necessary system of military intelligence, the main objective of the reconnaissance elements, the ability of the personnel, the equipment of the capacities, the financial support, established process of reconnaissance, location and function of the models of reconnaissance and others.

Studies made in the period 2000-2007 indicate the specificities that characterize the military-intelligence system of the Republic of Macedonia. The offered 25 different types of intelligence disciplines indicate that most of the used represent the basis of intelligence systems in the civilian and military sector and they are divided into the following: HUMINT, SIGINT, IMINT, MASINT and OSINT. Specificity in transformation on part of the intelligence services based on intelligence disciplines is that each of the disciplines is a formative organizational unit or institution of intelligence-security segments, which participates in the implementation of the intelligence functions, the intelligence cycle and intelligence components.Слушнете

Читајте фонетски

Dictionary - Преглед на детален речник

Слушнете

Читајте фонетски

Dictionary - Преглед на детален речник

So, in the area of SIGINT intelligence discipline, their intelligence tasks can implement liaison units for electronic warfare; in the conduct of HUMINT, significant areas could take reconnaissance units, specialized bodies and agencies to collect information from people; within the IMINT

they make use of UAV and aircraft, cartographic institutions, security agencies who use and create pictures, maps, shooting of the ground and air alike. According to the previously mentioned, in the paper will be exhibited characteristics of the five major intelligence disciplines.

CONTEMPORARY INTELLIGENCE MODELS

"HUMINT" is an intelligence discipline in which the participants are divided into two kinds: information collectors and sources for information. This is one of the oldest intelligence disciplines. This (non) technical discipline was used massively in the military history, until it was determined that it is losing credibility, that its use is limited, and by which there are more failures in conducting military operations.

The modern military intelligence services, during the intelligence preparation of the battlefield, are realizing the HUMINT1 by use of: LRSUs2 – long range surveillance units, CI3 – counter intelligence teams positioned deep inside the battle field and the zone of operations, and the teams for interrogation for the needs of the battalion.

The units for long range surveillance perform reconnaissance with use of the human factor. They can get a task for estimating the presence or absence of potential threats in NAI's4 – named areas of interest, developed during the process of conducting intelligence preparation for the battlefield. These teams are given significant support in the process of determining potential targets. The information obtained from the monitoring units on large distances, may be real or similar to the real situation and time, and have an important role in the direct engagement of the units.

This intelligence discipline is characterized by the following advantages5: providing useful information about the needs and requirements of the commanders of the units; timely, efficient and speedy arrival of information about the objectives, plans, estimates of enemy operations, potential threats to the essential elements in their own deployment and other; verifying and documenting knowledge of intelligence data; relatively cheap intelligence discipline; independence in the use of necessary resources.

The limitations could be listed as: information dependent on sources; sources dependent on functional roads, weather, population and motivation, restricting the resources of communications, operational capabilities and performance of the mission in different conditions; danger of untimely

[1] HQ, Department of Army „Intelligence officer's Handbook" FM 34-8-2, 1988, F-20
[2] LRSUs - Long –Range Surveillance Unit
[3] CI - Counter Intelligence
[4] Named Areas of Interest
[5] DIA, „Intelligence Analyst Course Textbook", 2001, p.V-III-1

information; the influence of human and other factors; difficulty of establishing contact and refrain from giving information.

Necessary for collecting information is the knowledge of the current daily events such as political, economic, security, cultural and other spheres in the zone of interest and the zone of the performance of operations1.

„SIGINT" represents a "product" of interference and exploitation of foreign electromagnetic emissions, and the intelligence with using signals from electronic devices, which are used as means of communication. The type of information that is a product of SIGINT may contain numbers and deployment of the military potential of the enemy, troops, locations and movements, plans, capabilities, etc. The very use of SIGINT intelligence depends on how it will be used to request active goals. Sensitivity to fraud in the form of false messages, radio-communication and other, makes SIGINT one of the most sensitive and most valuable intelligence disciplines.

This intelligence discipline is characterized by the following advantages2: passive activity - it cannot be registered in the ranges in which the registered goals are; safe reconnaissance - it can determine the intentions of certain goals.

Limitations could be next: search of active goals is difficult; there is sensitivity (vulnerability) of masking and fraud; to process and analyze, it is necessary time.

Most of the modern military intelligence, applies SIGINT performing regular activities of the specialized units for connections and electronic reconnaissance and intelligence. The effectiveness of the intelligence discipline is greater if it is used for a purpose, for the preparation of the military units for implementation of their tasks, especially in intelligence preparation of the battlefield.

„IMINT" is intelligence accompained by the production of photographs, maps, recordings by air etc. It is a complex collection of information from distance. The image is impartial and reproductive. It can be studied for different purposes by different users. It can be compared detail by detail with other pictures of the same location, to secure "comparative investigation". The image or photography can be used as a roadmap for geographical purposes and to provide coastal and border information including the bottom state and the accession of the coast. Sometimes it can provide information about the depth of water, but it cannot be confirmed, especially the bottom contour and composition of the material.

Footage and photographs can provide unlimited information and details of ground forces, the ability of troops, and the use of the features of

[1] Vladimir |Krivokapic, PhD, Criminology – Tactic 1, p.218, Belgrade 1996
[2] DIA, „Intelligence Analyst Course Textbook", 2001, p.V-III-4

the terrain, which may help to determine its viability for heavy vehicles, different types of tactics and more. But everything is not always that easy, there are other characteristics that have to be known. The interpreter of the images cannot always see the details.

This intelligence discipline is characterized by the following benefits1: covering a wide territory, carrying out comparative analysis, constant objective registering, taking findings on the level of activities.

Limitations or limited conditions, could be the following:

The dependency of time and light, sensitivity to fraud and disguise, limited analysis.

However, the use of IMINT as an intelligence discipline presents an imperative in implementing activities, especially characteristic for the period of preparation for carrying out missions and intelligence preparation of the battlefield.

„MASINT" is intelligence accompanied by measuring and marking technically derived intelligence by establishing, locating, detecting, identifying and describing unified characteristic of fixed and dynamic sources of goals (aims). The MASINT includes scientific and technical intelligence obtained from qualitative and quantitative analysis of the state situation, spatial and wavelengths, dependent temporal modulations, plasma and hydro magnetic data, collected using MASINT sensors, aim for identifying separate remarks of sources.

The intelligence by measuring and recording is mostly realized by special detectors and targeted technical processes exploited by the production infrastructure of this intelligence discipline. Moreover, this intelligence comes from additional processing and exploitation of data collected by detectors of other disciplines for collecting information.

This intelligence discipline is characterized by the following advantages:

Sensors and receivers can mark the necessary objectives on the displays, and to decrypt the received information subjectivism is reduced, and it is necessary high accuracy in processing information, obtaining unified information, automatic identification of the targets etc.

Limitations could be the following: the quality of information depends on the staff practice, it requires highly sophisticated equipment and techniques, activity of the objectives is necessary, there is limitation of the sensors and devices, expensive materials and equipment are used.

„OSINT" is intelligence from open sources as well as the other unclassified information that have limited public access or distribution. The intelligence from open sources is the result of laboratory analysis of sources

[1] DIA, „Intelligence Analyst Course Textbook", 2001, p.V-III-3

of public information in comparison with other sources. OSINT as an intelligence is not new, but with the apperance of the Internet it became a significant support to other intelligence sources.

Open sources can quickly orient the analysts and the users and they are useful in some possible requirements for collecting informations. The analysts do not need to count on exclusiveness in the disclosure of sources, because many are motivated by diversity programs work, and are not connected with correct and objective reporting.

The open sources present challenge to NATO, especially the implementation of the operations conducted exactly by this organization. The dramatic changes in the strategic level led to the discovery of the effects that direct NATO to implement its program and plans1. One of the most sensitive zones of action of each military community is collecting, analysis and delivery of intelligence information.

This intelligence discipline is characterized by the following benefits2:

Reducing financial costs, high utility of information, accuracy, validation of information etc.

In limitations we can list the following: obtaining wrong or unconfirmed information, hidden and superficial daily events etc. OSNID takes an important place within the intelligence communities. To get information sometimes it is not required to apply a separate plan because the information is all around us.

While the modern intelligence is occupied by the era of modern technology, the intelligence community is reluctant to abandon this very important industry.

CONCLUSION

Such an organized intelligence system can contribute effectively in setting the national intelligence community level, at least for two reasons: for organized and planned activities in collecting and creating intelligence information and also for economic expenses of the funds of the state.

In addition, the organization of intelligence system based on intelligence disciplines will enable each formation structure, intelligence institution, even every individual to find proper place in the intelligence community, to be educated and trained on a proper way, to create realistic picture of the scope of operation, and establish the true line of work.

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[1] Defense intelligence and security school, Comm. Patrick Tyrrell UK, „The challenge for NATO", 2002,

[2] DIA, „Intelligence Analyst Course Textbook", 2001, p.V-III-4

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REFORMS AND PERSPECTIVES OF FUNCTIONING OF INTEGRATED BORDER SECURITY

***Abstract*:**

This study present analytical-historical approach with cotemporary scientific research of creating concept for border security as a part of Security System of Republic of Macedonia. Border security of state border is one of the most sensitive parts of establishing of independents, sovereignty and territorial integrity, due to transformation and reform according instructions of international community for regional connection, cooperation, coordination and protection of the space of that segment of security system is needed.

This study will make a comparative view of both systems of the Republic of Macedonia, the old one that was under the jurisdiction of the Ministry of Defense (MD), i.e. The Army of The Republic of Macedonia (ARM), and the present one which is under the jurisdiction of the Ministry of Internal (MI). Results of research in the study are shown trough elaboration of challenges and characteristics in the functioning and organization of cotemporary integrated border security management in the frames of Euro integration process and experience received from developed countries.

In this contest study identified reforms and perspectives of Republic of Macedonia for successful functioning of integrated border security as a part of system of coordinative measures and activities of responsible state institutions.

Key words: security, state border, security system, integrated border security, border, border organizations, police.

INTRODUCTION

The future safety and stability depend greatly in the usage of an effective border control, informing, communication and coordination. These functions should not be in the hands of individuals, they should be run by institutions, and not just a particular institution, but an inter-agency teams formed within the system of Integrated Border Security.

The term state border security more precisely means a system of measures and actions that are being done in the state borderlines and the state area in order to preserve the inviolability of the state border, the protection of the sovereignty and the territorial integrity of the Republic of Macedonia.[1]

According Constitution "the current border of the Republic of Macedonia is inviolable" [2], and for the effective protection, the security of the state border is organized as a system. Within the system, different state bodies, as subjects of the system, have jurisdictions over the security of the state border, while the specific assignments within their scope are designated with laws and by-laws as regulations, rules, instructions and orders.

This study will make a comparative view of both systems of the Republic of Macedonia, the old one that was under the jurisdiction of the Ministry of Defense (MD), i.e. The Army of The Republic of Macedonia (ARM), and the present one which is under the jurisdiction of the Ministry of Internal (MI). With the new system of border control clearly can see characteristics and specifics in part of engagement of police forces and equipment on state border and border crossing points. It will point the characteristics of the new system of integrated border security, it will also elaborate the advantages and the progress that is accomplished in the fulfillment of the mission for a secure and controlled state border.

Trough the results of research effects of establishing of functioning system are confirmed, as one of key reforms project in frames of Euro-Atlantic integration efforts and implementation of Europeans standards Which is one of strongest arguments for liberation of visa regime of republic of Macedonia with European Union member states.

[1] Republic of Macedonia. Ministry of Defense (1993). Regulation for border services. page 20-21. Skopje

[2] Republic of Macedonia. (1991) Constitution. numb. 52/91, page 27. Skopje.

CHARACTERISTICS OF FORMER SYSTEM OF STATE BORDER SECURITY

Management and functioning of border security

The system of securing the state border in the Republic of Macedonia during the period of its independence until 2005 was carried out by subjects that participated directly in its physical protection, control and surveillance, as well as structures that contribute to the protection.

Subjects that directly secured the state border were:

- MOD of the Republic of Macedonia, through the ARM;
- MI of the Republic of Macedonia.

Within the implementation of the complete protection of the state border in the department for control of persons and goods at border crossings, other professional authorities and agencies were hired, such as: the customs administration; the veterinary inspection; the sanitary inspection; the agricultural inspection.

The organizational elements of the army and the police of the state border were involved on the basis of strict rules and regulations. The priority towards taking measures and activities at and inside the border line was given to the armed forces, who applied patrol tactics, ambush tactics, regional guards, control of the movement at the border line, retention, apprehension, confiscations of goods etc. Part of the activities necessary for the security of the state border were carried out by the armed forces with the help of the police force and organs, located at the border police stations, or the border crossings.

The mutual connection, interaction and cooperation in the matters of protection and security is accomplished through several forms and methods in accordance with the established mutual plans and management of the border services, organs, units, whose activity was concerned with the security of the border

On the army level, the unit responsible for the immediate practical security of the state border was the 1-st Border brigade *(1.bbr)*, that fulfilled its mission in accordance with the legal decisions and the Rules of border services.[1]

[1] Republic of Macedonia. (2001). Law of Defense. Official Journal of Republic of Macedonia numb. 42/2001; Republic of Macedonia. (2001). Low for passing of the state border. Official Journal of Republic of Macedonia Nu. 42/2001(out of order); Republic of Macedonia. Ministry of Defense (1993). Regulation for border services. page 20-21. Skopje

[4] Republic of Macedonia. (2001). Low for passing of the state border. Official Journal of Republic of Macedonia Nu. 42/2001 act 46 (out of order);

This brigade was a combined - tactical unit with variable composition. It, depending on the position, the purpose and the tasks for which it was designed, joins lower border task and expert units, as well as units from other services, which allowed it to perform various activities and actions in a specific area of space during the protection of the state border.

1.bbr secured the state border and controlled the movement and the sojourning of the people at the border line outside of habited areas and border passes, in order to stop unauthorized crossing of the border line or unauthorized navigation or fishing in the rivers and lakes, and other illegal actions.[1]

The primary mission of the *1.bbr* was the security of the state border of the Republic of Macedonia, and was accomplished through:

- Protection of the sanctity of the state territory of the Republic of Macedonia from intrusion from armed forces from the neighboring countries;
- Monitoring of the situation of the outside area and gathering intelligence-reconnaissance data;
- Obstruction of illegal drugs and weapons trafficking;
- Obstruction of enemy diversant – terrorist groups or individuals;
- Control of respecting assigned rules in the border zone;
- Timely and complete reporting of the situation and events at the border.

According to the legal jurisdictions, the security of the state border was carried out by a linear and combined linear – depth system of security at the state border and the surrounding area.

1.bbr realized the security of the state border through:

- Defensive protective actions;
- Carrying out border operations.

The strategic purpose of the concept of operations was a complete and effective security of the inviolability of the state border from all threats to its security. The realization of the strategic goal predicted a planning and performing operations in normal conditions, regular engagement of the units of the peacetime composition of the brigade, cooperation with the police, customs, representatives and authorities of the local government and the population of the border areas, persons and bodies of monitoring missions, as

[5]Table taken from the annual analysis of 1.grbr for captured people who illegal passed state border in 2004

well as usage of mobile border forces for responses in particular directions and areas. 1.bbr in 2004 achieve results which are given in table Nu.1 [1]

Indicators	Albania	Greece	Bulgaria	S&MNG	Total
People captured on illegal entry into the RM	**114**	**22**	**10**	**126**	**272**
People captured on illegal exit from RM	**23**	**73**	**4**	**48**	**148**
Total	***137***	***95***	***14***	***174***	***420***

Table Nu.1 Scheme of captured persons in illegal passing of border state 2004.

Characteristics of the system

As a result of the conducted studies, the positive and negative characteristics of this kind of security were clearly defined, and they refer to the following:

Positive Characteristics:

- The existence of large number of people for the security of the border line (soldiers serving the military) for which there is no need for provision besides the basic needs (food and clothing);
- The age structure of the staff endured greater physical stress during the execution of the functional tasks;
- The opportunity of using the logistical capacities of the army, especially in hardened conditions (transport, food and delivery);
- Usage of the existing infrastructure coming from the previous system.

Negative characteristics:

Problems that the army forces faced in the period during the securing of the state border referred to:

- Limited authority in the execution of the functional duties in within 100 meters of the border line;
- Division of the authorities for the security and supervision of the state border (MD for the green border-border line and MOI for the deeper part and the border crossings)
- Because of the closure of the army system, there was a lack of possibilities for exchange of information with the appropriate institutions in the neighboring states;
- Constant change of the personnel that secured the border line (soldiers serving the military) and for those reasons there was no

[1] Table taken from the annual analysis of 1.grbr for captured people who illegal passed state border in 2004

opportunities for their constant expert improvement for the execution of the police tasks in the domain of the state border security.

- The inclusion of several institutions in the court effectuation of the actions in capturing illegal crossers and offenders of the border (the Army, Ministry of Internal Affairs, Ministry of Justice)

Based on the previous, it can be conclude that the long-term implementation of measures and activities by the army forces at the border gave considerable contribution to the defense of the territorial integrity and sovereignty of the Republic of Macedonia. The burden that was transferred from the previous system was a burden for the state that through a static and unperspective border system did not allow progressive and perspective realization of the goals and efforts for the preparation and entry in the Euro-Atlantic organizations. The approach of collectivization, implementation of joint efforts, achievement of national interests and good neighboring relations, brought to the transformation of the border security.

Characteristics of the system of border control

Organization and action

While in the previous army system, the army was deployed as a turret, with its facilities along the state border, now, new established border police as a part of MI, created system of border control trough the regional centers of border police.

The regional centers are responsible for the management of the surveillance of the border in their regions. The police stations for surveillance of the border perform tasks on the field.

The border control covers the things that refer to border checks and border surveillance, analyses of threats to national security and analyses of threats that might affect the safety of the border.[1]

The border checks are conducted at the area of the border crossing immediately after arriving of the transports device or the passenger.

The border surveillance is conducted in a way that allows prevention and discouragement of persons that attempt to evade border checks at the border crossing.

The border surveillance is conducted with the use of static and mobile police units thru patrols or set up obstacles at places which are considered as illegal crossings, in order to discover and prevention of people

[1] Republic of Macedonia.(2006). Low for control. Official Journal of Republic of Macedonia Nu. 171/2010. Skopje

illegally cross the state border. Monitoring tasks are carried out based on local assessments and analysis of risks and threats.[1]

Considering that a good parts of the border line and area of The Republic of Macedonia is specific, difficult to get through, densely forested, the border police uses specific tactics for security, using technical means, helicopters, remove controlled aircrafts, especially trained dogs, to set up obstacles with which to disable illegal crossing of the state border, search of the terrain and the facilities on the terrain, ambushes, cooperation with the organs of the bordering states etc. The results are given in table Nu.2 [2]

Indicators	Total
People captured on illegal entry into the RM	258
People captured on illegal exit from the RM	506
captured People who Illegal passed state border in RM	337
Total	1.101

Table Nu.2 Scheme of captured persons who illegal passed border state in 2010

Within its activities, the border police can take and combine actions for securing the state border, such as displacing and usage of certain police stations and organs according to the estimates for effective operation and usage of the principle of economy and rationality. In such cases the border police in the Republic of Macedonia applies authorizations in accordance with the law of taking appropriate measures and activities from the first grip that are conducted primarily at the police station (interview, search of persons and vehicles, determining of the origin of the goods, confiscation of objects etc.), and afterwards are given over for further procedures at the authorized persons on higher (regional) rank.

Regional cooperation and coordination

With the taking of responsibility for state border security from border police where created conditions for international police cooperation and regional cooperation for border control and coordination for prevention of

[1] Republic of Macedonia, Ministry of Interior.(2010) Rules for the manner of execution of securing the border state of border control. Official Journal of Republic of Macedonia Nu. 153/2010. Skopje

Procedure for exchange of information between institutions that have responsibilities in the integrated border management, Skopje

[2] Rizovski Z. and Petrusevski I. (March 2011). Interview with Minister of interior. Stit 19 (3), 8

illegal across border activities. The Republic of Macedonia is a participant state of the Police Cooperation Convention for South East Europe (also known as the Vienna Convention) May 2006[1]. When it comes to the implementation of the decisions of the convention, the Republic of Macedonia has signed documents in the area of border police:

-With The Republic of Serbia, (2010) the protocol between the MI of the Republic of Macedonia and the MI of the Republic of Serbia, for the organization and maintenance of regular meetings between representatives of the border services of the Republic of Serbia on national, regional and local level;

-With the Republic of Bulgaria, (2006) a treaty for border cooperation. Meetings are held at the Bulgarian border on regional level. There are also plans for a determining a point for contact on the Bulgarian territory and similar initiatives are being planned with other neighboring countries. The sector for border affairs gradually works towards a trilateral cooperation with Bulgaria and Serbia. One of the goals of such cooperation is the quick exchange of information;

-With the Greek Republic, there is no written agreement, and for those reasons the cooperation is less intensive, but it exists on all levels;

-With the Republic of Albania, (1998) the protocol between the Macedonian MI and Albanian MI for organization and maintenance of regular meetings between representatives of the border services if the Republic of Macedonia and the Republic of Albania on national, regional and local level, as well as an agreement between the two Ministries for joined patrols along the state border. With the Republic of Albania, there are two joined patrols on the green border once a month. The commanders and the police officers on duty at the police stations meet each other once a week in order to exchange information. According to the reports of the border police, these patrols and weekly meetings are very useful.

- With the services from Kosovo, (2010) there is an agreed state of bilateral basis for police cooperation, which includes the possibility of establishing joined police patrols, exchange of information and joined training. Contacts with the security forces of Kosovo are maintained on all three levels. Regular meetings on a central level are held with the United Nations Interim Administration Mission in Kosovo UNMIK, every two months.

[1] Republic of Macedonia. (2010). Law of Ratification of the Police Cooperation Convention for South East Europe. Official Journal of Republic of Macedonia numb Nu. 74/2007

Specifics, procedures and training

Border police of Republic of Macedonia us cotemporary communicational technology for border security in the frames of the system of Integrated border management. In frames of the system implemented is system for total border crossing monitoring.

The system for informatics technology (IT) of the border police is connected to the centralized IT system of the MOI, where data checks, data exchange, information between organs, implementation of requests, searches, internal correspondence of operative material etc. can be conducted. The centralized data system is supported with contemporary back-up servers. Within the communications-information system, every border crossing is connected to the central data base, so that the police officers that work at the police stations are allowed access to the same.

In the frames of implementation of border security, and assuming of measures and activities for border control, police personnel passing trough the process of training and improvement which is followed with practical field training, with us of qualified and experienced police officers for mentor support.

Characteristics of the system

As a result of the conducted studies, the positive and negative characteristics of this kind of security were clearly defined, and they refer to the following:

Positive Characteristics:

Positive characteristics (enumerated with little explanation):

- The legislation is according to the European standards and the crossing of the border is simpler;
- Internal communication is established with the informatics and communications systems, and connection of the regional centers with the specific control points;
- The staff that performs the security of the state border is relatively permanent; the same has constant training, thus achieving efficiency and professionalism;
- The tasks are conducted professionally based on successfully finished training;
- Involvement of small number of institutions in the judicial effectuation of the procedures of capture of illegal crossers and offenders of the border regime (Ministry of internal affairs, Ministry of justice);With survalliens

- The usage of helicopters in the surveillance of the state border, thus overcoming the problems that occur because of the high-mountain areas, the existence of multiple natural and artificial objects;
- Surveillance of large number of populated places along or near the state border minimizing the illegal crossing of state border;
- Adopted a national strategy for integrated border management;
- We have created conditions under the strategy for integrated border management[1], to establish the National Coordination Center for Integrated Border Management (NCCIBM).

Negative characteristics (enumerated with little explanation):

- The new system of security of the state border in reference to the previous one is more expensive because of the involvement of professional staff;

Challenges in the frames of border control

In the frames of implementation of activities of state border security, exists a lot of challenges which have influence on implementation of measures and activities for protecting of national integrity and prevention or minimizing of illegal activities. Access to the severity of the problem can improve the security situation or to hinder the work, the functioning of state and state institutions and reduce the success in their work.

Actual research indicate the necessity of a deep analyses and comprehension of the functioning of border security, through the selection of phenomena, processes, observed disadvantages and indicators as "objective challenges of the border" and "Challenges of a subjective nature. "

Objective challenges“ that occur as a result of the general security challenges at regional level affect the functioning of the border security. These are factors and indicators that depend from many different aspects, such as: the influence of the political-security situation in the region of Southeastern Europe; the transport euro-corridors number 8 and 10, which positively affect the transit of goods in the ”east-west” and “south-north” routes, and cross through Macedonian territory.

The objective factors are also negatively affected by the social aspects of life, such as poverty, education, unemployment and other transitional influences.

„The subjective aspects of the challenges“ which are seen in the conducting of the border surveillance are similar as in other state organs and institutions, even in highly developed countries, and they depend mostly on the

[1] Republic of Macedonia, Government of the Republic of Macedonia. (2003). National strategy for integrated border management. Skopje

inventiveness, abilities, will, motivation, the expertise in the execution of official duties, experience, even the ability of management, leadership of the supervisors and the senior police officers, the concern for subordinates, courage, leading by example, support of superior etc.

Conclusion

International organized crime is in constant growth with a tendency of globalization and use of sophisticated technical means and methods. Particularly impressive is the modernization of the communication skills and their effectiveness. Constantly finding safer ways to carry out criminal activities, as for example on 11th September 2001 in New York in most savior form were demonstrated the dangers of international terrorism. Such treats required the necessity to move one step further, and develop mutual communication, coordination of activities, planning and preparedness to respond to the challenges. Effective and continuous exchange of information and intelligence procedures in relation to operational planning are vital to border security.

By linking the actions of all entities whose activity is related to border control and border surveillance, both within the country and the wider international level, and ongoing coordination of their activities in a single centrally managed system and achieved improvements that can be seen from the table of captured people who illegal passed state border in former and the current system of control and surveillance of the state border in the study listed above.

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BUILDING SECURITY THROW INSPECTION SUPERVISION IN REPUBLIC OF MACEDONIA

Abstract

The absence of threats of any kind in societies represents an imperative of any organized governing. State functions are connected in a specified organizational architecture that involves competent specialists exercising influence in the function of providing stability, certainty and predictability to social processes and relationships. The institutional architectures of the state, which are aimed at achieving security (security defined by negative definition), are numerous, diversified and specialized. Inspection services, as a kind of administrative supervision, supervise the legality of the operations of entities in the country, organized in line principle of organization and narrowly specialized. Inspection supervision has its own position in the system of public administration in the Republic of Macedonia gaining significant influence in attaining a judicial country. This paper will aim at displaying the organizational structure of the inspection agencies (inspectorates) and explaining what type of supervision they carry out, in line with the present trends of contemporary organizations of inspections.

***Keywords**: organization, society, governing, institutional architecture, regulation, control, supervision*

Introduction

Conflicts are a normal and at least expected manifestation in the correlations of an individual, social groups and state. The origin of disagreements and conflicts may be different, and it is mainly driven by the interests of the particular subject. Probably clashes are part of the human nature, and in that case, we cannot speak of removing or neutralizing them, but only we can speak of their regulation in a framework that will ensure predictability of activities and mechanisms of concluding and neutralizing the behavior that has come to oppose the established standard. Because of it, some form of social regulation is a necessity. The nature of the social life of man is painted, upgraded with a variety of activities that may contain destructive elements. When we want to talk about the regulatory function of society we should have in mind that society is a system characterized by complexity and expresses its function that is basically to control and to manage. In general, society is a structure given its nature (political,

territorial, a community of many individuals, organized) has a certain determination of the relationship. The social system is structured, covering the interaction, organization and community groups[1]. Society as an informal organization has its own structure and institutional architecture, which depends on the shape, but is mostly formalized. Regarding the regulation of relations, especially prominent parts that are necessary to achieve regulatory mechanisms are: 1. Government, and 2. Law. Regarding the implementation of the government and its policies (the policies of the government manifested in laws and other legal acts that regulate the behavior of people), the burden of operating of the regulatory functions falls to the management. Administrative authority has two functions: one that highlights or emphasizes its position of authority basically expressing power and the other which is in service activity, or exercising functions of public / general interest. Management activities carry out the coordination, integration, regulation aimed to link the activities in a representative compactness and coherence. All the previously mentioned theoretical determinations contain extract of social control which contains a basic goal, which is to ensure predictability of relations in society! What is unpredictable, in large part causes uncertain and hence the behavior is characterized by the absence of certainty, or a sense of insecurity. The security situation in the society is accomplished through multitude of social subjects. According to the traditional concept of the notion of security (national, state security, security related to the territorial integrity and sovereignty), and most organizations are tasked to achieve the same goals are perceived as forms that possess weapons, power for the application of physical force, security - intelligence - counter services. This concept has been overcame, and the current term determining security opens the possibility of determining the multiple factors that neutralize / remove / act on factors that contribute to uncertainty particularly in the context of regulated activities / activities of people.

SECURITY/SAFETY

When it comes to the term security as well as for many other concepts in the field of social sciences, scholars have failed to agree on establishing a single term. What is certain in terms of the notion of security is a condition that is desired and is one of the highest needs of man. Namely,

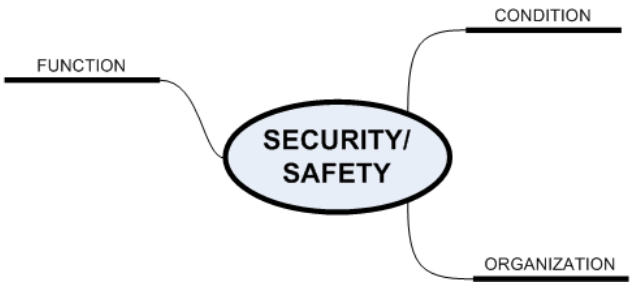
[1] For social system see at: Pusić E., Društvena regulacija, GLOBUS, Zagreb,1989, p.. 64-69. Organizations entrusted explains how durable forms that are interrelated and do not require the constant presence of the members. The organization, on the one hand, offsets the personal motivation, but on the other hand limits the ability to determine the behavior of social impact, so that the individual has sufficient maneuvering room to develop your own personal space where you can act.

when that man is threatened and put in a condition that can harm in some way, it is the highest priority to avoid or deal with it in a way not to suffer consequences.

Organization represents a system that accomplishes activities of achieving an acceptable state of feeling of security (i.e. tolerable level of threat that cannot be removed (e.g. earthquake hazard, climate warming). The organization may be different, although most people here recognize the state and its institutional architecture. The state has the most developed institutional mechanism through which architecture accomplishes in reality its regulatory function. In this part, the state has a superiority of the use of physical force.

Security conditions are: the circumstances, facts, activities in the objective reality of societies where, according to the usual meaning and experience we can say that there is a certain level of risk that can never be fully removed. Security can be expressed quantitatively (also descriptively) by establishing a system of indicators and methodology of assessment.

Security function. Activities, measures, actions aimed at neutralizing, prevention, opposing the factors that bring a certain level of uncertainty (larger or smaller) in what means security condition. The carriers of the security function are individuals, social groups (families with emphasized importance), the country through its organization (very complex) and supranational entities (regional and global actors - NATO, the Security Council).



In terms of defining security, Mojanoski makes significant effort to establish the concept of security as a scientific discipline. When he explains the concept and term of security using a variety of definitions of significant authors in the field (Spaseski J., Gaćinović R., Lippmann W., Grkikj M., Miletić S., Maslesha R., Gocevski T.,) discussing the term, he comes to the conclusion that security can be understood as a state (condition),

organization and function. Security is a condition defined as a protection of an object, worth, benefit, society (community).[1]

Because of the multitude of approaches to the concept, perhaps the clearest is the one that is generalized, so Spaseski uses a broader approach to defining the question through a negative concept and says, "when talking about security, mostly used is the "negative definition", that means it is understood as an absence of danger and threat of any kind".[2] In this respect Copenhagen's school treats this as a deepening of the concept of security considering that man is put as the holder of the security, so Fock believes safety should be defined as "the negation of insecurity, because it is specifically experienced from individuals and groups in specific situations.[3] When talking about security as a function, it is actually the existence of **institutional architecture** with precisely defined authorities or entities that perform security functions.

Towards the determination of security we can contribute determining what constitutes a threat to security. Ullman found it as "an action or series of events that: 1. Threatens drastically and in a relatively short period to reduce the quality of life for residents of the state, 2. It threatens to significantly reduce the political capabilities of a government or country, or to private, nongovernmental structures (groups, individuals, corporations) within a state.[4]" This view puts emphasis on the state as a safety factor, considering that security is treated as a sub-discipline of international relations.[5] The organizations of human communities impose allocation of obligations and rights, and parts of the obligations are undertaken by the state organization. When those obligations relate to the exercise of the regulatory function of the state, protecting certain situations and processes, talking about the achievement as a safety feature, by which we mean a **state institutional treatment of endangering and risks** that exist and which are common in all spheres of human life.

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[1] Mojanoski, C., "Dilemmas in Defining of Methodology of the Science of Security, Collection of elaborations of the scientific-professional conference on the issue: "Security, Ecological Security and the Challenges of the Republic of Macedonia", pp. 17-20, Faculty of Security – Skopje, Skopje 2010

[2] More about definitions of the tern Security see at: Spaseski, J. Macedonia – A Pillar of Security and Peace on the Balkans, pp. 36-39, Police Academy – Skopje, Skopje 2005

[3] Hugh, P., A Concept of Global Security, Tabernakul, Skopje, 2009, page 7-8; According to: Falk, R (1995) *On Humane Governance, Toward a New Global Politics,* Cambridge: Polity Press.

[4] Hugh, P., A Concept of Global Security, Tabernakul, Skopje, 2009, page 7-8; According to: According to: Ullman, R.(1983), *Redefining Security*, International Security 8(1): 129-153.

[5] Ibidem, page 3-5.

National security, state security and even regional security are indisputably perceived concepts of security experts, as well as politic makers. Today we are all aware of the risks of the consequences for security when you hear terrorism, drug trafficking, war conflicts. But as the report of the UN Human Development of 1994 says: "too long has the concept of security been interpreted as security from external aggression...", today safety is a child that has not died as a consequence of crime, a disease that does not spread, a job that is not abolished, ethnic tension which has not resulted in violence, an opponent of the government that was not quieted[1]. To us, more and more acceptable becomes the concept of individual security. It is not about evolution of societies in terms of not having the possibility of collision or endangering safety under the traditional concept, but if human rights are personal, individual, then security as well shadows the individual, not the group. This seems the only valid concept.[2] Todorovska's conclusion that human security and social development are inextricably linked[3] is more than correct. If we want to make an analogy, we ask ourselves at the micro level: whether the development of man as an individual depends on the condition of certainty / uncertainty in his life. The answer is certainly affirmative. In this case the logic is applicable whether talking on the level of society, state, social group or individual.

The security function on the level of society for the most part has been taken by the country, according to the "informal social contract" so that individual members of society in exchange for the relinquished rights get the protection of the state. At first the protection of the state was implied as protection of the ruler, then protection of government, and today the modern concept presupposes and advocates for the protection of the rights and freedoms of citizens. That is one aspect of the implementation of the protection. Another aspect of the matter is that the nature of relationships and general social activities of people in society (which are dictated by many factors, such as economic, cultural, political, technical - technological, etc.) perceive quantification experience and a high level of specificity. This situation requires even greater specialization of the authorized persons in

[1] *Human Development Report 1994*, United Nations Development Programme (UNDP), Oxford University Press, New York - Oxford, 1994, page 22. Available: http://hdr.undp.org/en/reports/global/hdr1994/chapters/ (09.04.2011. 23:224 ч.).

[2] More about concept of human/individual safety: Mitrevska, M., The Human Security in 21st century: New Challenges and New Answers, Collection of elaborations of the scientific-professional conference on the issue: "Security, Ecological Security and the Challenges of the Republic of Macedonia", pp. 45-55, Faculty of Security – Skopje, Skopje 2010

[3] Todorovska, V., "Theoretical Approach in the Defining of the Concept of Security, Collection of elaborations of the scientific-professional conference on the issue: "Security, Ecological Security and the Challenges of the Republic of Macedonia", p75, Faculty of Security – Skopje, Skopje 2010

dealing with cases and neutralizing activities that may bring uncertainty to everyday life.

If certainty and predictability of activities and actions in society can be achieved by respect to the norms of people's behavior which as such is determined by the government, then the tendency of the state will be in the direction of a smaller discrepancy between the actual and the normative one. This is done through a complex organizational mechanism. The governing mechanism is most important in this section. The Administration has a multitude of authoritative and non-authoritative powers to conduct the rules. Handling of special powers to certain persons in the name of the state will implement the government characteristics of each system.

INSPECTION

One of the most important organizational services that are developed according to the need for specification of control of social activities (in the extensive sense) is the inspection service. The issue of link between security and inspection services can be explained through:

1) the existence of separate personnel, with specific powers with authority to conduct surveillance;
2) 2) the competence of these staff to apply preventive and repressive measures that are authorized by law;
3) 3) the specificity of the control activities performed with the specific knowledge that is required;
4) 4) protection of the values which we can determinate underperforming areas of oversight;
5) 5) determination of the security dimension of the values that protect the inspection;
6) 6) an explanation of the need for compactness and coherence between atypical security institutions (inspection supervisions would be atypical, because in literature they are generally considered by a pure administrative - legal relation) and typical security institutions (Ministry of interior affairs, Ministry of Defense, financial police, intelligence and counter-intelligence institutions).

Inspection supervision in nature is expressively Administrative - Operational activity which in the fastest way authoritatively prevents and removes the illegality of working, and the condition and performance, behavior of Entities to be under the laws, general laws or other regulations. The significance of this type of oversight is particularly distinguished by the specific powers that they have authorized to perform that inspection. Inspection oversight is a typical form of a classical state supervision where

we best see the imposing of authorities of the state structures in establishing the rule of law and consistent observance of the principle of legality.
Generally, when it comes to regulatory supervision, especially for inspection (also known as repressive) is a relationship between an active and a passive entity based on the principle of subordination. Subordination as a principle in its absolute form means a duty to respect the orders of the subordinate in terms of superior authority. Under inspection supervision, there are three stages of the supervisory process, including:

- 1st Observation and monitoring of the supervised entity;
    - It is classically authoritative group, which is regulated by law, under which the entities under supervision are bound to act upon the requirements of the inspection service (insight into business documents);
- 2nd Giving an assessment of work;
    - In this section, inspection services provide assessment of the business of entities subject to supervision, thereby directly influence their behavior, with authorization to order / ban / empower them to do / not do something; and
- 3rd Intervention.
    - It is an established behavior that is contrary to the desired and therefore, interventions should make a correction of the situation, bringing relations to a predictive level.

Selovski outlines some general and specific features that occur in supervision. As general features, he notes: the **specific terms** of the inspection (a process with several stages), **its elements** (subject, object, article, and authorization), and **the purpose of exercising supervision** with different means. As special features of inspection supervision we can be distinguish: the execution of specific methods in many different areas of social life takes place on the activities of supervised entities and are executed by special personnel - inspectors.[1] In this sense, when speaking, Milkov says: in terms of the basic inspection method it consists of direct sensory perception of certain objects, premises, documents, equipment, property etc. He continues with the conclusion that subjects that are carriers of the inspection have special powers that are necessary in achieving their primary roles[2], and in accordance with the authoritative nature of the very actions of the inspection (local community).

According to the existing legislation of the legal order in our country, under inspection we include: supervision over the enforcement of laws and

[1] Selovski, G., Inspectional Supervision – with special review over the currency supervision, M.A. Ellaboration, p. 39, Law Faculty – Skopje, Skopje 2002
[2] Milkov, D., *Administrative Law II – Administrative Work, p.292* University of Novi Sad, Law Faculty – Novi Sad", 1997

regulations whose selection is based on the laws in the work of state bodies, the local government and city of Skopje, public enterprises, companies, institutions and legal and physical persons that are inspected and supervised, and they also impose sanctions and inspection measures in order to fortify the identified irregularities.[1] This legal definition is followed by: passive subjects (those on which surveillance is done); these can be all entities (physical and legal) in the country, certainly if they have certain obligations in respect of a particular state will converted into law. According to Milkov inspection is a "supervision of the inspectors regarding the legality of the operations and actions of organizations and individuals, which is accomplished by direct inspection."[2]

Inspection control is immediate control that is exercised by administrative bodies within the limits of their powers and aims to achieve **insight and state of relations and actions, or legality of the work of state bodies and citizens and legal entities with administrative measures**, thus establish the status and relationship accorded by law.[3] The inspection supervision is executed by administrative bodies and those same authorities of supervision, as part of its rights and duties exercised with a direct insight into the work and actions of the subjects of surveillance (physical and legal persons) in terms of respecting the laws, regulations and other acts, take administrative and other measures authorized by law.[4] The immediate insight is one of the basic features of this kind of administrative supervision because it involves determining the factual situation. The determination of the factual situation may be in terms of determining the verity (of documents, legal documents, contracts, etc…), can be aimed at establishing facts on sight (radiation, provided working conditions, safety at a work place), hence the immediate inspection is necessary when conducting the inspection procedure.

We can conclude that regulatory inspection supervision performs a regulative function that intents to implement the regulatory function of the state operational activity level. In that sense we can say that, the inspection services conduct the desired condition in material sense that is determined by the state through form. Therefore, they undoubtedly provide predictability and correction of the behavior that creates undesirable, unsafe conditions that

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[1] Supervision Act (Official Gazette of Republic of Macedonia no. 50 of the year 13.04.2010)., Article 2, paragraph 2.

[2]Milkov, D., *Administrative Law II – Administrative Work, pp.292-293,* University of Novi Sad, Law Faculty – Novi Sad", 1997

[3] Stjepanovic N. Lilic S. Administrative Law – general part, Institute for schoolbooks and didactical materials, p163, Belgrade 1991.

[4] Borkovič I., *Administrative Law* „INFORMATOR", p. 233, *Publishing House, Zagreb*, 1981.

create a sense of threat to some of the values in society, which eventually can be called even as the rights and freedoms of man.

Organization of inspection services in the Republic of Macedonia

Inspection bodies that exist within the bodies of state administration and exercise supervision over the legality of the operations of entities are an extremely important link in implementing the control and supervising activities of the state. Numerous inspection services are formed originating from the case of the control they have done, so we have: sanitary inspection, market, labor, health, and agriculture, veterinary, more types of technical inspections etc. The non-existence of control and supervision in the performance of activities that are subjects to the aforementioned inspections would create chaos in society.

Given that within the executive branch in Republic of Macedonia, in a condition where it is decentralized in a certain part and domain, it behaves as decentralization of rights and obligations in terms of enforcement, and among other things, of carrying out inspection supervision. Hence, the inspectors' supervision can be conditionally divided in two-stage or inspection services organized at the central level in the organizational units - **inspectorates and other state administrative bodies performing inspection (such authority would be the Phytosanitary Administration**[1]) and at the level of local government where municipalities may organize municipal inspectors for conducting inspections on the performance of duties within its jurisdiction.[2]

According to the Law on Organization and Operation of the public administration in Macedonia at the central level, there have been formed the following inspectorates:

- State Foreign Exchange Inspectorate within the Ministry of Finance. (Article 19, paragraph 3);
- State Market Inspectorate and the State Inspectorate for Technical Inspection of the Ministry of Economy (Article 20, paragraph 2);

[1] According to the organization and operation of the civil service inspectorates can be formed and they represent Affiliated as by their nature are: Administration, Bureau, Port, and Service. Law on Organization and Functioning of State Administration (Official Gazette of Republic of Macedonia no. 58/2000, 44/2002, 82/2008 and 167/2010), Article 5, paragraph 3.

[2] Law on Local Self-Government (Official Gazette of RM no. 05 of 29.01.2002), the Article57, paragraph 3.

- State Inspectorate for Agriculture and State Inspectorate for Forestry and Hunting within the Ministry of Agriculture, Forestry and Water Management (Article 21, paragraph 2);
- State Sanitary and Health Inspectorate within the Ministry of Health (Article 22, paragraph 3);
- State Education Inspectorate within the Ministry of Education and Science (Article 23, paragraph 2);
- State Labor Inspectorate within the Ministry of Labor and Social Policy (Article 24, paragraph 2);
- State Inspectorate for Local Government in the Ministry of Local Self-Government (Article 25, paragraph 2)
- State Administrative Inspectorate within the Ministry for Information Society and Administration (Article 10);[1]
- State Transport Inspectorate, State Inspectorate for Construction and Urban Planning, State Communal Inspectorate and State Inspectorate of the Ministry of Transport and Communications (Article 27, paragraph 2);
- State Inspectorate of Environment within the Ministry of Environment and Physical Planning (Article 28, paragraph 2).

What is specific in the possibility for the organization of inspection services in conducting the inspectional supervision is the possibility that the law provides for inspection[2], where besides the aforementioned modalities of organizational units (inspectorates within the ministries or municipal inspections within the municipal administration in the municipalities and City of Skopje) is the susceptible possibility that standardizes in terms that inspecting services can be arranged "**as organizational units within other organs of state administration**." The inspectorate as an organizational unit is headed by a director that is appointed and dismissed by the Government of the Republic of Macedonia. This mode of appointing an official in charge of the inspectorates tells of the political significance of the position, and the meaning is complete in this sense, considering that this is the executive branch, and the governing figures conduct the policy of the Government. The other two modes of organization (municipal inspection departments and agencies established "as units in other organs of state administration") are managed by an official whose title matches the organizational form of the inspection service provided by law.[3]

[1] Law Amending the Law on Organization and Operation of the state administration ("Official Gazette" br.167/2010).
[2] Supervision Act (Official Gazette of the Republic of Macedonia, no. 50 of 13.04.2010), the Article 13, paragraph 2
[3] Ibid, Article 14, paragraph 2.

The Law on Inspectorate's Supervision of 2010 among other things begun to elaborate terms such as "inspectional procedure", "**coordination of inspection**" and other new efforts which aim to make these services more efficient, economical and coordinated. However, in terms of so-called inspection procedure, numerous legislation is applied, which means that the specificity of certain bodies and inspection procedures are retained within the material provisions of the district. For example, apply the **material laws of the particular area** (e.g. Law on Environmental Protection), **Law on inspection supervision as a basic law** (to be applied from 01.04.2011 year), which contains provisions relating to the procedure, **law violations** (in the cases of initiation of appropriate proceedings), **the Law on General Administrative Procedure** (LGAP - as a general law on administrative procedures applicable to the State Administration), **Law on Criminal Procedure** (when it comes to bringing the proper procedure) . It comes to the Article 2, paragraph 3[1] which states: **inspection procedure is a special type of procedure** stipulated by this law, LGAP or any **other law that regulates the activities** of the inspectors in conducting the inspection. The third part of the same paragraph "or by other law regulating the handling" is quite wide and leaves little opportunity for modification of inspectorate's supervision. Under the Roman rule: "the existence of a special law precludes the application of the general" it is assumed that the meaning of "other law" is a special law on the specific area.

Security dimension of the inspection supervision

The security dimension of the issue that determines the subject of this paper can be examined using the methodology of the criminal law. The crimes are an attack on certain values in society that are deemed relevant to maintaining a degree of protection. Thus, the object of protection is the upright that protects itself, and indirectly through the determination that we can assess the potentially harming position in the security situation, by analysis of the value that is being threatened when the object of protection is put in a state of uncertainty. Namely, each of the mentioned inspectorates is responsible for supervision of the implementation of a law in the area for which it was founded, where usually the inspectorates and referred to as the organs responsible for control and supervision of the relevant laws. Each of these laws have specific provisions for criminal contempt, and it is in relation to the misdemeanor provisions, and each of these inspectorates supervise the subject of the criminalization of the relevant area (otherwise misdemeanor provisions would be nugatory supervision). There must be supervision and

[1] Supervision Act (Official Gazette no. 50 of the year 13.04.2010).

behavior that is not to address the possibility of the existence of a criminal offense. The criminal section has a structure of protection, and protecting the well-defined means, taking action and guidelines to offset the risks and dangers of threatening a fine.

Pusić said that the situation of uncertainty / insecurity represents a result of fear of the unknown, which further reduces the criteria and orientation in relation to our own behavior when we stand before the unknown; it is a basic and normal experience of the evolution of the human, a condition known as unwanted situation where we feel powerless. If security is the absence of danger, then **insecurity will be the presence of danger**! In today's world, sources of danger can be different. Thus, we can talk about the **economic** dimension of security, **environmental** security dimension, **information** dimension, a dimension of security in relation to **personal data**, **national**, regional, military, ethnic, and many other dimensions. **The right approach towards achieving the optimal level of certainty to human activities includes the security component in the daily activities of people in relation to all regulated, agreed and generally accepted values, thereby minimizing the risk of coming into a state of endangerment of good value , leading to a state of predictability in the least.**

If we observe inspectorates, we can see that they are established according to the law on organization and operation of public administration. One of the things that are striking is that they are narrowly specialized in the supervision and control of a certain area of the organized life of men in society. The very vocation of the service tells what values they defend. For example, foreign exchange inspection protects the financial and monetary system of the Republic, and the potential for destructive and threatening activities in violation of this system, certainly, directly or indirectly may have an exceptional impact on security. In this context we can add a PRO that provides budgetary funds. Finally, the disintegration of this system which is responsible for collecting budget would create an immediate explosion of activities that would endanger the safety in many ways (directly or non-indirectly). For an instance, the lack of funds for functioning of the institutions, if nothing else, leaves over 100,000 citizens without a means of personal existence. State Inspectorate for example, exercises control and supervision of enforcement of regulations related to the environment. In this case we can speak of an inspection service that takes care of the environmental dimension of security. The ecological dimension of security can be different, but in any event (earthquake, flood, contamination with toxic substances, drought, trafficking in radioactive materials, etc.), it is relevant to a degree that can seriously endanger the health and life of people.

Certainly, that is relevant to the extent that may seriously jeopardize health and life of humans.

In fact, the meaning of the existence of organizational forms is to enforce organized human life. The organizational processes aimed at protecting certain values that the society has established, as well as defining society organized through an informal agreement in the sense of conveying the personal sovereignty of the state institutions. The principle objectives of social control appear as values.[1]. Traditional owners of the security function are organizational forms like: armies, militias, police and security intelligence and counterintelligence activities that are absolutely recognizable, also particularly stigmatized in this sense because of the availability of opportunity for application of physical force, with authority to restrict some of the rights of people. Basically, Pusić says "the system of regulatory organizations has a specific social structure that creates, maintains and changes the normative order, i.e. the system of normative institutions.[2]" The two systems are interconnected by norms and normative institutions that live through organizations that create and apply, and regulatory organizations that operate under the norms that constitute and define / restrict their activity.[3] These two systems basically provide security in society, especially when talking about individual safety. Probably, the government's skill is large, as are the regulatory mechanisms and institutions that can provide acceptable and desirable maximum level of personal security while ensuring the freedom of people.

CONCLUSION

Government and law through the institutions of the system are regulatory mechanisms that create and maintain an organized life of people. The main goal, as was repeatedly mentioned is the possibility of entities that are subordinate to the authority determined, by mutual agreement concluded explicitly or possess certainty in the realization of social relations and processes. Predictability of expectations, especially by organized system, are those who mostly contribute to providing a certain level of security. The level of safety / security is a personal feeling that is high in the hierarchy of human needs, hence the space and tolerance for manipulation is reduced to a minimum. The system of regulation provides the first regulation of relations in society. Operation / mobility / adherence to that system of regulation are provided through the administrative mechanism of the state. In this section,

[1] Pusić E., *Društvena regulacija,* GLOBUS, Zagreb, 1989, стр. 228.
[2] Ibidem, page. 228.
[3] Ibidem, page. 222.

the steering mechanism represents a very complex system organized vertically, but it also includes the horizontal level with a high level of specialization and superior powers in the society, particularly in the context of force in achieving the goals of the state.

Speaking of organization and system administration, we could not explain it in more directions. We can see the steering mechanism on one hand as a factor in ensuring general operating of norms, indirectly provides security. In the area of inspection features that can be taken into account when setting the security dimension of this monitoring, we include: 1. Existence of specific authorized persons on behalf of the state and the legal system who are empowered to carry out surveillance. 2. Implementation of measures for correction / alignment of normative and factual aspects. 3. Values that are protected by supervision and control. 4. Determining the security dimension of the potential of protected values. 5. The joint objective of the management mechanism, and therefore the inspection services providing security in social relations and processes.

State regulatory function, the issue of managing of the different processes, especially institutional structure which governs the processes and relations in the society, can all be understood as: activities and measures on mobilization on human, institutional, material, technical and other types of resources towards achieving predictable state of deviation and a maximum level of compliance on the normative and factual elements of the legal order. The optimal objective on this process is to establish predictable degree of deviation on the factual behavior in terms of a normative one. Such predictability should provide a degree of security / safety for all members of the society. This degree of certainty is in reverse proportion regarding the degree of threat to the values that are protected (health, life, property, etc.). These are actually the issues that are related to the issue of determination of the term security / safety.

If certainty and predictability of activities and actions in society can be achieved by respect of the norms of behavior of people, which as such is determined by the government, then the tendency of the state will be in direction of a smaller discrepancy between the actual and the norms, trying to achieve certain level of desired condition of security. We can conclude that regulatory supervision performs a function that aims to implement the regulatory function of the state-level operational activity. In that sense, about the inspection services we can say that at the very least they operate in a material sense, conditioning use of the form determined by the state.

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REFORMS OF RESTRUCTURING THE PRIVATE SECURITY SUBSYSTEM IN REPUBLIC OF MACEDONIA WITHIN THE MODERN CONCEPT OF SECURITY SYSTEM

Abstract

Prevention and removal of possible harmful effects of the new security challenges include permanent adjustment and construction of a modern security system, in which the private security subsystem (PSS) plays an important role. In the world there is a trend of increasing growth and development of PSS, so there is a necessity for designing a concept and a serious approach to its active promotion in the Republic of Macedonia.

Conditions of development of PSS in Serbia and Kosovo are not significantly different, which is not the case with Croatia, Slovenia, Germany, and especially Canada, in which the PSS implies private and crime investigation activities of corporate security.

The research in this paper covered a sample of 6 groups: 309 security workers, 20 managers of private security agencies, 2 Presidents of Security Chambers, 2 police officers in charge of control from the Ministry of Interior Affairs (MOI), 123 service users and 253 citizens, in order to establish the conditions for the development of PSS in the Republic of Macedonia, and presented a draft strategy for its promotion and construction, in the spirit of modern security concepts.

The results showed: problems in the practical application of authorities; need to comply with the standards of CoESS; requirements for precision of the existing legislation and introducing new authorities; need for training; institutionalization of the staff and introducing criteria and standards; need to increase the engagement and restructuring of the Chamber, to protect the interests of the agencies; to improve the mechanisms of control over the work of the subjects of PSS; to raise the level of cooperation between the MOI and PSS; and need for changes in order to revive the private detectives in the Republic of Macedonia.

***Key words**: subsystem of private security, reforms, private security agencies, detectives*

INTRODUCTION

In the last two decades, as a result of the increased dynamics of living and emerging geostrategic, socio - economic, political and military relations, countries in transition were exposed to modern security challenges and threats which conditioned the need of transformation of the existing state security mechanisms. Sufficiently large and efficient real-SSS could not answer the new risks and threats to security, especially because of the modern technical - technological advances and the emergence of new forms of crime that progressively imperil the security and safety of citizens and their property.

On the other hand, transition resulted in changes in the ownership relations and in rise of private property, which influenced the transformation of the SSS, as well as establishing a new PSS, directed primarily to personal protection and protection of property of citizens.

In addition, the cost of operation of the SSS actually increasingly burdens the state budget, and over the past years they conditioned starting a process of "privatization" of the total SS. It implied a gradual transfer of some services that were under the exclusive jurisdiction of SSS in the field of PSS, which contributed to the overall national security.

The process of privatization of SSS in the developed western countries is from A to Z, respectively as a process of transfer of the competencies from the SSS to subjects of PSS.[1]

In transition countries such as the Republic of Macedonia, often compilations are made that provisions reminiscent of democratization are incorporated, but still retain some provisions from the previous regime (covered or partly hidden), justifying their existence and application as necessary for the period of transition, with some provisions remaining undone and unfinished, and for some questions the legislator does not give his opinion. The authorities given to the subjects of PSS are reduced to a minimum, while education, licensing, control and supervision are still in the hands of police. Such phenomena are subjects to frequent controversies and dilemmas; therefore, the ambiguities about determining of the nature of responsibilities of the entities of SSS and PSS are current research topics in security sciences around the world.

The place and role of private security. The Security System (SS) is an organized social system, through which each state performs its protective

[1] Herbert Volf, "Reconstructing the Public Monopoly of Legitimate Force". In: Alan Bryden and Marina Caparini, "Private actors and security governance", DCAF, Geneva, 2006, p:4. I think primarily of Anglo-Saxon countries, while this phenomenon is significantly less present in European continental countries like France and Germany;

function values vital for the overall progress and development of the society. It is a complex, hierarchically structured system, which includes subsystems and microsystems[1]; and each subsystem includes specific forces, means and methods. Consequently SS is defined as "a form of organization and functioning of society in the implementation of measures and activities of preventive and repressive plan, undertaken in order to safeguard the sovereignty and integrity of the state, her constitution with its established structure, rights and freedoms of citizens, and all the other social values from all sources and forms of danger".[2] The main feature of SS is timely detecting and preventing all types of threats, and his subjects are the organs responsible for overall security in the society.

The subsystem of a private security (PSS) again as the only segment of the SS includes forces, resources, organization and function, i.e. a set of measures, procedures and activities on preventive and repressive plan that are implemented by means of physical and technical security, application of modern protective methods and ways of working, with a purpose of prevention crime and other forms of danger to persons, property and business.

The *main purpose* of the PSS is eliminating possible threats to persons, damage, destruction or unauthorized appropriation of property, through proactive action - with the methods of analysis and timely prevention, as well as reactive functioning - through repression and rehabilitation of the consequences, creating safe conditions for stable and efficient operation of companies to increase their profits.

PSS is basically associated with entities that are not public, and perform activities that until a certain period of time were mainly in the domain of the police. In addition, unlike SSS whose role is repressive and preventive, PSS is primarily preventively oriented. Subjects of PSS have a special place and role in the total SS,[3] and completely balanced in a single SS they can truly respond to modern security challenges, threats and dangers, contributing to the strengthening of the overall security and safety of citizens and their property. Therefore, the best and most optimal way is coordinated, timely and open cooperation, in terms of globalization when interdependence of global and local security problems is great, and the ties between the two

[1] subsystem includes one activity as a part of the total and general activities and microsystem associates more activities in the narrow space

[2] Stajić, Lj. (2004). Basic safety, third edition. Beograd: Police Academy, pp.35

[3] Clark, J. L. The role of the military and security forces in the 21st Century, discussion of George K. Marshal Centre, N.7, an association of graduates of the George K. Marshal Centre, Beograd, 2006, pp.27-31;

segments are almost unbreakable.[1] Nevertheless, despite the relatively good relations between subjects of SSS and PSS, in practice it comes to disturbances in the interaction and coordination[2], which requires separation of powers, especially because of the presence of a large number of their bodies in a relatively small geographic area, as well as the existence of personal, political, religious and other problems that can lead to excessive conditions, so the possibility of overlapping responsibilities should be kept to a minimum.

PSS in the Republic of Macedonia. *The legal rules* covering this matter are located in: the Constitution of RM, the Criminal Code, Criminal Procedure, Law on Interior Affairs, Police Law, Law on Security of persons and property, the Law on detective work, the Law on Weapons, Law on Protection and Rescue, Law of conflagration, the Statute of the Court of the Republic on security of persons and property, as well as other bylaws in security and detective work.

Subjects on the other hand, of PSS in RM are: PSA (as legal entities registered for the provision of services or for personal needs), Chamber of RM for securing people and property, detectives and MI.

1. *PSA* are registered for regular operations through registration in the Central register for business 80.10. and together with general, it is necessary to meet the specific conditions: at least 10 people, full-time employees who have a license to perform work on securing people and property[3] and have ID for security[4] (issued by the Court) as well as a work permit for the legal persons (issued by Ministry of Interior of RM). The founder of PSA can be host (legal or natural) person. In Macedonia there are about 180 registered PSA, of which about 50 are actively working; about 16.100 licenses and around 5.100 business cards have been issued so far.

[1] Gerasimoski, S. Private security in terms of glocalisation. Yearbook of Faculty of Security, 2007/2008, pp.394-395

[2] due to a lack of mutual respect and understanding, misunderstanding of the common interests, lack of desire for cooperative work, etc.. as well as the existence of animosity especially by the members of the SSS, because of the cases of unprofessional conduct, insufficient and inadequate involvement of individual employees in PSA end with the additional engagement of the police.

[3] The necessary conditions for getting the license are: the person to be a citizen of RM, to have a residence in RM, with a verdict should not be pronounced with a security measure - ban on performing profession, activity or duty, to have completed at least a secondary school, two years before obtaining a license not to carry out works in the field of security and defense tasks by authorized officials and have passed the exam (consisting of theoretical and practical part), taken before a commission established by the Minister of Interior, composed of employees hired by the Interior Ministry and the Chamber.

[4] To obtain the card, despite the absence of confirmation ban for the activity, you need a medical certificate of general health.

2. *The Chamber of RM for securing people and property* was established in June 2000, and its activity is directed towards the successful organization of the security of persons and property promoting qualifications, professionalism and business in activity, as well as protection of the profession, with the condition for formation of the association for at least 10 legal entities[1]. In the period 2006-2010 year the Chamber worked to ensure people and property and detective services "Detective Skopje" and issued licenses for provision without a prior approval from the Ministry.[2]

3. *Detective work* though, in RM can be performed only by a *detective* with obtained license to perform detective work, issued by the Ministry of Interior of RM.[3] According to the available data, this kind of activity in our country is still not implemented in practice, i.e. there has not been registered persons to perform such activity.[4]

4. The control and supervision over PSS performs the *Ministry of Interior*.[5] In addition, the administrative - legitimate supervision has the responsibility of the Department for weapons, explosives and dangerous substances,[6] as an integral unit of the Department of Administrative work at MOI - Skopje, while the cases of excess of powers are within the

[1] Responsibilities of the Chamber are: organizing the exam, issuing licenses and ID cards; PSA keeping records, keeping records of employees with licenses and ID cards, paying a special attention to providing proper conditions for successfully and independently performance of the duties of security, protecting the scope of work, public and official authorities, organizing international conferences and workshops, publication of professional literature and newspapers, holding annual meetings and so on.

[2] In 2009, against its president and 15 members of the examining board were filed criminal charges for unlawful issuance of licenses for the provision, and in July 2010 they were convicted: the president by a 22 month sentence, and the members of the committee suspended prison sentences of 6 months, in a period of two years.

[3] Besides the general conditions for establishing working relationship, the detective must have already met these requirements for obtaining security license: to have a university education of good reputation for doing the detective work, that his previous lifestyle, behavior and work are ensured as conscientiously and honestly performed detective work, and have passed the exam.

[4] The reasons for this are very strict requirements for obtaining licenses expressed through: high amount of liability insurance for damages to the client or a third person caused in the performance of detective work, heavy and hard training, as well as relatively high cost for services. All this results in the execution of the illegal performing of detective activity of some PSA or other persons with experience (former employees in security and police institutions) motivated by a financial compensation, etc.

[5] It consists of control available in the documentation of PSA – checking of their registration, checking of licenses and ID cards, controlling the possession and storage of firearms, hazardous materials, explosives, etc.

[6] Regular responsibilities of this Department include: going out on the spot during the fire control facilities and warehouses that possess firearms and explosive materials, issuing approval for petrol pumps, tanks, gas appliances and more, and control over the operation of the PSA.

competence of local police stations[1]. So far in RM, for irregularities in the operation, no PSA is closed and no license is revoked.

According to the current training system, giving a license for this job is in authorization of officers of the Interior appointed by a decision of the Minister of Interior, as instructors, while the examination is performed by 5-member Commission, established by decision of the Minister of Internal Affairs (3 members from Interior and 2 members from the Chamber).

The state of PSS in other states. Conditions of development of PSS in Serbia and Kosovo do not deviate significantly, which is not the case with Croatia, Slovenia, Germany, and especially Canada, in which under the PSS, there are private and criminal investigations, and activities of corporate security.

METHODOLOGY

Participants. The sample consists of 6 groups of participants: 309 workers to secure, 20 PSA managers, two presidents of Chambers for security, 2 representatives from the Ministry in charge of control, 123 service users and 253 citizens.

Aim: Determining of the conditions for development of PSS in Macedonia and presenting a draft strategy for its promotion and construction in the spirit of the modern concepts.

Hypothesis. Reforms are needed in the subsystem of private security in Macedonia, in terms of its restructuring, legislation and its practical implementation.

Instruments and methods. Interview and questionnaires with 65 questions.

Statistic and analysis. Descriptive statistic methods: frequencies and percents.

RESULTS

Current Conditions

1. Within this social segment in the RM there is a prevailing representation of males by about 95% of workers and managers, 44.66% of workers aged 21-30 years, and managers are equally represented in the higher age categories over 30 years; among the workers prevail those with

[1] who decide of each case on his/her own assessment, based on previously submitted report PSA for the application of enforcement means. Provided by senior officials in the PA estimate is inexcusable that the application is filed appropriate criminal or misdemeanour charges. Simultaneously, the application and results of treatment of the competent police station shall be notified in writing to the Commissioner's Public Order and Peace, the SVR - Skopje, which continues to inform the Police Department in the Bureau of Public Security.

secondary education (87.06%), while among the managers - those with two-year university degree (15%) and full university degrees (60%).

2. A major factor that adversely affects the management of PSA is presented by the poor state of economic development, lack of safety culture among the population and lack of standards for this type of services as well as unfair competition, affecting the quality of services and reduction of wage workers and high percentage of politicization and criminalization (Table 1[1]).

3. According to all groups of subjects, there are crucial gaps in legislation, such as: lack of clearly defined terms in the law; lack of certain powers that are practically used; the provisions regarding the powers of workers do not answer the many practical problems in the field; lack of certain types of security, and incomplete explanation of the existing species in the Law; as well as non-compliance of legislation with the regulations of CoESS.

4. Regarding the application of power, practical problems and abuses found that certain powers which are applied in practice are not stipulated in Law of security of persons and property: research (Table 2), ordering (97.01%), retention (63.75%), tying and use of other means of coercion (11.97%). Regarding the application of physical force or firearms, 74.76% of workers in full or in part do not distinguish cases in which it is properly applied, whereby that vagueness is denied by workers (85.44%) and is confirmed by managers (75%). Using the official dog is kept to a minimum. For transportation of money the main problem is the exporting of information, especially deliberate (73.79%). The segment of the technical provision is low and lacking standards about who may apply them and the same applies to security of persons. Overstepping the powers is usually in the application and the degree of physical force, with the main problem - the treatment of MOI, judicial authorities and citizens to the workers.

5. According to workers, some of the PSA in the work apply: funding for surveillance and recording (46.28%), tracking persons and motor vehicles (64.40%), racket (59.87%), work illegal (71.84%), while some of them work detective services, as well, even they are not registered for it (Table 3).

6. There is a high percentage of inadequate staff within PSA (by 82.52% of workers and 100% of managers), which means there is a need for setting standards for employment, and increasing the criteria for issuing licenses (68.93% of workers and 95% of managers believe that the existing criterion is not working consistently and that inadequate people

[1] The tables are in Appendix A

receive licenses, which is explained by many reasons (Table 4)). Also, there is a need for a higher level of organization and quality of the training program, which is confirmed by the opinions of both groups of respondents, where there are diametrically opposing views (in 91.26% of the workers' training is effective or partially effective against 90% of managers, under which it is partially effective to ineffective). This particularly applies to the need for more practical work (76.70% of the workers and 75% of managers) and more competent instructors (21.68% of the workers and 55% of managers). In direction of this, 95% of managers and representatives of Chambers and MOI offer performing training in a special competent institution, as well as setting criteria and standards with respect to the competence of instructors and examiners (100% of managers, Chambers and MOI).

7. PSA in general are satisfied with the work of the Chamber (70%), but indicate the necessity of increasing its involvement in protecting the interests of PSA and affirmation of the activity. In addition, managers (80%) and representatives of MOI pleaded for an independent body for oversight of its financial operations, because they do public authorities. Regarding the possibility of having more than one Chamber, the majority of managers (65%) voted against.

8. Although the form of communication PSA with the MOI is cooperation according to the workers (71.84%), managers (60%) and representatives of Chambers, the degree of satisfaction from it in the three groups is 2:1 that is, it is unsatisfactory. In addition to the increasing cooperation and reducing misunderstandings in the field, managers (75%) and two representatives of the MOI offer clear and precise definition of separation of responsibilities between the two security segments.

9. One of the most important factors for the improper functioning of PSS is the gap in the existing control mechanism. According to the results, control is carried out rarely or not done at all (by 66.02% of the workers, 85% of managers and representatives of Chambers and MOI), and when it is done it is pro-forma or purposely - to punish certain PSA (46.61% of the workers and 95% of managers). In addition, they propose the adoption of the Rules for the purpose of control (95% of managers, Chambers and MOI); introducing standards for certified inspectors; forming a special parliamentary committee and independent bodies to control the operations of the MOI and PSS, in general, as well as including of Members of the Chamber in the team for control (70% of managers and MOI) in relation 2:1 or 3:2 in favor of MOI. In addition, because of the possibility of misuse of the control in the fight of competing among the PSAs, and performing control over the party directive from the Government, it is proposed a more objective

control of the Chamber by the MOI, and the Parliamentary Commission and independent bodies.

10. However, PSS to the level to which is developed until now, has a positive impact of the increased security of citizens and their property (85% of managers and 100% of the MOI) and of a sense of security of citizens (84, 19%) and recipients (95.12%). However, the role of PSA in the total safety is insufficiently clear with the majority of citizens and the MOI, and they are mostly seen as uneducated, "hair-cut" guys who carry weapons and "pose a threat to security" and 53,76% of citizens believe that workers in providing PSA choose their profession because they have no other choice. This is an indication of lack of promotion of this activity in front of the public in RM or insufficient development of PSS, according to the market needs.

In this sense, in the future it is expected the following: consolidation of this subsystem (MOI and 65% of managers), privatization of certain aspects of security (Chambers, MOI and 50% of managers), and in addition, in opening this market to foreign capital there is a dual attitude (except the position of MOI, which is entirely negative). There is also lack of awareness about the need of cooperation between PSA and insurance companies, primarily among managers of insurance agencies, as well as the MOI, so between the two segments at this point there is a competitive relationship.

Major problems and obstacles

The most important problems are: politicization and criminalization; low standard of living in Macedonia; no interest for the development of PSS by the MOI, the state and the public, in general; lack of skilled personnel and appropriate selection criteria; inadequate treatment of MOI, judicial authorities and citizens to employees regarding the application of power.

Suggestions and recommendations

Introducing changes in legislation

- Explaining and defining of some of the existing terms in the Act;
- Introducing new powers and detailed elaboration of the powers in the bylaws;
- Introduction of special types of security, such as monitoring, patrols, bodyguards, transport of money, public events and operational security, and licenses for the same: security of facilities, bodyguards, public events and transport of money and a separate license for technical security, or introducing a general license specialized to be issued subsequently, depending on the needs and capabilities of PSA and introducing different licenses and PSA;

- Replacement of the term "*security*" by the term "*protection*", because the security is exclusively legislative competence of state bodies and MOI, and protection is a civil concept[1]
- Assigning the workers a status of authorized officer, and their powers varies depending on the workplace in PSA
- Entering a legal provision to ban the activity of security for people with a criminal record or convicted of committing crimes, especially with violent elements
- Introducing operational component in the "Law of security of persons and property" or stricter procedures in working, particularly in implementing the transportation of money
- Harmonization of legislation of PSS with the regulations of CoESS, according to the level of economic development of Macedonia
- Establishing standards and criteria for the work that PSA is to meet[2]
- Legislative changes in order to revive the detective work

Institutionalization, criteria and standards in training

- Setting standards for employment in the PSS in terms of training and assessment, as well as increasing the criteria for issuing licenses
- Establishing a special institution competent to perform the training - building a new "Body of Training" within the Chamber, or utilizing the existing Training Center in Idrizovo
- Introducing and development of a separate, more comprehensive and more professional training program as a condition for issuance of licenses, as well as its "real" implementation
- Introducing of standards and special licenses for instructors to train and test
- Introducing of seminars and debates as a permanent practice in working of PSA, with participation of international representatives in order to provide for continuous training of all workers, which requires an increased commitment of the Chamber

Suggestions regarding the Chamber

- Increasing the engagement of the Chamber, its competence and activities in order to provide better protection for the PSA interests
- Changes in the organization of the Chamber because of increased equity of individual PSA

[1] Civil defense component of the security of persons and property performed by private entities under precisely defined legal requirements. Such concepts have accepted most of the countries of Southeast Europe.

[2] especially in the case of privatization of the PBP, the facilities of vital importance, in which one of the biggest threats is the possibility of undertaking terrorist activities and industrial espionage

- Establishing an independent body to supervise the financial operations of the Chamber

Model of modern control and monitoring

- Establishing standards of performance and strengthening the control in direction of de-politicization and decriminalization of PSS
- Establishing a separate organizational unit in the MOI for control over the working of PSA
- Build a database of PSA by the MOI, according which the control will be done
- Adoption of Rules for the purpose of the control
- Introducing standards and licenses for authorized inspectors of the MOI for control over PSA
- Establishing a special parliamentary committee, as well as independent bodies[1] to control the operations of the MOI and PSS, at all
- Involvement of members of the Chamber in the team control, who would perform the control simultaneously along with the authorized inspectors of the MOI, aimed at greater objectivity
- The control has to be performed by authorized inspectors from other cities or territorial structure, in order to prevent the bias of individual managers of PSA
- Control over the Chamber, by the MOI, and by the proposed independent body

Enhancing the cooperation

- Precise determination of responsibilities, division of responsibilities and tasks of the MOI and PSA in the field and in the Law.[2]
- Frequent meetings and two-directional communication between PSA and police stations about exchanging information of mutual interest, joint planning and implementation of common actions, streamlining some of the resources, etc;
- Increasing of the education level of members about the credentials of the two security subjects, aimed at building a healthy relationship, cooperation, reduction of improvisations and reverse of the possible overlap;
- Adoption of Memorandum of Cooperation for defining forms of cooperation, manner of communication and exchange of information, with the opportunity to have an obligatory power;

[1] Ombudsman, courts, media, NGOs

[2] especially if there is a privatization of certain aspects of the safety of DBS of PBP as well as in situations of overlapping terrain and executing joint actions to increase mutual trust and respect. In addition, assistance PSA would consist in providing information from the field, said the role of witnesses and so on; which will enable timely prevention of criminal activities.

Other proposals

- Privatization of certain aspects of the safety from SSS to the PSS and the MOI should, focus on discovering and proving a big crime, while some activities will be done more effectively by the PSA;[1]
- Increasing the level of cooperation between PSA and insurance companies;[2]
- Gone through more active propaganda regarding PSA and the Chamber in order to acquire education and a clearer picture of the place and role of PSS, in all structures in the Republic of Macedonia.

[1] for ex.: pumping money, overseeing service, continuous surveillance over facilities in the form of a monitoring center, providing public events, as well as some public institutions and facilities: Government institutions, the Central Bank, embassies and others, diplomatic and consular offices, barracks, airports, railway stations, forests, national parks and so on; and running the minor investigations because they have more frequent contact with citizens, with the MOI will only control and will provide suggestions that will ease of non-core activities, security segments will cease to compete with each other and increase their effectiveness, whereby certain vital items should still remain under the jurisdiction of the MOI, for higher national security interests.

[2] through the adoption of an agreement between PSA and insurance agencies, setting the package price and an obligation to be engaged in activities of the both kinds of agencies to achieve the highest level of protection of property and reduction of risk to a minimum, as well as introducing a requirement in the Law, by the acceptance of PSA, property must be insured.

Table 1. Which of the following factors, in your opinion, have a negative impact on the success in managing?
(You can decide for more answers)

	Workers		Managers	
	f	%	f	%
Lack of trained staff	137	**44,34**	7	**35**
Insufficiency of the material and technical equipment of PSA	65	21,04	5	25
Unclear instructions of the superiors	22	7,12	1	5
Lack of conditions for advancement in the career	49	15,86	6	30
Workload depends on the political commitment of the PSA owners	33	10,68	10	**50**
There are employees from the criminal structure	36	11,65	5	25
There is a disparaging attitude toward employees by managers	25	8,09	2	10
Some workers are favored, but not by the quality in the work	65	21,04	0	0
Low salaries and the work is responsible	182	**58,90**	12	**60**
Unprofessionalism towards service users	25	8,09	2	10
Other	3	0,97	5	25
Unanswered	5	1,62	0	0

Table 2.How do you make a search of people, objects, vehicles, baggage?

Workers		
	f	%
Superficially, by the external review	32	10,36
In details, by searching	55	**17,80**
Depends on the need - sometimes superficially, sometimes in details	222	**71,84**
Total	309	100

Table 3. Is your Agency engaged in providing one of the following services?
(You can decide for more answers)

Providing of:	Workers		Managers		Chamber		MOI	
	f	%	f	%	f	%	f	%
supporting materials for people who are perpetrators of crimes	**33**	**10,68**	**2**	**10**	**-**	**-**	**-**	**-**
information about missing or concealed persons	**10**	**3,24**	**1**	**5**	**-**	**-**	**-**	**-**
information about the authors of anonymous letters	**2**	**0,65**	**-**	**-**	**-**	**-**	**-**	**-**
information about causes of material damage	**47**	**15,21**	**4**	**20**	**-**	**-**	**-**	**-**
information about the identity of persons and their habitats	**20**	**6,47**	**3**	**15**	**-**	**-**	**-**	**-**
information about stolen or lost items	**42**	**13,59**	**2**	**10**	**-**	**-**	**-**	**-**
information about success and business of legal entities	**18**	**5,82**	**3**	**15**	**-**	**-**	**-**	**-**
information about personal and family life, health or religious beliefs of persons	**14**	**4,53**	**1**	**5**	**-**	**-**	**-**	**-**
details about political activity or religious belief of persons	**3**	**0,97**	**-**	**-**	**-**	**-**	**-**	**-**
None of the above services	**196**	**63,43**	**14**	**70**	**-**	**-**	**-**	**-**
An unanswered	**7**	**2,27**	**-**	**-**	**-**	**-**	**-**	**-**
I have no information	**-**	**-**	**-**	**-**	**2**	**100**	**2**	**100**

-

- *Table 4. What is your opinion about the reasons for inadequate staff employed in PSA?*
- *(You can decide for more answers)*

	Workers		Managers	
	f	%	f	%
Psychologically incapacitated persons	81	26,21	5	25
Physically not prepared persons	134	**43,37**	6	30
Persons of the criminal structure	78	25,24	14	**70**
Persons with inadequate education / unskilled persons	58	18,77	5	25
Persons without licenses	77	24,92	5	25
Persons who do not know how to use weapon	36	11,65	2	10
Unprofessional concerns	136	**44,01**	11	**55**
Other	**0**	**0**	**2**	**10**

CONCLUSION

The organization and functioning of the modern PSS gives its construction and permanent adjustment in response to the new security challenges, threats and dangers, for their prevention and removal of harmful consequences. The level of PSS, which is developed in the Republic of Macedonia, is due primarily to the weak economic situation in the country and non-established quality standards in the entire residence, and a serious approach to reforms in this social segment is proposed.

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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

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STRATEGIC-INTELLIGENCE COMPONENT OF REPUBLIC OF MACEDONIA BEFORE ARMED CONFLICT IN 2001

Abstract

The armed conflict which happened in the Republic of Macedonia in the year 2001 was terminated with the act of signing a General Agreement. In the course of the last few years, discussions and contra versions among scientific, professional and political public were present. In this scientific report, the author emphasizes one single aspect of this conflict – the issue of realizing the exercises of a strategic intelligence plan that leads to timely discovering, identifying, explaining and estimating of actual threats from foreign countries towards the security of the Republic of Macedonia in the years before 2001. Thus, the author elaborates the important elements of strategic intelligence analysis consisting of: existence of a real threat which endangers the security of a country; platform of subjects of the threat (ideological basis and goals) and platform genesis; identification of subjects, action tactics; prepared activities; organizing and arming of illegal structures; time to start the armed actions; predicting the foreign attacks on territorial places in the interest of the armed actions. By the notion of all these elements of strategic-intelligence character, under established procedure, they were timely made known to the Leadership of the Republic of Macedonia. At the same time there existed a constant collaboration for the purpose of information exchange among the intelligence service and the army and security police structures in the state. Taking into consideration all the above, the author indisputably concluded that the Macedonian Leadership had all strategic-intelligence information for making accurate decisions to terminate the security threat, at the same time leading to defense and protection of the vital values established in the Constitution of our state.

Keywords: intelligence, strategy, strategy - intelligence, strategic threat, security estimation, armed conflict, armed action, and illegal structure.

Introduction

The armed conflict in the Republic of Macedonia in 2001 between the legal military and police forces of RM on the one hand, and the NLA – National Liberation Army (UCK – Ushtrija clirimtare kombetar), on the other hand, which ended with the signing of the Framework Agreement (13

August 2001), has been the subject of debates, differences and controversies until the present day by a number of aspects. One of the most significant views refers to the following: did the state leadership of RM and the competent defense-security institutions in the country have sufficient qualitative intelligence in the years prior to the conflict, to be able to respond i.e. oppose appropriately to the armed threat on its territorial integrity and state sovereignty, that is, to timely and efficiently protect these two fundamental constitutional values. Namely, in part of the literature dealing with analysis of the said armed conflict, one of the reasons for the inappropriate response by the state leadership and military and police structures against the KLA, that is for their inefficacy, lies in the claim that they did not have available timely and qualitative intelligence regarding the forthcoming security threat on the Republic of Macedonia.[1] In this work I shall make an attempt to put some more light on this issue, dwelling on the following areas of intelligence analysis relevant to the security assessment of the situation in the Republic of Macedonia in the period 1998-2001, that is, immediately prior to the commencement of the armed conflict: the genesis of the threat, the advocates, the ideological ground, goals, planned tactics of operation, armament, territorial distribution with regard to the preparatory activities for the initiation of the armed actions. In other words, what has been worked on from a strategic-intelligence aspect is the shedding of some light to the important aspects of the security threat on the Republic of Macedonia, namely the detection of the security threat, its structural working out, determination of the seriousness of the threat and making prognoses (hypotheses) with regard to the probability to threaten the Republic of Macedonia. As a matter of fact, what was at stake was the realisation of one of the basic intelligence functions, and that is an early warning against the possibility to threaten the territorial integrity and national sovereignty of the Republic of Macedonia.

Detection of security threats on the Republic of Macedonia

Towards the close of 1997 and in the first half of 1998, from an intelligence point of view, the security threat on the Republic of Macedonia by the UCK (Kosovo Liberation Army) and its derivative in Macedonia, the NLA (National Liberation Army) was correctly and precisely detected.[2]

[1] See: M.Arsovski, S.Kuzev and R.Damjanovski, "*War in Macedonia in 2001*", Matica Makedonska, 2006.

[2] In the security-intelligence field in the Republic of Macedonia, towards the close of 1997 the Intelligence Agency of the Republic of Macedonia (established by the 1995 Law), within the legal competence of which was the collection of knowledge from abroad about potential military and security threats on RM, became actively involved.

The intelligence collected, and their analysis undoubtedly indicated to:

- the formation of armed formations aimed at "liberation of the ethnic Albanian territories" set down in the map of "Ethnic Albania";
- the armed combat for "liberation of the Albanian ethnic territories" was projected to take place consecutively in three zones: Zone 1 – Kosovo, Zone 2 – Republic of Macedonia, and Zone 3 – "Eastern Kosovo" (Medvegja, Bujanovac, Preshevo);
- the political force which was mainly behind the UCK, NLA and UCPMB was the LPK (Levizja populore Kosoves, People's Movement of Kosovo), whereby in the spring 1998 one of its top leaders (Fazli Veliu) clearly indicated that the liberation struggle in Macedonia would commence three years later, which means in 2001 (LPK newspaper "Zeri Kosoves");
- the creation of caches of smuggled weapons, ammunition, and explosive material on the territory of the Republic of Macedonia in the areas bordering Albania and Kosovo (from the area of Struga to Kumanovo area);
- the creation of illegal groups for carrying out terrorist actions and logistic support, as a preparation for the forthcoming armed struggle for "liberation of the Albanian ethnic territories".
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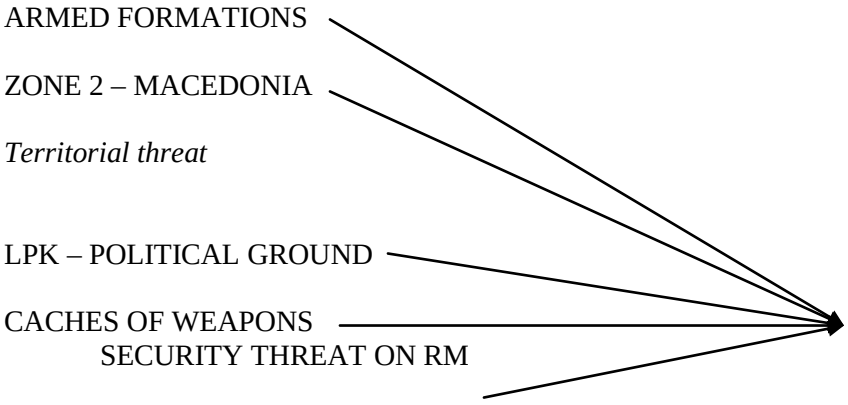


Scheme of the territorial threat on RM in 1998

The state's main authorities were timely informed about the intelligence data and analyses in respect of the security threat on the Republic of Macedonia, which means there was sufficient and substantiated information support for the initiation of serious preparations of the army and police segments to efficiently

counter the anticipated attacks on the territorial integrity and national sovereignty by the UCK-NLA.

Genesis of the security threat

The acronym UCK first appeared in Kosovo in the beginning of the last decade of the twentieth century, denoting a Kosovo Liberation Army (Ushtrija clirimi Kosoves), while in Macedonia (2001) this acronym denoted National Liberation Army (Ushtrija clirimi kombetar). In 1999, UCK in Kosovo, after the NATO intervention and the reaching of the Kumanovo Agreement, transformed into the KPC – Kosovo Protection Corps.

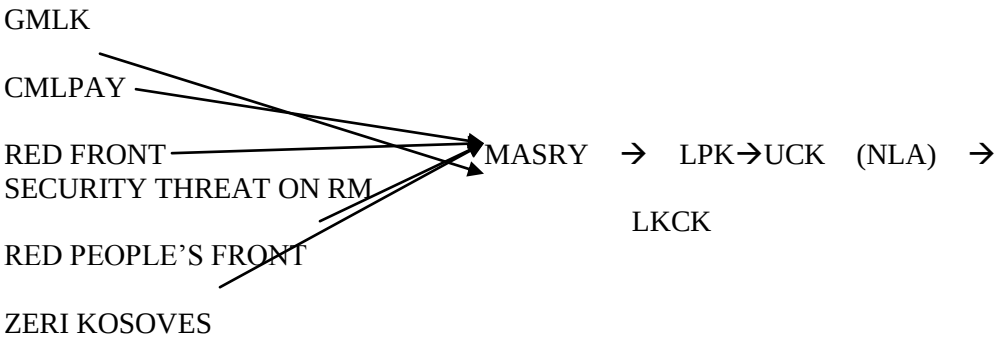
The same structure (LPK – Levizja populore Kosoves/People's Movement of Kosovo) was behind the formation of UCK in Kosovo and in Macedonia. This organisation originates from the organisation MASRY (Movement for Albanian Socialist Republic in Yugoslavia), created after 1980 (1982) among the Albanian emigration from former SFRY, located in Western European states, first of all Switzerland, Germany and Belgium. Actually, MASRY was formed as a front of the Albanian nationalists in Europe, who had previously belonged to several emigrant organisations, such as the Red Front (Fronti kuc), Red People's Front (Fronti kuc populore), Zeri Kosoves (Voice of Kosovo), GMLK (Group of Marxists-Leninists of Kosovo) and CMLPAY (Communist-Marxist-Leninist Party of the Albanians in Yugoslavia). MASRY-LPK issued the newspaper "Zeri Kosoves", which was the pivotal newspaper for information and indoctrination of young Albanians among the emigration.

MASRY-LPK was under the strong influence of the intelligence service of Albania and the APL (Albanian Party of Labour) in the period of socialist Albania. Its political-national goal had its roots in the map of "Ethnic Albania", and in the given period consisted of realisation of "liberation and unification of the oppressed Albanian territories by the Slavs in Macedonia, Serbia and Montenegro" and later, their merger to the state of Albania. For the members of the MASRY-LPK, the term "Kosovo" implied "the oppressed Albanian territories in Macedonia, Serbia and Montenegro".

Ideologically, MASRY-LPK's strong positions were "Marxism-Leninism", promoted by the APL. After the dissolution of the socialist system in Albania and the disintegration of the SFRY, the MASRY-LPK members declaratively abandoned this ideological matrix and "fitted into" the new European-civil trends.

In the newly arisen circumstances after the disintegration of the SFRY, the MASRY-LPK concretised its national-political goal towards the three "liberation zones" – Kosovo, Macedonia and "Eastern Kosovo".

In the context of the formation and operation of the UCK-NLA, there was a noticeable role of the organisation LKCK (Levizja kombetar clirimi Kosoves / People's Movement for Liberation of Kosovo), very close to the LPK, formed immediately after 1990 in Kosovo, and since 1998 in joint action with the LPK-UCK. The LKCK programme envisaged "liberation of the Albanian ethnic territories from the Serbian and Macedonian oppressors, until their unification with Albania". In its documents the LKCK planned the creation of "outposts" in the Republic of Macedonia and formation of guerrilla groups for armed combat which would be united into a "Liberation Front of Kosovo".



Scheme of the genesis of the security threat on RM by UCK-NLA

From an intelligence point of view, there were available necessary data linked with the mentioned organisations, in particular as regards to the structure, composition and intentions, of both those in the area of Kosovo and those related to the territory of the Republic of Macedonia.

Detection and assessment of the conflict between the LPK-UCK and LDK-FARK

Towards the close of 1998 particularly relevant was the conflict between the LPK-UCK and LDK (Democratic Union of Kosovo)-FARK (Armed Forces of the Republic of Kosovo). FARK was to represent the military wing of the LDK, led by Ibrahim Rrugova and the "President of the Government in exile", Bujar Bukoshi. The former colonel of the YNA, Ahmet Krasniqi, had a leading role in the formation of FARK. He was staying in Tirana, Albania, from where he was coordinating the activities for the creation of this military formation, in which the command functions were

to be given to Albanians who were former YNA officers, which means well trained military personnel. The LPK engaged into an open conflict with the LDK, and the fight for supremacy in the military field led to the murder of Ahmet Krasniqi in Tirana in September 1998. The indications pointed with great certainty that members of the LPK-UCK were behind this murder, but this terrorist act has not been cleared up until present days.

These events were immediately followed from the intelligence point of view, since there were grounds to suspect that they would play an important role in the further development of the events in Kosovo, and later on Macedonia as well. Namely, the structure of LPK-UCK, after the murder of Ahmet Krasniqi, definitely took over the leading position in the political-armed activities in Kosovo. Thereby, a very important element from an intelligence point of view was the fact that the UCK won over the support of the USA, a state which took a strong stance behind the two leading persons of this structure, Hashim Thaci and Xhavit Haliti, and guided by its strategic interests in this part of the Balkans at that time.

In this period, from an intelligence aspect, the role of notable members of the LPK-UCK originating from Macedonia was established and assessed, such as Fazli Veliu, Bardhyl Mahmuti and Ali Ahmeti, in the context of the overall political-military activities of this grouping, the involvement of the foreign factor, first of all the USA, and the spill-over of the activities on Macedonian territory.

The mentioned intelligence knowledge was becoming more relevant if one takes into consideration the previously established facts about the serious plans of the LPK-UCK to commence consecutive "liberation activities" in Zone 2, that is in the Republic of Macedonia. From an intelligence point of view, what was indisputably established was the serious danger on the security of the Republic of Macedonia by the UCK.

In the years immediately prior to 2001, the intelligence activity had been particularly rich in collected knowledge about illegal procurement and storage of formation weapons, both in Kosovo and in Macedonia (from Struga area to Kumanovo area, along the border with Albania and Kosovo). The very facts about illegal procurement and storage of formation weapons were a very strong indicator that the UCK were preparing military activities in Macedonia. As an illustration I shall note only part of the arsenal of weapons and appropriate ammunition which the UCK was illegally procuring and storing in Kosovo and Macedonia:

- AK 43 (Kalashnikov)
- Sniper rifles (standard calibre and special with 12.8mm calibre)
- RPG 7B
- 120mm mortars
- 82mm mortars

- "Konkurs" ATGM system
- "IGLA" SAM.

The formation weapons were illegally procured and smuggled by different sides, first of all from Albania (in 1997 the military warehouses of this state were emptied-robbed), but also from Bulgaria, Ukraine, Croatia and the then Socialist Republic of Yugoslavia (through criminal channels of Albanian-Kosovo and Serbian criminal groups). The stations for the illegal transport of the formation weapons were located in Durres, Vlora, Tirana, Kukes, Tropoja, Barjram Curri, Shkodra, Peshkopeja, Bulciza, Pogradec, Veliki Trnovac, Bujanovac.

Criminal Albanian groups involved themselves in the smuggling of the formation weapons, explosives and explosive devices, which was strongly encouraged by the then great porosity of the borders between Albania, Kosovo and Macedonia, and the already well worked-out network of smuggling channels for the transfer of drugs, cigarettes, people, and excise goods.

A significant part of the funds for the procurement of formation weapons was provided through the "Fatherland is Calling" Fund, among the members of the Albanian emigration in the West.

Intelligence facts have led to a conclusion that until 1999, the Macedonian territory served as a base for the illegal transfer of people (UCK fighters) and weapons in Kosovo, while after 1999 the territory of Kosovo served as a base for the transfer of weapons and people (NLA fighters, former UCK fighters) in Macedonia. Particularly important was the illegal route from Prizren to the upper Shara villages of Veshala, Vejce and Bozovce, which was the subject of special intelligence analyses and indications. From an intelligence point of view, in the years immediately prior to 2001, knowledge had been obtained also about the initiation of formation of illegal groups for logistics and armed operation of the UCK-NLA along the line from Kumanovo area to Struga area, for which the corresponding instances of the state leadership and military-police structures in the Republic of Macedonia were timely informed.[1]

The intelligence knowledge indicated that the NLA was preparing a guerrilla tactics of waging a war in Macedonia against the legal army and police forces with mobilisation and armament of the population of Albanian ethnic origin on the territory envisaged in "Zone 2".

The intelligence facts revealed a wide illegal activity in the sphere of collection of funds among the members of the Albanian emigration in Western European countries and the USA, such as the "Fatherland is Calling" Fund, which was earmarked for the procurement of formation weapons. A central figure of the LPK-UCK for the collection, distribution and use of the funds for this purpose in the years prior to 1999 was Xhavit Haliti, who was located in Tirana and enjoyed

[1] In the feuilleton "What happened to us in 2001", published in "Vreme" (May-June, 2007), G.Cvetkovski emphasises that the "political representatives" had an ignoring attitude to such and similar operational reporting about an illegal activity directed against the Republic of Macedonia.

the support of the Albanian security-intelligence circles[1]. According to the intelligence assessment, Xhavit Haliti was actually the central figure of the UCK, and according to the assessments of some western intelligence services he was Hashim Thaci's mentor.

The presence and role of armed Islamists and IHOs (Islamic Humanitarian Organisations) in Kosovo

The intelligence interest in IHOs, their presence and role in Kosovo, was quite founded, given their operation in the BiH war, 1992-1995. As a matter of fact, most of the IHOs that were present in BiH in the mentioned period shifted their activity in the following years into Kosovo.

The intelligence focus was in particular on the following IHOs:

- TWRA (Third World Relief Agency);
- World Bureau for Jihad;
- El Hilal;
- El Haramein.

From an intelligence aspect, knowledge was collected with regard to the Mujahid unit "Abu Bekir Sadik" (located in Donji Prekaz) and the presence of activists of Egyptian cells of al-Qaeda.

TWRA was of a particular intelligence interest, given its enormous role in the transportation of mujahids and weapons in BiH (1992-1995).[2]

The accent in the intelligence approach was certainly on the possible connections of these structures with individuals and groups in Macedonia for threatening its security. Concomitantly, there was an assessment of the relationship (in the shorter and longer terms) of these structures with the LPK-UCK, given the great ideological discrepancy that really existed between them, with a conclusion that there were no real prospects for stronger connection, except for the financial aid.

CONCLUSION

It may be concluded that in the period right before the 2001 armed conflict in Macedonia (1998-2001), from a strategic intelligence aspect, and on the basis of a systemic analysis of the current security developments, relevant facts about the possibility for security threat on the state were

[1] According to the 1998 intelligence knowledge, Xhavit Haliti was known under the names of "Zeka" and "Koka e male" (the Big Head).
[2] Leading figure of this organisation was Al Fatih Al Hasanein, Sudanese by origin.

collected, processed and timely communicated to the competent institutions. Namely:

- the security threat was detected;
- the holders of the threat were identified;
- the programme basis and the goals of the threat were detected and elaborated;
- the period planned for initiation of the armed activities directed against the territorial integrity and security of the state was detected;
- undisputed facts about preparatory activities for initiation of the armed struggle were established – illegal procurement and storage of formation weapons and formation of illegal groups for logistics and armed attacks;
- the tactics of the NLA armed fight was detected;
- the impact of the foreign factor at this stage of the conflict was detected.

One of the basic tasks from an intelligence aspect, and that is early warning (in this case with regard to the threat on the territorial integrity and security of the Republic of Macedonia), was carried out.

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IMPLEMENTATION OF THE OHRID AGREEMENT: KEY FOR THE POLITICAL PEACE IN MACEDONIA

Abstract: *Although ten years have passed since the signing of the Ohrid Agreement, its implementation remains to be popular for the political agenda of every government as a key for successful accomplishment of the political peace in Macedonia. Namely, the Ohrid Framework Agreement has proven to be the main condition for a truce in the armed conflict; and at the same time it meant a unique opportunity for termination of the violence, being used as a reconciliation instrument. The elaborated content in this text follows two axes. First of all, it analyses the main points of the Ohrid Agreement: education, use of languages, decentralization and special parliamentary procedures and the second line of the analysis refer to the challenges from and towards the Ohrid Framework Agreement as a key to the political peace and paving the future in Macedonia.*

***Key words: peace, Ohrid Framework Agreement, conflict*.**

Introduction

Ohrid Framework Agreement is a political act of internal character, which, due to many things, has changed the flow of the history of Macedonia after the critical 2001. Namely, it promotes a new model in the political system that prevents the majoring of the Albanian ethnic community and realizes three basic segments: the expanding of the use of the language of the minority ethnic communities; the justified and equitable representation of the representatives of the minority ethnic communities and the local self-government (decentralization).

The Ohrid Framework Agreement proved to be the main condition on how to terminate the armed conflict and at the same time posed a unique opportunity for cessation of hostilities.

The Ohrid Framework Agreement mainly terminated the hostilities, i.e. discarded the use of violence for attaining political goals and confirmed the sovereignty and territorial integrity of the Republic of Macedonia, as well as the unitary character of the state. Namely, the Agreement underlined that the multi-ethnic character of Macedonia's society must be preserved and reflect the public life through the new approach towards development of decentralized power, non-discrimination and equal representation, special parliamentary procedures, as well as through educational systems. In that

way, the Framework Agreement envisaged a redefinition of the Macedonian political model in order to meet the multi-cultural and multi-ethnic needs of the Macedonian society and in that way achieve a higher level of integration.

Therefore, the basic principles on which the document is founded are as follows:

First, the use of violence in pursuit of political aims is rejected completely and unconditionally.

Second, Macedonia's sovereignty and territorial integrity, and the unitary character of the State are inviolable and must be preserved. There are no territorial solutions to ethnic issues.

Third, the multi-ethnic character of Macedonia's society must be preserved and reflected in public life.

Fourth, a modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens and comports with the highest international standards, which continue to evolve.

Fifth, the development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities. (Ohrid Framework Agreement, 2001:2). Furthermore, several other key provisions are envisaged and defined, such as: Cessation of Hostilities; Development of Decentralized Government; Non-Discrimination and Equitable Representation; Special Parliamentary Procedures; Education and Use of Languages; Expression of Identity; Implementation of the Ohrid Framework Agreement; Annexes and other provisions.

The three Annexes that constitute integral parts of the Ohrid Framework Agreement comprise: Annex A: Constitutional Amendments; Annex B: Legislative Modifications; and Annex C: Implementation and Confidence-Building Measures.

1. Implementation of the Ohrid Framework Agreement

Implementation of the Ohrid Framework Agreement is a complex process, which has been ongoing since 2001. Namely, its implementation does not mean merely fundamental establishment of the state’s stability but rather building of democratic, secure and prosperous Macedonia. Thus, following its implementation, a question is inevitably asked: What is the aim of the Framework Agreement and is it achievable through its implementation? What exactly means the implementation of the Agreement, if one supposes that it is actually an agreement for constitutional amendments, the political system of the state? According to the contemporary theories for the nation and the state, one can conclude that the

Framework Agreement establishes a foundation for a specific, rather than a modern concept of nation-state that could accommodate the diversity of the society. Contemporary theorists are right when they claim that multi-ethnic states are most frequently forced to find pragmatic solutions for ethnic conflicts and in that way prevent escalation of the demands of different groups to an extent of possible secession (Mehmeti, 2008:100). Maybe that is why accommodation of diversity transforms into a key state issue: ***"In order to be able to survive, the state will have to, in a democratic way, integrate political demands of different ethnic groups. Otherwise, the state risks, sooner or later, confronting internal fragmentation or secessionists movements."*** (Topperwein, 2002: 187).

Hence, we will analyse the key acquisitions from the implementation of the Ohrid Framework Agreement, as well as the lacks it contains, which come into fore upon its implementation.

Namely, one of the main remarks of the Albanian ethnic community representatives referred to their representation in public administration and institutions of the state. Hence, the establishment of one of the key provisions of the Agreement emerged, where it was defined the respect of the principle of non-discrimination and accomplishment of equal representation of the communities in public administration at national and local level, in the army, police, public enterprises as well as improvement of their access to public financing for development of business activities. Changes in the legislation were made for consistent implementation of this provision; reform processes in public administration were carried out and accelerated; training for representatives of the communities was introduced. All these activities and programmes belong to the so called measures of affirmative action that are aimed at ensuring rapid integration of representatives of marginalized and less represented communities in the society and state institutions. (Cvetanova, 2006: 168).

Actually, the analysis has shown that equitable representation proved to be a great challenge upon the Agreement's implementation. Namely, according to certain indicators of the Civil Servants Agency, "If in 2001, all Albanians with university education had been employed in the public administration, the participation of the Albanians would have increased for one percent only." (Atanasov, 2003: 130) Maybe, that is why an urgent need of undertaking tangible measures and activities of affirmative action emerged.

This situation initiated amendments in the Law on Civil Servants. In such circumstances and despite the improper level of education, an appropriate training for members of the less represented communities was introduced and that provided for them employment in public administration and state institutions.

Results from the undertaken activities and concrete measures of affirmative action in the sphere of employment were evident, that is, the results from this policy were visible for less than four years. The level of equitable representation of less represented communities in state institutions and public administration increased from 2% to 16.3%. Otherwise, expressed in numbers since December 2002 till December 2005, the number of Albanians employed in the state institutions and public administration increased from 8.164 to 11.290.[1] More precisely, during one week in average 19 participants of the non-majority communities could start work in public administration, or four people every day.

In this context it is important to note that before the implementation of the Ohrid Framework Agreement, the representation of the ethnic community members was very small in the security forces, i.e. the uniformed structures of the army and police. For example "the percent of the Albanian civil servants in 2001 in police was 2.5% but in 2003 the percent increased to 10.5% and in 2006 the percent increased to significant 16.5%.

After the change of power, in August 2006, the new government coalition, led by VMRO-DPMNE and DPA adopted a strategy for equitable representation, whose aim was: *"development and promotion of equitable representation of the members of non-majority communities"*. This decision did not distinguish from the policy of the previous government led by SDSM and DUI, but it seems that the dynamics of the process for attainment of equitable representation has stopped. (Mehmeti, 2008:111)

The analysis leads to the conclusion that the time frame for realization of the measures for rapid integration in the area of employment of the less represented communities was not determined neither during the preparation of the Ohrid Framework Agreement nor upon its implementation. In such conditions it is possible ***"to achieve exactly the opposite effect rather than the desired one".*** Maybe, that is why the majority as well as the smaller ethnic communities, felt disadvantaged due to the favouring and rapid employment of the representatives of the Albanian community especially in conditions of a high rate of unemployment and unfavourable social and economic situation in the country. In other words, the need to apply the principle of appropriate and equitable representation of the communities, as well as the concrete measures of affirmative action in function of consistent execution of this principle in multi-ethnic multi-cultural societies, is apparent. However, application of this principle poses only a part of the overall process of social integration. If we want to achieve real positive effects in terms of integrations in the society, we will need an

[1] Sector for the Implementation of the Ohrid Framework Agreement, www.siofa.gov.mk

integral and overall approach in solving this complex yet necessary issue. (Cvetanova, 2006:178).

2. EDUCATION

In accordance with the provision form the Framework Agreement, the state had an obligation to provide funding for university level education in languages spoken by at least 20 percent of the population of Macedonia. In that context, the Assembly of the Republic of Macedonia passed several changes and amendments to the Law on University Education. In accordance with the changes of the Law, a state university in Tetovo was established, and consequently the obligation for funding university level education in languages spoken by at least 20 percent of the population of Macedonia was implemented. Furthermore, it was decided the principle of positive discrimination to be applied in the enrolment at the state universities of the candidates belonging to communities not in majority in the population of Macedonia until the enrolment reflects equitably the composition of the population of Macedonia.

At the same time, in that period, in Tetovo[1] had already existed and functioned a university of the South Eastern Europe, funded by institutions of the international community. The teaching at the University was conducted in Macedonian, Albanian and English languages.

Namely, with the establishment of the both universities, the percentage of the Albanian students for the academic 2004/2005 increased to 15.5 percent out of the total number of enrolled students.

In addition, the right of primary and secondary education in students' mother tongues had already been realized in practice, as a result of which, this aspect the Framework Agreement only reiterated and emphasized the already existent normative and factual situation. Tuition in the primary and secondary education in the Republic of Macedonia is conducted in Macedonian, Albanian, Turkish and Serbian languages, as well as facultative tuition in the languages of the other ethnic communities. More precisely, of total 344 primary schools in the academic 2002/2003 in 134 the tuition is conducted exclusively in Albanian language or in Albanian language as well. Of the total number of 90 high schools in the Republic of Macedonia, the tuition in 26 of them is conducted in Albanian language. The same year, the percentage of the Albanian population in the total number of students covered with secondary education was 18.57% and in the academic 2004/2005 that number was 22.52% (State Statistical Office, 2008:63).

[1] Tetovo is a town in Western Macedonia with predominantly Albanian population

Thus, having in mind that educational institutions represent a place where a process of socialization develops, the place where the individual prepares for his or her further integration in the society, place where the value criteria and social norms of social behaviour of future citizens are formed, we can conclude that the Republic of Macedonia lacks education with a real multi-cultural format. The introduction of a multi-cultural format is a way through which pupils and students can get to know the culture and particulary the identity of the other, as a positive step forward in overcoming the ethnic prejudices, which already represent a basic precondition for existence of inter-ethnic tensions.

3. Use of Languages

The issue on the use of languages is regulated in accordance with the provision from the Ohrid Framework Agreement, stipulating:

"Any other language spoken by at least 20 percent of the population is also an official language." Based on this provision a change to the Constitution of the Republic of Macedonia was made, and the same provision became a constitutional category.

Namely, such provision enabled the use of languages in the work of: the Parliament (the working bodies and plenary sessions); publication of laws; use of languages during criminal and civil court proceedings; issuance of personal documents; and communication of the citizens with local, regional and central government.

According to the ethnic affiliation, the results from the census held in 2002, showed the following structure of population: Macedonians: 64.18%, Albanians: 25.17 %, Turks: 3.85%, Roma: 2.66%, Vlachs: 0.48%, Serbs: 1.78%, Bosniacs: 0.84%, and Others: 1.04%

Having in mind that only the Albanian ethnic community meets the prescribed percent of 20% of the total population in the Republic of Macedonia, the impression is inevitable that the provision from the Agreement is in function of affirmation of the Albanian language, as the only one from the languages of all other ethnic communities, i.e. as an official language, of course apart from Macedonian, with which, in this way, the state becomes bilingual. (Cvetanova, 2006:181).

4. DECENTRALIZATION

Decentralization, or local self-government, represents a constitutional category according to which one-level decentralization is chosen as an optimal model which does not jeopardize the unitary character of the state (Siljanovska, 2000:53).

In addition, the Republic of Macedonia has started the process of decentralization and to that end in 1996 Macedonia signed the European Charter of Local Self-Government and ratified it in 1997. Furthermore, the Assembly of the Republic of Macedonia passed the two key laws for decentralization: Law on Local Self-Government, Law on Territorial Organization.

However, the Albanian ethnic community was not pleased with such conceptual or legal framework of the local self-government. That is why, the process of decentralization after signing the Ohrid Framework Agreement obtained a completely different flow and started to be treated as a solution of the problems that led to signing the Agreement.

The Framework Agreement determines the development of decentralized government, in item 3, according to which increased hopes of the municipalities in accordance with the international standards, will relate to "the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care". (Framework Agreement, 2001: item 3.1.).

As part of the implementation of the Ohrid Framework Agreement and in accordance with the obligations prescribed in it, the Parliament passed the following:

- new, that is revised Law on Local Self-Government (January 2002);
- new Law on Territorial Organization, which redefines municipal boundaries (June 2004);
- Law on financing of local self-government, which prescribes allocation of authorities connected with funding of municipalities (July 2004).

The development of decentralized government also relates to the security sector. More precisely, according to item 3.3 from the Ohrid Framework Agreement, local Heads of police should be selected by municipal councils from lists of candidates proposed by the Ministry of Interior. While, the manner of selection of Heads of police is regulated in item 3 from Annex B, which prescribes adoption of legal amendments, which will guarantee that "every local head of police is selected by the municipal council of the respective municipality…"(Ohrid Framework Agreement, 2001: Annex B, Article 4).

Thus, the aim of these changes strives:

First, to increase the authorities of the local population in civilian control of the police work.

Second, to build greater trust among the population and the security organs.

From the above-mentioned changes and passing new laws on local self-government and territorial organization, the intention is apparent for the preservation of peace to evolve in interceptor of new challenges, which will enable rapid implementation of the Framework Agreement. However, it is also evident that revision of municipal boundaries or more precisely the new Law on Territorial Organization, with which new municipal boundaries were defined, provoked most reactions and divisions in the Macedonian public.

5. SPECIAL PARLIAMENTARY PROCEDURES

The Ohrid Framework Agreement regulates the Special Parliamentary Procedures in item 5. Namely, according to this item "laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities and not to the majority of population of Macedonia". (Ohrid Framework Agreement, 2001, item 5.2)

Moreover, the Ohrid Framework Agreement offers an additional solution, which is in the function of guaranteeing the right of veto. Namely, with this decision a Committee on Inter-Community Relations has been established, which functions in the Assembly and is comprised of representatives of the Macedonians, Albanians, Turks, Vlahs, Roma, Serbs and Bosnjaks. This Committee has an authority to bring decisions and give opinions on the laws, for which the Parliament in a plenary session cannot decide whether a dual voting or the use of Badenter principle should be required.[1]

6.CHALLENGES FROM AND TOWARDS THE OHRID FRAMEWORK AGREEMENT

The contents of the Ohrid Framework Agreement, but also the manner of its implementation, were and still are the subject of scholar analysis. In addition to this assertion, different stands of a number of analysts could also be interpreted, and most often, they are completely opposite.

[1] The Badenter principle is a special procedure of voting, prescribed in the Ohrid Framework Agreement, according to which for the laws relating to language, culture and identity on non-majority communities, majority of votes is necessary, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

However, on one thing most of the analysts agree, that the Ohrid Framework Agreement is an instrument of reconciliation.

In addition to the Ohrid Framework Agreement, the stands of some Macedonian authors could also be interpreted. For example, professor Ljubomir Frchkovski, one of the greatest experts of the nature and characteristics of the Framework Agreement who participated in its preparations as an expert-advisor, argues that ***"the Ohrid Framework Agreement, due to many things, changed the course of history in the Republic of Macedonia after 2001*** and assesses it ***as a political act of internal character with legal considerations-provisions in parts for which it is necessary to be defined more precisely".*** Furthermore, he argues that such frame will create a political system, which will emerge from the principles that had been modelled in the Ohrid Framework Agreement. According to him "the model that would realize these principles in the political system consisted of three basic pillars (and a new procedure). The first pillar was spreading the use of the language of the ethnic minority communities (but at a level of clearly avoiding language federalization). That is why the modality of use of the language and the relations of majority and minority languages have been defined precisely (in this part of the Agreement there are legal provisions). This followed the principle of "expressing the identity of the holder", and not a symmetrical language federalization. The second pillar was the precise agenda for equitable representation of the members of the minorities, which cemented the inclusiveness of the politics of the state administration. The third pillar was the local democracy (expression of Badenter) or the local self-government, where most of the "ventilation gases" of the ethno energy are directed.

Frchkovski in his assessment about the results from the seven-year application of the Ohrid agreement summarises:

> *First*, by the wide expert and political international community it is assessed as the most successful in the region and as an Agreement that builds rather than disintegrates a state.

Second, it defeated its own sceptical signatories who were dismissing it. It clearly does not allow a government according to "Badenter" and spreading the use of the language outside the constitutional article.

> *Third,* it is a vaccine for our EU integration and creation of international partnerships and ratings.

There is also a different feeling about the Ohrid Agreement. For example, that *"despite the more and more obvious need of redefining the Macedonian political model with main aim precision of multi-cultural organization and decrease of the international tensions in the Republic of Macedonia, this document, still lacks theoretical foundation emerged as a*

result of a prior conducted analysis of the situation, and not as a result of violence, where the political elite, pressed by the escalation of the armed conflict, found itself in a narrow strait which resulted in the rapid resolution and cessation of violence and definition of the concept of the Ohrid Framework Agreement". (Cvetanova, 2006:198).

It is a fact that the implementation of the Framework Agreement provoked serious debates in scholar and political circles. Thus, we will single out one conclusion of professor Simovska, according to whom "No matter what importance we give to this document, it is a fact that the solutions comprised in it generate enormous changes in the stands and attitudes of the citizens. It would not be overemphasised if it were said that maybe the armed conflict itself would be forgotten sooner than the legal and political changes that followed, no matter whether they initiated discontent or content at a certain ethnic group. It is a fact that, as the citizens frequently state in the polls, Macedonia is not the same country – people have changed their views and their attitude." (Simoska, 2006:29).

In addition, the data acquired as a result of a survey conducted in 2005 by the Institute of Sociological, Political and Juridical Research express different perception for the benefits of the Framework Agreement, depending of the respondents' ethnic affiliation. Thus, the stands of Macedonian and Albanian populations are most expressively represented. For example, the dominating stand of the Macedonians is that the signing of the Ohrid Framework Agreement has only prevented the war and nothing else has been achieved.

On the other hand, the dominating stand of the Albanians is that the signing of the Ohrid Framework Agreement has resulted in achieving a more rightful attitude towards the minorities. The spokesperson of the biggest Albanian political party DUI (Democratic Union of Albanians) Ermira Mehmeti, also describes the implementation of the Ohrid Framework Agreement with similar characteristics, in terms "that the implementation of the Ohrid Framework Agreement is the basis of the democratization process of the multi-ethnic society of Macedonia and that is the reason why this process must not be contested in any circumstances".

From the analysis of the stated stands we can conclude that the positive and negative assessments for adoption and implementation of the Ohrid Framework Agreement differ according to the ethnic affiliation of the analysts.

However, the overall analysis in this work proved that the adoption and the implementation of the Ohrid Framework Agreement is an Agreement that builds rather than disintegrates a state; an Agreement for our European integration and creation of international partnerships and ratings. This is reinforced with the stand that the Framework Agreement is an instrument for

reconciliation, for democratic advancement and deepening of human and ethnic rights in the Republic of Macedonia.

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THE EFFECTS OF THE MACEDONIAN MODEL OF POWER_SHARING ON THE POLITICAL STABILITY OF THE COUNTRY

Abstract

One of the most relevant issues in the political theory is the relation between multiethnic/multicultural society and political stability and democratic development. The research of the ethnic and culturally divided societies throughout the world has resulted in formulation of the so called power-sharing models for ethnic conflict regulation, the most dominant among them being the co social model of A. Lijphart and the integrative approach of D. Horowitz. Although having the same goal of achieving political stability, these competitive models prescribe partially different solutions for arrangement of the post-conflict society. Their implementation, as practice has shown, can lead to political stability, but not necessarily to democratic development.

Which approach or what kind of combination of them was applied in the case of ethnic conflict regulation in the Republic of Macedonia, and how do they contribute to political stability and democratic development of the country? This paper will attempt to present the solutions introduced with the Ohrid Framework Agreement in normative-institutional context, as well as their functioning in the 10-year period of implementation of the Agreement. The analysis is to answer the question about the manners in which they contribute to, or limit the maintenance of the political stability and democratic development of the Republic of Macedonia.

Key words: *multiethnic society, political stability, power-sharing models, Ohrid Framework Agreement*

Introduction: political stability and multi-ethnic society

At the theoretical level, the political stability is associated with democratic legitimacy, i.e. the liberal belief that the stable government must be dependent on consensus and acceptance. The long-term survival of the democratic regime is explained with the openness of the government to the

demands, needs and interests of the population, i.e. speaking with the language of the system theory, with the ability of the liberal democratic ssystem to establish a balance between *inputs and outputs*. This approach gives a completely different meaning to the term "political stability" compared to the one that ccould be found in non-democratic regimes, where stability is achieved by repression and terror. But, the question is which regime will enjoy political support of the population? In the alternative, what democracy can we consider functional in terms of good governance, i.e. balancing the requests and responses? Although there are many different views and criteria that can help us define good governance, yet mainly it is considered that there are 4 (four) widely accepted criteria[1]: 1.stability and order 2. material wealth 3. civil rights and obligations (protection of human rights) 4. democratic governance. In this approach we can recognize a combination of two models of democracy also mentioned by Klaus Ofe[2]– the democracy as a bearer of progress (output model of democracy) and the democracy as a procedure.

There is no doubt that, today, when the democracy is treated as a generally accepted norm and standard, giving the regimes internal legitimacy and external recognition, the political stability as its very important element can be understood only as an inseparable complementary element of the democratic development. Majoritarian model of democracy dominant in the developed Western countries proved as inapplicable in the ethnically heterogeneous societies where the collective identity of the minority seeks its confirmation in the politics. The principles according to which the classical majority (Westminster) democracy works in these societies, often happen to be excluding for the minority ethnic communities, since the permanent change in the government of the main majority parties that follow the established principles of majoritarian democracy, can continually produce exclusion of the political representatives of minority groups from the majority government and "tyranny of the (ethnic) majority".[3] Because of these reasons, conditions for (permanent) dissatisfaction and highly expressed antagonism in the society were also created, where the government cannot enjoy the legitimacy among certain important segments of the population. In the political theory, the model of power-sharing is an answer to such perceived discrimination and it is the basis for political stability throughout democratic regulation of ethnic, linguistic, religious or culturally divided societies[4]. According to the broad definition of T. Sisk,

[1] Heywud E., *Politika,* Clio, Belgrade, 2004, pp. 758-771
[2] Ofe K., *Modernity and the State*, Filip Višnjić , Belgrade, 1999, pp. 364-367
[3] Refer also to Kimlicka, 2004.
[4] But, it must be emphasized that the successful management of the devided societies despite political factors (primarily operationalized as constitutional engineering), is influenced by

political power-sharing systems are those "systems that encourage the establishment of a broad governing coalitions, composed of representatives of the many or even of all mobilized ethnic groups in the society".[1]

Power-sharing can be achieved by implementation of two broad approaches (models): co social approach, formulated by Arend Liphart, and integrative approach formulated by Donald L. Horowitz. Although, for the both models the most important element for regulation of ethnic conflict in divided societies is a broad government coalition, Horowitz and Lijphart differ a lot concerning the recommendations when and how these coalitions should be formed, and also disagree about the other institutions and practices for ethnic conflict regulation. The final result of these two approaches is that: "the first approach is more confident in providing protection for the minority group, while the latter approach emphasizes the role of incentives that encourage inter-ethnic cooperation".[2]

The Lijphart`s model is developed on the basis of historical and practical experience of four European democracies: Austrian, Swiss, Dutch and Belgian. Following the political development of these small European countries after the Second World War, deeply divided by religious, linguistic or other lines, that still managed to avoid internal conflicts, Liphat formulated a model of democracy that included a set of institutions and practices from the governance practices and the political life of these societies.

The co social democracy is manifested by four characteristics. The first and the most important element is the **grand coalition** of political leaders of all important segments of the plural society. The other elements of the consocional democracy are: 1) **mutual veto**, which serves as additional protection to the vital minority interests, 2) **proportionality** as the primary criteria in determining the political configuration of appointing government officials and the allocation of state funds, and 3) high degree of **autonomy of the segments** in the process of resolving the internal issues (through a territorial federalism or non-territorial autonomy). [3]

As favorable conditions to achieve co social democracy, but not necessarily crucial for the success of the model, Lijphart lists the following: multiple balance of power, a small territory of the country, a comprehensive

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many other factors: economic, cultural, and geopolitical factors. Their effect is cumulative, of course.

[1] Sisk T., *Power Sharing and International Mediation in Ethnic Conflicts* United States Institute for Peace & Carnegie Commission on Preventinh Deadly Conflict, Washington DC, 1996, p. 4

[2] Sisk 1996, pp. 34

[3] Lijphart A. *Democracy in plural societies- a comparative research*, STEP, Skopje, 1995, p. 25 (in Macedonian)

loyalty of all segments to the state, (territorial) separation of the segments, the existing traditions of elite cooperation, and the existence of intersecting differences.[1]

A basic requirement for functioning of this model, as suggested by Liphart, is a continual cooperation of the elites. Definitely, this factor that supports the model of Liphart is unacceptable for certain authors, including Horowitz, who suspect that only the elites can effectively regulate the ethnic conflict. The other problematic elements of the suggested model are: reducing the responsibilities of the political leaders to their communities, legitimizing and strengthening of segmental differences by freezing the segment boundaries, absence of dynamics in the model, as well as absence of democracy as a result of elimination of any kind of opposition.[2]

Examples of co social democracy achieved in practice are: Lebanon 1945-1973, which transferred into a majority governance as a result of the change in the number of segments; Malaysia 1955-1969; The unsuccessful example of consociation of Cyprus in 1960-1963, interrupted by the invasion of Turkey in Cyprus; South Tyrol etc..In the recent times, co social elements were applied in the process of regulation of post-conflict societies in Bosnia and Herzegovina, Northern Ireland and the Republic of Macedonia.

The integrative approach of Horowitz includes distributive and structural measures to relax the ethnic conflict. Distributive policies are implemented through a preferential treatment (positive discrimination) in several areas - education, employment, access to the state and public administration employment, distribution of the public funds and so on. However, the structural techniques aim to redesign the political framework where the ethnic conflict happens, without guarantees that the result will be always ethnic[3]. Horowitz model includes five important mechanisms[4].

1) **Dispersion of power** to several centers in order to move a possible conflict hotspot away from just one point. This is achieved by spreading the power to several centers at the central level (semi-presidential system) or by creating territorial units at a lower level (federalism and regional autonomy), assuming that the eventual conflicts which might occur at the lower level (federal units, regions) are less dangerous than those that might be spread out nationwide. Proposing these measures, Horowitz signalizes to the danger of misusing federalism and regional autonomy for secession goals. Therefore, the autonomy should be given to all regions/federal units/provinces, while

[1] Idem, p. 54
[2] Sisk, open. cit. pp 38-39
[3] Horowitz D., *Ethnic groups in conflict.* University of California Press, Berkley, Los Angeles, London 1985, pp. 596
[4] Idem pp. 597-600

the central governance should provide a mechanism to keep the final word if a secession proposal is set in the agenda.

2) Techniques that emphasize **intra-ethnic rather than inter-ethnic conflict**. The most effective mechanism in achieving this objective is the decentralization of government and reservation of positions on ethnic basis in the public administration in order to increase the competition among the elites (political parties) at the local level and within a single ethnic block, which also has the effect of weakening the conflict at the central level.

3) Incentives for inter-ethnic cooperation such as **electoral laws that promote pre-election coalitions**. The basic principle of the integrative approach is to promote a moderate policy and moderate politicians. Thus, according to Horowitz, if the election rules are designed to reward moderate politicians, the political elites of different ethnic groups will behave as rational actors and through a moderate policy would address to voters beyond the borders of their ethnic group.

4) Policies for stimulating **alternative social relations** such as social class or territory, that will replace ethnic connections of the groups. The most favorable prerequisite to promote the alternative collective identities is the economic development of the society which favors class allegiances rather than the ethnic ones.

5) Reduction of differences among the groups through the **distribution of resources** that would reduce the dissatisfaction of the groups in the society. These steps consist of preferential policies for the ethnic minority groups concerning the access to the education, access to the employment and distribution of the public funds and resources.

The main difference between the two above mentioned approaches of power-sharing is that the first approach tends to reinforce ethnic dividing while the second one tries to overcome or make them relative. This is the reason why some authors propose the first model to be implemented in strongly divided societies, and the second approach to be implemented in heterogeneous societies where ethnic allegiances are not so strong. While in the first case, the frequent use of veto or its abuse ccould block the political system and provoke increasing of the ethnic intolerance, the latter approach is found responsible for creating conditions where the majority segment will not provide sufficient inclusion of minorities in the politics. Therefore, according to T. Sisk, these two approaches should be considered in a relative rather than in an absolute meaning of the word, precisely as a spectrum of practices / opportunities for regulation of the ethnic conflict, ranging from "the most" co social to "the most" integrative. Which specific approach will be applied in a conflict society, will depend on the structure of the ethnic relations, the specificity of the ethnic politics in a certain society, the historical development (the history of conflict), the connection between the

ethnic groups and the state, the behavior and the skills of the political leaders and the ability of the conflicted groups to agree on the essential principles supporting their political system.[1]

Ohrid Framework Agreement

Ohrid Framework Agreement that helped to end the armed conflict in the Republic of Macedonia in 2001 through a strong international pressure, significantly changed the political system of the Republic of Macedonia and brought elements of co social democracy (more than integrative ones) in the previously established majority model. In return to guaranteeing the specific rights for the ethnic minority, particularly the development of local self-government (as a form of democratization of the country, as well development of the respect for the identity of the ethnic communities) and their integration into the society, the Macedonian majority received guarantees for preservation of the territorial integrity and unitary character of the state (Maleska 2005, Bieber (ed.) 2008).

The agreement guarantees to the minority communities in the Republic of Macedonia **substantial local self-government** - through the obligation to adopt a Local Self-Government legislative where the local authorities will be given the authority over specific issues precisely listed in the agreement; **the veto,** concerning the issues relating to the local self-government (the laws on local government, local finances, local elections, for the City of Skopje and the territorial organization of the local self-government) and the adoption of laws that directly relate to culture, use of the language, education, personal documentation and the use of symbols as well as the double majority in the process of election of three members of the Constitutional Court of the Republic of Macedonia, the National Judicial Council and the Security Council; **proportional representation** in the state and public administration at central and local level, in public companies, the distribution of state funds as well as in the Constitutional Court, in the National Judicial Council and the Security Council; a state funded **university education in the native language** for the members of the community represented by 20% of the total population (Albanian community); **extended use of language and alphabet** of the minority communities at central and local level, whereby the necessary threshold for the central level is 20% representation of the community in the total population in the Republic of Macedonia as well as **freedom of expression** of the identity by using national symbols. In order to improve inter-ethnic relations, and to talk about the issues in this field, the agreement provides establishing of a **Committee**

[1] Sisk, T. D., op. cit. pp 48-49

on Relations with the communities. As an additional protection of the recognized rights of citizens and the implementation of the principle of fair representation, the agreement strengthens the position and the authority of the **Ombudsman**.

According to F. Bieber, such decisions establish a weak form of consociation in the Republic of Macedonia that significantly deviates from other models of power-sharing, since it does not provide significant territorial or cultural autonomy[1]. However, the Ohrid Framework Agreement introduces substantial local self-government, strengthened by the possibility of veto by the minority communities (in reality that is the veto of the Albanian community) in any possible change in the laws that directly regulate the matter in the local self-government, including the law for Territorial Organization of Local Self-Government (which is actually a veto for the territorial issues). [2]

There are several features that make the model of power-sharing established by the Ohrid Agreement more flexible in comparison to other such agreements. Namely, the Ohrid Agreement does not institutionalize important issues such as guaranteed seats for the communities in the parliament or the composition and method of forming the government i.e. the Grand coalition as the most important element of Liphart`s co social model. In practice, however, the government coalitions are formed in that way since the independence. One of the important features of the power-sharing models is the proportional electoral model, not provided by the constitution in Macedonia, but legally established as a proportional electoral model with six electoral units.

Functioning of the model in practice

Despite the objective obstacles as the economic factor, particularly important in the implementation of the Agreement are: stagnation in the democratic development of the country, the absence of a tradition of elite cooperation (or the political culture of harmonization among the elites), inadequate political culture of the broader population (inter-ethnic distance) and the influence of the specific regional surrounding. Seen through the prism of elements of the Liphart`s model, it can be concluded that their operation has faced various problems, but have not caused serious slowdown.

[1] Bieber F., Power-sharing and implementation of the Ohrid Framework Agreement in the division of power and implementation of the Ohrid Framework Agreement, the Friedrich Ebert Foundation, Skopje, 2008, p. 47

[2] Maleska M., *What kind of political system did Macedonia get after the Ohrid Peace Agreement?* New Balkan Politics, Issue 9, 2005

Grand coalition: This important element of Liphart`s consocional model of democracy is not institutionalized in our political system. But, it worked from the beginning of the transition, and that is why it has not officially entered in the requirements of the OFA, and not as a result of underestimation of its significance by the creators of the Macedonian model. Since the early '90s there was an awareness in the political elites in Macedonia that it was not possible to establish a political power with a significant segment of society being outside of the structures of power. Important by their numbers (percentage of Albanian population in the total population), and according to their political organization (ethnic parties and political demands), the necessity or inevitability of the Albanian partner in the government as one of the prerequisites for political stability was never disputable even in situations when the elections winning (Macedonian) party had enough seats to rule alone. Multi-ethnic coalition was always formed as a result of post-election coalition, since no Macedonian or Albanian party has ever dared to form a pre-election coalition with a party of the other ethnic camp. (The assumptions of the political elites were that the pre-election coalition would reduce the number of votes in the election, which is an interesting information about the acceptance of the multicultural model by the common population). However, post-election coalition always resulted in a kind of division of the winning reward: the division of ministerial posts and other positions in the state and the public administration.

On a general level, the government coalitions functioned relatively successfully, but not without problems. Political crises were never caused by the coalition breakup, so even in cases of obvious tension between the coalition partners, the misunderstandings were settled in a relatively non-transparent manner, probably with the intervention of the international community. Such a role of the political elites in the Liphart`s mode strengthened the position of party elites in the political life of the Republic of Macedonia even more, and somehow affected negatively to the democracy within the parties (Hristova, 2005).

Concerning to the functioning of the **mutual veto,** longer periods of blockade have not been noticed, except in the period 2006-2008 when the Albanian party having the parliamentary majority in the Albanian bloc, was not included in the governing coalition. This situation caused problems and gradually led to political crisis due to the furiousity of the reaction of DUI[1]: parliamentary boycott, calling for a boycott of its mayors in the local governments directed to the central government, calling for disobedience/mobilization of its membership in order to delegitimize the

[1] One of the parties of the Albanian bloc, winning the majority of the votes among the Albanian population in the elections 2006, but did not enter the government coalition.

ruling coalition, the inability of the ruling coalition to adopt laws requiring double majority. This situation was resolved relatively quickly after the period of the blockade through the conclusion of the so-called May agreement between the ruling VMRO-DPMNE and DUI (but outside the government and without DPA, which was not included in the process), and out of sight of the public. Enlightened from this experience VMRO DPMNE entered into coalition at the following premature elections, 2008 with DUI that won again the biggest number of votes of the Albanian part of the electorate.

Proportionality. It is interesting that among the wider public, but also in the political debates, the implementation of the OFA is often reduced to the proportionality, practically to only one of its aspects: the proportional representation of the members of ethnic communities in the state and public administration. In fact it simplifies and banalizes not only the proportionality as an important element of co sociality, but the entire model of power-sharing, being reduced to bare numbers (thereby not underestimating their importance). The reason probably lies in the fact that a country with over 30% unemployment and high rate of poverty, considers employment in state and public administration as one of the most desired jobs. For the most of the population it means existential security or exit from absolute poverty, while for the politicians it is most measurable/most obvious success of their own politics.

How to implement this principle? It works in all of its aspects, but if we keep our attention on the above-discussed aspect of representation in the state administration, the numbers show a big progress compared to 2001, but also a lack of progress in terms of expectations of the Albanian bloc (they expected to achieve full proportional coverage). In many state and public services the ethnic structure of employees was noticeably changed, which of course, positively affect the perception of the Albanian population on the mutual state.

If detached from the numbers, the issue has different dimensions. Macedonia has too large, incompetent and poorly paid administration. To achieve the desired percentage of Albanian employees, Macedonian citizens should be fired or at least their employment should stop completely. In the current conditions of economic stagnation, when the labor market practically does not work and the state is the largest employer, it would mean increase of the frustration among the Macedonian population, which would adversely affect the interethnic relations. On the other hand, in the Republic of Macedonia as a typically party-oriented state, the employment in the state and public administration is almost exclusive for the party membership. This means that the proportionality, as an element of the co social democracy can be realized only through the cadre having close connections to the party in

power. Since the basic criterion for employment and career is the party membership, or the closeness to the party in power, that usually means that the administration is filled with incompetent and substandard personnel. The consequences are multiple: it increases the dissatisfaction and the frustrations among the young and educated Albanians, *who are not on the right side*, and therefore do not get a chance to get a job, and that causes a revolt among employees in the administration of Macedonians, who work with incompetent colleagues. The principle of proportionality devaluates (even more if taking into account the constitutional formulation of fair and adequate representation), prejudices increase (negative prejudices about the Albanians) while the state gets the administration which is unable to meet its objectives.[1] So, the negative effects are multiplied and expressed at several levels: intra-ethnic, inter-ethnic level, the public level/citizens who are dissatisfied with the services because the incompetent personnel are not able to deliver good quality service.

Decentralization. Changes in the legislation in 2004 and 2005 (new law for local self-government and the law for territorial division) should have been a solid base for self-government of the Albanian ethnic community at the local level. But, the opinion of the experts as well as the opinion of the common public is that this process is moving slowly, and practically, the central government still largely controls the local government. But despite this general conclusion, the effects of the new model of local government, where local mayors and councils manage a good part of the needs and interests of the local population, should not be underestimated. One peculiarity in Macedonian circumstances is that the political communication at both levels depend on the party's closeness to the ruling elites of central and local level.[2] The local authorities complain to the application of objective criteria concerning the distribution of resources, and sometimes the political communication is even impossible, which means that *their own people* are rewarded and the *others* are punished. This is just another example of the level of democratic development in the country.

Party Pluralism and Opposition. On the contrary to the Liphart`s assumptions there is a strong opposition within each ethnic bloc in the Republic of Macedonia. This is especially evident in the Macedonian political bloc where two parties dominate the political scene (SDSM and VMRO DPMNE) in the past twenty years, replacing the helm of the state

[1] Such a way of recruiting personnel in the administration is widely accepted by the Macedonian political bloc, meaning that it is a big problem at the level of the state, noted in almost every report of the EU. Accordingly, the inter-ethnic dimension of the problem is somehow relativised; in terms…we are not better as well.

[2] This practice concerns to all local authorities, not only those who live in majority Albanian population and is another indicator of the degree of democracy in the country.

depending on the results of the parliamentary elections. The other parties of the Macedonian political bloc have insignificant role on the political scene and have never managed to jeopardize their competitive advantage. Party pluralism is also clearly noticeable in the Albanian political bloc, where as a rule, the mandates are distributed between the two most relevant parties (PDP; DPA, DUI...). not always the same (that is the difference with the Macedonian political block), but the common thing for the party scene in Macedonia is the furiousity of the clash between the ruling party - opposition (each in its ethnic camp), where besides unacceptable rhetoric, it is also possible physical abuse (particularly during the period of campaigns). The strongly expressed partisan competition gives specific dimensions of the intra-ethnic conflict by relaxing the conflict and tensions at the central level. But the political game of life and death in both ethnic blocks, especially in the Albanian one, stimulates the struggle at the field of interethnic relations, where leaders get the most of the winnings. Strongly expressed conflict, often colored with personal animosity of the leaders, lead to a situation where all possible means are used in order to take the legitimacy away from the ruling coalition or to devalue the opposition. Such a hot political climate shrinks the space for more moderate policies at the field of interethnic relations (one of the most important recommendations of Horowitz`s integrative approach), which points out contradictory effects of the intra-ethnic political conflict.

Conclusion

The Ohrid Framework Agreement undoubtedly contributed to pacification of the ethnic conflict in 2001and allowed the Republic of Macedonia to continue peacefully in consolidation of democracy. The Agreement still enjoys great support among the Albanian population in the Republic of Macedonia, while the support among the Macedonian population is about 50%. The implementation of the individual elements of the Agreement undoubtedly contributed to greater inclusion of ethnic Albanians in the society and significantly reduced the feeling of marginalization. So, in general, the formula "more rights for peace" and "loyalty for reforms" proved successful. On the other hand, the division of the society is still obvious. It seems that apart from the field of politics, parallel worlds exist in other spheres as well (media, NGOs, education, private life), which is not a positive condition for a multicultural society integration and for developing confidence between the two main communities (it seems that education is the area where the centripetal forces are present the most). We might conclude that OFA obtained more contributions in legitimizing and strengthening of the segmented differences and less in the promotion of alternative social ties

that will make ethnic connections relative (Horowitz). The low level of integration is not a good prerequisite for the long term political stability in the circumstances of a specific regional environment. The international community influences a great deal (and should influence) in the maintenance of the political stability.

At the meantime, Republic of Macedonia has failed to make progress in its democratic development. Although it is difficult to measure the impact of the co social model on the democratic development of the country according to Lijphart`s "softer, kinder democracy" (Lijphart, 1999), it is obvious that it is not working in the Macedonian case. We could even say that the impact has an opposite direction. The unconsolidated democracy with apparent deficits (political corruption, partizationed judiciary, partizationed administration, problems with the rule of law...), and problems in the economic development are not positive prerequisites for development of a multicultural political system. The factor that might be convenient for the survival of these democratic deficits is the strengthened position of the elites who practically have some reduced responsibility to their communities. Are we talking about responsible elites in that case? And will the elites that could not meet the requirements of output democracy be able to manage interethnic relations successfully?

Anyway, the Macedonian divided society remains sensitive to inter-ethnic tensions. Several events have proved that fact (latest cases of Macedonian Encyclopedia, the Church at the Skopje Fortress, etc.) and the political elites must always keep it in mind. On the other hand, the inability of elites to respond to the requirements related to the democratic development (including economic) causes collapse of their democratic legitimacy, thus increasing the opportunities for political manipulation, while in a multi-ethnic and divided society the manipulations are usually directed toward the field of ethnic relations.

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MANAGEMENT IN CONDITIONS OF CRISIS EVENTS

Abstract

Operating, as an integral part of managing, has an outstanding importance in the course of crisis events management. Managing represents an overall process where planning, organizing and control also take place. During the conflict in the Republic of Macedonia of 2001, managing within the frameworks of security services with operational workers in the field is an important factor in conflict resolution. At the Faculty of Security in the course of 2009 and 2010, a public survey was conducted, which delivered data regarding psycho- social and law consequences on the members of the security forces and data about the managing and the professionalism of the security forces. The aim of this study is elaboration, analysis and presentation of the data related to the way of commanding the security forces, mistakes made during and after the war activities, evaluation of the fulfilled tasks etc. The analysis of the accomplished activities helps detecting the weaknesses of the system of management in time of crisis, and also provides recommendations for successful surpassing.

Key words: operating, managing, crisis events, security forces etc.

Introduction

Security management basically consists of the following basic functions: planning, organizing, managing and controlling. Managing is a process of directing the employees, having influence on them and motivating them for successful fulfillment of security tasks. During the managing, managers should hold on to the working principles, incite the mutual respect in relation superior-inferior, supervise the staff, train the staff etc. Also, the manager manages the action directly and coordinates the activities on the spot, all that for successful and safe fulfillment of the action. He constantly follows the development of the events, making decisions about the progress of the action, which means that he has the most important role because he has to influence on other members for successfully performed action[1].

[1] see more: M. Mališ Sazdovska, N. Dujovski "Security management" Faculty of Security Skopje, Skopje, 2009, page

Particularly the manager has an important role during the crisis event, when there is a special procedure like responding to the situation. We are talking about incidents on a large scale or with serious consequences, to which it has to be replied with the whole security system or with several security services all in coordinated activity. In order of adequate performance in situations like these, managers have certain expectations how the staff will respond, deploy and deal with the crisis events[1].

Due to prompt reaction in crisis events following goals have to be defined:

- identifying the critical events,
- identifying the basic characteristics of crisis events,
- identifying the general problems and solutions in managing with crisis events,
- identifying the phases of respond in crisis events,
- description of making decisions during the crisis events,
- identifying the steps of respond in six phases,
- identifying actions, performed during certain phases of respond[2].

Conflict that happened in the Republic of Macedonia in 2001 presented serious security problem, resulting in several causes[3]. With that, the safety condition was violated and the national safety was attacked by the Albanian radical groups. Of course, the conflict had also had implications on the international security[4]. The crisis was "spilled over" outside the borders of the Republic of Kosovo, and the international factor in the later phase of solving the conflict had crucial role[5]. Conflict finished with signing the Ohrid

[1] Crises can be defined as a critical and crucial degree (place-point) or situation-point, turning point or as an unstable condition in the political, social and economical affairs, with a sudden or decisive change. See more: Marina Mitrevska, Crisis management. Skopje, 2008, page 21;

[2] Vital installation security, Critical incident management, page 3

[3] "The essence of the crises is that the normal process in one social system was interrupted. The researchers of different types of crises established whole range of factors causing these kinds of disruptions. We can find their origin in the natural, sociable and technical-technological phenomenon, particularly, in their combination "Zelimir Kešetović, Crises management, Faculty of Security, Belgrade, 2008, p. 31

[4] " Security studying is pointed towards three basic conceptual frames: individual, national and international security,, Marina Mitrevska, Anton Grizold, Vlado Bučkovski, Antony Vanis-St. Jon: "Preventing and managing of conflicts – case Macedonia" Skopje, 2009

[5] "No state by itself can not oppose the transnational endangering of the safety. We can also say that today national safety can not be secure without intensive participation in the international institutions and organizations. "Anton Grizold, Erik Kopac, Changing the nature of modern safety: Some new challenges and reactions, Globalization, peace and safety. Ministry of the defense and the Faculty of Philosophy, Institute for defensive and peace studies, Skopje 2008

Agreement, within, the requests of the armed Albanian radical groups were implemented.

Analysis of the obtained data

In the frames of the research that was performed in 2009-2010 at the Faculty for Security – Skopje, 667 examinees were polled, members of the security forces and the participants in the conflict in 2001 members of the Ministry of Internal Affairs, the Army, the reserves and the village guard[1].

Namely, 50% of the polled members were from the Ministry of Interior, 38.9% from the Army, and 1.6% from the village guard. From the members of the MI: Special forces 19.8%, Special police units 34.3%, uniformed policemen being on the field in the crisis area 15.6%, uniformed policemen being at the police station 4.8%, reserve police staff 21.1%, State security 1.8%, Crime police 0.2%, other 2.3%.

From these indicators we can conclude that from the members of the security forces in the Republic of Macedonia involved in the conflict in 2001 there were also members from different ministries and services. All this has a special distinction taken from the managing. Therefore, principles of technical-tactic freedom, principles of proportion, as well as the principle of unique managing and conducting of criminal activity should be used. This principle is especially used when there is a need of deploying bigger number of officials, as it was for the conflict in 2001. Therefore, for the realization of the measures, members of different services took part: the police, the army, the reverse, the intelligence and counter-intelligence services etc[2]. In cases like this one, a center or headquarter is formed where the action is managed from[3]. In that command center there should be members from the services and a manager of the command center should be selected, as well as the way of the communication and the way of acting on the field should be determined[4].

Because there are several security services participating, and because of the multidisciplinary of the respond these kinds of activities are called multi-agencies responds. These responds have different effects on the social

[1] The research is named "Psychosocial and law consequences against the members of the security forces in Republic of Macedonia participants in the conflict in 2001, and the Faculty of Security issued a Report in October 2009.

[2] see more M. Mališ Sazdovska " Security in the democratic society" Learn periodical, year II, no. 2, December, Bitola, 2006, page 177;

[3] see more M. Mališ Sazdovska, "Managing critical incidents" Horizons, year V, no.5, December, Bitola, 2009, page 208

[4] see more M. Mališ Sazdovska, N.Dujovski "Security management" Faculty of Security-Skopje, Skopje, 2009, page 127

community like: financial, psychological and political. That is why the managers of the actions should take into account the dealing with the effects caused on the field.

Crisis events are characterized as unusual events, big events, unsolved elements of danger, threats for the citizens and for those who respond to events like these and also it is needed a system of communication and directions.

During managing the crisis events units that are included in the action should be specialized units tactically oriented or with a specific task. But the usage of the units must be controlled and coordinated.

However, analyzing the data from the research it can be concluded that this kind of coordination was not successfully performed, because the polled members concluded that there were some mistakes in the commanding, resulted in injured and killed people in their surroundings. Namely 37.2% of the polled members consider that as a result of the commanding mistakes there were injured and killed people[1]. This percentage of almost 40% of the managing staff making mistakes in the managing with serious consequences is a question for overall analysis. Are these mistakes, a result of incompetent and unprofessional personnel being on managing positions, or maybe their ignorance, inexperience, liability to stress is in question? In future an analysis of the personnel and their professionalism and competence is needed, and for those who are on top leading managing positions in the Security services, measures for their education in order of higher professionalism and competence, as well as training for working under pressure and in stressful situations must be taken.

In accordance with the handling on the field and realization of the given tasks, polled members consider that they retreated from their positions unnecessarily in 58.9%. This high percentage of almost 60% indicates that the retreat from the positions was not estimated well by the managing staff, and because experienced members are in question, their evaluation can be consider as relevant and objective.

During the crisis events managing, the fact that there are some factors that cannot be used should be taken into consideration. Those factors are the weather conditions, number of suspects, types of weapons, location of the incident and the time period during the day. But also there are factors that can be controlled as: evacuation and sheltering the endangered citizens, securing the event scene, securing the roads for exit and entrance, securing

[1] see more " Phychosocial and law consequences against the members of the security forces of Republic of Macedonia participants in the conflict in 2001 (Report due to research project)" Faculty of Security-Skopje, Skopje, 2009

safe movement in contaminated surroundings, number of the personnel, type of communication etc.

Thus, during the conflict, polled members said that in 22% of the cases they were left without ammunition. Situations like these should be very rare in practice, because with adequate planning, which is a part of the security management, there should be a delivery of ammunition so the members of the security forces can respond the attacks. On the contrary, severe consequences against health and life, not only of the members, but also against the local population can be experienced. In 23% of the cases, polled members were left alone in the field, 30% were trapped in an enemy ambush. Unpleasant and dangerous situations like these should be avoided. All this is possible if the managing personnel conduct appropriate selection of people taking part in the action, if they are trained, professional and competent and with previous experience in similar situations. Also managing staff should be experienced, professional and competent. Managers should control their colleagues- operating, and no individual or independent action must be allowed. If the manager of the action does not have any clear expectations, clear orders and good coordination and control, there is a risk of loss of lives and time.

The manager should insist on individual's negative characteristics to be neutralized and minimized, but positive values, available qualities and other potentials to be recognized, activated and direct in a real way, in order to realize the goals of the service. Of a great importance are the communication skills possessed by the manager, team work, and especially the team tenability, motivating the colleagues etc.

Especially, we have to draw attention to how the decisions are made, making them under pressure during the crisis events, to actions requiring immediate respond. It is necessary for the manager to have an experience for situations like these, which will help him make the decisions. If these situations are from usual, routine nature the manager will be able to give a quick respond, clear orders and to establish control over the event scene.

In the frames of the research the polled members declared that in 34.6% of the cases they refused unreasonable order. Thus, a question is imposed, why and what kind of orders are given by the managers when one relatively high percentage of the polled members were put in a situation to refuse an unreasonable order. Does this mean that people who were on managing positions during the conflict were not trained and competent enough? Or they had a lack of training according to the principle of long-life learning, but gaining competence for the work they are doing. Of course, the managers are making decisions in specific conditions: lack of time, lack of experience or without it, under stress, without clear long term goals,

inappropriate information[1] etc. Because of this negative experience related to making decisions in time of crisis events, managers should be trained how to make decisions, also clear expectations, efficient respond and responsibility from the Management must be secured[2]. Only in this way the number of cases where the members are forced to disrespect unreasonable orders will be minimized.

Conclusion

With the analysis of the data obtained by the polled members, participants in the conflict in 2001, and related to the management, certain mistakes and weaknesses can be concluded. Mistakes made by the managing personnel and the negative consequences – results from those mistakes are analyzed, as well as the people reactions carrying out the orders. Results show that the mistake can be noted and the consequences can be corrected.

In the following period competent ministries and security services should organize management training gaining knowledge and skills in leadership, communication, making decisions, teamwork etc. Also, the mode and standards for promotion in the system of career development should be consistently used, in other words, the managers should meet the conditions for certain level of education, years of working experience in the service, practical experience in realization of operational-tactic and other measures and activities in the field etc.

The results from this research, especially ascertained weaknesses in the system of managing, should be an impulse for the top managers in the security services to take measures for training the staff on a level of intermediate and operative managers, in other words, the strategic determinations in one specific service should be implemented on an operative level in practice.

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[1] [12]see more M.Mališ Sazdovska, N. Dujovski "Security manager" Faculty of Security-Skopje, Skopje, 2009, page 12

[2] "The Manager, on every level of communication, direct the other people's effort towards realization of the goals, and at the same time is responsible for their work. I. Goreski " Management and leadership in defensive management" Modern Macedonian defense, Ministry of Defense of Republic of Macedonia, Skopje, year VIII, no.17, June, 2008

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ORIGIN AND EVOLUTION OF THE GREAT ALBANIAN TERRORISTS – FROM THE ORIGINAL STALINISM TO FALSE DEMOCRACY

Abstract: *The organizations of Albanian terrorists and separatists have, over decades threatened the safety, human rights and political stability in the entire Western Balkan region, especially in Serbia and Macedonia. Although nominally different, all these organizations have one common goal - the creation of "Great Albania" which has obviously no room for any other nations, except Albanian. Identical with them, are the means to achieve this goal - the political violence that is characterized by explicit brutality and primitivism, and is closely linked to various forms of organized crime and ethnic cleansing. Their origin is common - all come from illegal immigrants and ideological organizations that have evolved from the rigid Stalinism in the second half of the last century to the modern "democracy". This can be best seen in the example of the Albanian National Army, whose origins, through the National Liberation Army and the Kosovo Liberation Army, led by the National Movement of the Republic of Kosovo, and on to the Marxist-Leninist Communist Party of Albanians in Yugoslavia and the Red Popular Front. Therefore, one should consider the origin and evolution of the organization of Albanian terrorists, as a real threat to the safety of the European corridors 8 and 10.*

Keywords: *political violence, terrorism, illegal groups and organizations, "Great Albania", KLA, NLA, ANA.*

Introductions

A feature of the common model of internal organization of Albanian terrorist and criminal organizations is their compliance with the rule of territorial division, with recognition of the interest zones and influence of certain families. Accordingly, in each of the groups, the basic membership is recruited from the “fis”, that is, an extended family, or the clan that predominates on a certain territory. This very element, based on the sense of belonging to a defined group, has linked Albanian organized crime with the pan-Albanian ideals, politics, military activities and terrorism. [1]

[1] *Albanian Terrorism and Organized Crime in Kosovo and Metohija*, Belgrade: (s.n.), 2003, p.8.

Although nominally different, all organizations of Albanian terrorists and separatists have a common goal - creation of "Great Albania" which has obviously no room for any other nation except Albanian. Identical to them are the means to achieve this goal - the political violence that characterized the explicit brutality and primitivism, and is closely linked to various forms of organized crime and ethnic cleansing. Their origin is common - all come from illegal immigrants and ideological organizations that have evolved from the rigid Stalinism in the second half of last century to the modern "democracy".

Continuity of the terrorist organization of Albanian extremists can best be seen in the example of the Albanian National Army, whose origin is from the Liberation Army of Preševo, Medvedja and Bujanovac, the National Liberation Army and the Kosovo Liberation Army, led by the National Movement of the Republic of Kosovo, and on to the Marxist-Leninist Communist Party of Albanians in Yugoslavia and the Red Popular Front.

To avoid possible confusion it is important to note that whether we look at the actual diversity of terrorist organizations and Albanian speaking chronology of their appearance and disappearance, in fact those are the same people with the same goals and same method of operation. Change of the name of the organization or the territory in which they are currently active, among other things, aims to create additional room for maneuver, creating confusion among the security forces, as well as avoiding the use of the name of the organization which has been declared a terrorist.

The Popular Movement of the Republic of Kosovo

The Popular Movement of the Republic of Kosovo (NPRK) is a typical example of an extremist and terrorist organization. This large organization of extremist Albanian emigrants in Western Europe in general, was founded in 1986 with the "transformation" of then the most important organization so called the new Albanian emigration - the Movement for the Albanians from Socialist Republic of Yugoslavia (PASRJ).

Changing the name of the organization aimed to expand the former ideological platform (Marxism - Leninism of Maoist type), which would get other migrant organizations and groups, as well as conceal the true nature and legalize "the movement" in countries where their members reside. Namely, the organization PASRJ/NPRK was founded in 1982 in Switzerland through the fusion of the immigrant organizations Red Peoples Front and the Movement for National Liberation of Kosovo, as well as the illegal organizations Marxist Leninist Communist Party of the Albanians in Yugoslavia and the Marxist-Leninist group of Kosovo.

In the next 10 years, members of NPRK organized a number of anti-Yugoslav demonstrations in western countries, printed flyers and various promotional pamphlets and brochures, letterhead and indicated to a petition. NPRK organizations in their activities were closely associated with the Ustash emigrant organizations, and it served for the tasks of the Albanian intelligence service (Sigurimi), i.e. from its outlets in Vienna, Paris, Brussels and other cities of Western Europe. Finally, the organization NPKR performed terrorist actions (attacks on staff and resources of diplomatic and consular missions in Yugoslavia, setting the country on firearms in the function armed attacks, etc.).

This organization of the Albanian extremist and terrorist emigration originating from Yugoslavia is characterized by the fact that, unlike other immigrant organizations, it has managed to establish a branch inside the country. In fact, since 1982, it was forming its illegal cells PASRJ/NPRK in Kosovo, and several years later, despite not having the leadership in the country, has managed to create a few strong points on the most of the territory of Yugoslavia - including attempts of penetration into the Yugoslav National Army (JNA). An attempt of penetration of the Albanian separatists in JNA was massive and continuous, and the fact that in the period 1981-1987 in the JNA were discovered 216 illegally organized Albanian separatist groups with 1435 members, confirms that.

In the escalation of mass terrorism of the Albanian separatists in Kosovo and Metohija **(**K&M) after 1997, members of this organization (which had been renamed in the National Kosovo Movement) followed the assassinations of officials in the State Security Service (RDB), armed attacks on soldiers and police officers, kidnapping and similar operations in the country, while abroad recruiting volunteers for the Kosovo Liberation Army, charging "revolutionary taxes" from which the Kosovo Liberation Army was partially funded, advertizing, and in every other way preparing the ground for armed rebellion and foreign military intervention against the Republic of Serbia and Yugoslavia (SRJ).[1]

Kosovo Liberation Army

Terrorism as a dominant means for political fight of the Albanian extremists, and a problem the countries of the western Balkan are faced with over the last few years, escalated in its most serious form in Kosovo during

[1] About PASRJ/NPRK see more in: Milošević Milan, „Albanska ekstremna i teroristička emigracija", *Bezbednost*, no. 3/1991, pp. 288-297.

1999. Major contribution to the Albanian terrorism in that time was the Kosovo Liberation Army (KLA).

KLA was founded by the most extreme members of the National Movement of Kosovo (NPK), an illegal organization at the time, led by the members of so-called Marxist-Leninist fraction. The same goes for the most extreme members of the illegal organization - the Popular Movement for Liberation of Kosovo (NPOK), that was founded in 1993 with the programmed objective to „fight against Serbian intruders". It logically appears that, in comparison with all the other political parties in K&M. KLA 1998 in fact represented a conglomerate of various terrorist groups that in the initial phase of operations were connected only horizontally, without a solid, vertical scale and hierarchical subordination.

The first KLA armed groups in the region of Drenica were led by Adem Jashari of Donji Prekaz, and the membership was composed mainly of his close and distant relatives, usually persons prone to violent behavior and petty crime. Subsequently, they were joined by the former JNA officers and the Serbian police officers of Albanian extraction who refused loyalty to the state and its bodies, as well as participants in the armed conflicts in the regions of Croatia and Bosnia & Herzegovina with combat experience.

The pretensions of the so-called Government of the Republic of Kosovo presided by Bujar Bukoshi, an asylum demander in Germany, connected with the establishment of a parallel system of Albanian administration in K&M, resulted in foundation of the Armed Forces of the Republic of Kosovo (FARK). The formation was joined by officers of the former JNA of the Albanian extraction, all advocating separatism, wanting to set up a professional core of the Kosovo Army. Since the initiative for setting up the FARK was raised by DPK, due to the rivalry among the Albanian parties, members of these forces, although fully professionally trained, failed to attain more important positions within the KLA which the FARK subsequently joined.[1]

In spite of the fact that the initial membership of the organization did not have the necessary appeal to attract new members, KLA managed to become significantly large. This is primarily due to the advocacy for secession of K&M from the Republic of Serbia espoused by the leaders of the Albanian community who, in the light of the distinguished patriarchal relations, have the decisive influence on their compatriots. The terror enforced by the local terrorist organizations over "independent" part of the Albanian population had an almost identical effect. Strengthening of KLA

[1] *Albanian Terrorism and Organized Crime in Kosovo and Metohija*, Belgrade: (s.n.), 2003, p.11.

was substantially helped by finances obtained by criminal actions and the support of Albanian Diaspora.

Foreign experts estimate that the KLA since 1996 have pursued a policy of provocation and terror of ethnic cleansing. The success of such strategies explains their repetitions in southern Serbia and Macedonia since 2000 under different masks (LAPMB, NLA, ANA). The idea of Great Albania was constantly supported by terrorism.[1] Certainly, KLA troops were the largest during NATO bombing when they were 20,000 strong. The arrival of international forces to K&M resulted in disintegration and formal demilitarization of KLA, but the organization has not yet discontinued its activities. About 10,000 troops were included into the transformation of KLA into the Kosovo Protective Corps (KPC) and the Kosovo Police Service (KPS).

Albanian Liberation Army

After the dissolution of the KLA in the late 1999, the formation of the Liberation Army of Preševo, Medvedja and Bujanovac (LAPMB) and the National Liberation Army (NLA) in charge of the initiation of armed conflicts in the south of Serbia and western Macedonia took place.[2] In the stated organizations, the command was taken over by persons from the local communities who had received KLA military training and acquired the necessary experience. A relatively universal model of terrorist operations in the world - which is, as a rule, founded by criminal sources (trafficking in drugs, arms and people, as well as in excise goods) - was applied, at one time, by the leaders of the KLA, LAPMB and NLA, and is applied now by the leaders of the Albanian Liberation Army (ANA).

The foundation of ANA as a terrorist organization, was facilitated by the fact that the organizational and the operational core were composed of the members of former KLA determined to implement their previously set goals and complete the ethnic cleansing of K&M and other, allegedly Albanian territories. Also, ANA organization mimics the KLA model, uses the same methods of operation, the same channels for smuggling weapons and even the same bank accounts and, allegedly, humanitarian funds abroad by means of which they provide significant funding for their activities.

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[1] Gayraud Jean-Francois; Senat David, *Terorizam*, Zagreb: Cultural-Informative Centre; Naklada Jesenski and Turk, 2008, p.118.

[2] After LAPMB had been demilitarized,some of the commanders organized illegal transport of a part of the arms to the territory of Macedonia for the needs of NLA, whereby some of them generated substantial profits for themselves.

In the course of disarmament of NLA in Macedonia of the membership which included former members of KLA and LAPMB as well, the disarmament process was undermined at the very beginning by a mass transfer of the members of this organization to the ranks of the newly founded ANA without any administrative procedure whatsoever, by a simple change of the badge on the uniform. In this way, Albanian terrorists continued their activities without any risk of sanctions by the international community that had pronounced NLA a terrorist organization, which was not the case with ANA. Namely, ANA is on the black list of U.S. since 4th December 2001. The action of mining the railroad bridge near Zvečan which was carried out in April 2003 showed that a certain number of KPC members were engaged in ANA. After the action, ANA was pronounced a terrorist organization by Michael Steiner and its operations were banned on the territory of K&M.

In an effort to become the so-called umbrella organization of all Albanian terrorist and separatist groups in the region, ANA intensified its armed activities in 2003 which were accompanied by strong media coverage. The organization was founded in late 1999, but became more prominent in the second half of 2001. In the middle of 2003, members of UN police in K&M came to the conclusion that from November 2000 the activities of the Albanian extremist groups were expanding to the south of Serbia and to western Macedonia where the territory of K&M was used as the sanctuary and base for enforcing these destabilizing operations.

From the organizational point of view, ANA is a military army of a more comprehensive political group called the Front for National Unity of Albanians (FNUA) which also includes an intelligence service, called Albanian National Security (ANS), and Albanian National Fund (ANF) as the central financial body. FNUA was founded by the Revolutionary Party of Albanians of Tirana, whose sister party in K&M is highly extreme - the Party of National Unity (UNICOMB). At the time of its foundation, the FNUA was called National Committee for the Liberation of Occupied Territories (NCLOT). The name was changed in mid July 2002. ANS and ANF were founded in early 2003.

ANA's goal is to “free the Albanian territory from the domination of Slavs”; a government was formed of ethnic Albanians, the unification of the Albanian population from Kosovo, Albania, the southern part of Serbia, northwestern Macedonia, Montenegro and Northern Greece was increased. Strategically and tactically, ANA prefered and pursued a guerilla style combat, with rapid attacks on the military and police formations in the municipality of Pcinja, as well as on the territory of the Republic of Macedonia, with combat participants retreating to their logistics base in K&M.

Finally, ANA publicly admitted its connections with organized crime, as illustrated by the fact that after a bombing attack on the premises of the court in Struga, in early spring 2003, this terrorist organization undertook the responsibility for the attack stating it was a reaction to the arrest of two Albanian mafia bosses in Macedonia.

Conclusion

Albanian terrorism in Serbia and Macedonia is linked to different types of organized crime. It represents a permanent danger to the safety on the European corridors 8 and 10. The strategists of these activities want to ensure the legalization of their criminal activities and accumulated wealth, and to enable the establishment of Great Albania in order to complete the territory they consider Albanian ethnic space and spread their internal market and, in proportion to their economic power, secure the political influence and participation in the top administrative state bodies on the territory. Support of violence and permanent disruption of stability in the Balkans makes it possible for the scenario to be effectively implemented in practice.

Violence in K&M is inspired by ethnic, political and economic motives. The most numerous and the most savage in the execution were the attacks of the Albanians on the Serbs provoked by national hatred and carried out for the purpose of ethnic cleansing. Obviously, a large number of these crimes were premeditated and the investigation results frequently point to the involvement of KLA, or ANA now. Among other things, it is proved by the report of Dick Marty about trafficking of human organs in K&M and northern Albania. Nevertheless, very few perpetrators were discovered, as substantiated in the reports of OECD representatives in K&M. Definitely, UN and EU missions in the past 12 years officially failed to identify any perpetrators of kidnapping more than a thousand Serbian civilians, which means that they did not have appropriate access to the terrorist-criminal activities in the field.

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THE ARMED ETHNIC CONFLICT IN REPUBLIC OF MACEDONIA IN 2001:TESTING THE THEORIES OF ETHNIC CONFLICT TEN YEARS BEYOND

Abstract

This paper aims at testing the theories of ethnic conflict (four theoretical models), by means of study of the armed ethnic conflict in the Republic of Macedonia in 2001, regarded as being the prelude to warlike incidents. For the purpose of achieving this goal, four models will be taken into consideration in this paper: "the developmental model", "the ethno-cultural model", "the reactive ethnicity model", and "the competition model". Testing these four theoretical models of the Macedonian conflict ten years ago, will show that the last model, based upon theory of rational choice (applied to ethnic solidarity, mobilization and collective action), most successfully explains the causes and events in Macedonia during the conflict in 2001. The concluding part considers pragmatic implications of the exposed analysis.

Key words: *ethnic conflict, theoretical models, testing the theories*

INTRODUCTION

Understanding the nature and character of armed ethnic conflict in Macedonia ten years later, depends on understanding the many aspects of interethnic relations and interaction between ethnic Albanians and Macedonians before and after conflict[1]. This is especially important in post-conflict period for the Republic in terms of ability to test theories that can help answer questions about the reasons.

In the professional literature, there are three dominant theories about the genesis of ethnic conflicts that are mostly written by Donald Horowitz[2]. The first theory is named ***Development***, belongs to the so-called, *primordial*

[1] More in: Taševska-Remenski, F. Albanians and Macedonians: Ethnic Interaction in Macedonia before and after the conflict in 2001, August 2, Shtip, 2007;
[2] Horowitz, Donald L., Ethnic Groups in Conflict, Berkeley: University of California Press, 1985;

interpretation[1] according to which, the basis of ethnic identity, solidarity and aggressiveness towards other groups are irrational impulses that dominate in the collective lives of traditional communities. The number and intensity of ethnic conflicts are reduced by upward social development.

The general *theory of modernization* and the contemporary processes of globalization (internationalization of the economy and popular culture) that build cosmopolitanism, break down the ethnic exclusionism. In this context, *developmental theory* offers the following hypothesis[2]:

1. Because ethnic solidarity is possible only as a "residual phenomenon", ethnic conflicts occur only in poorly developed and insufficiently modernized countries and/or in those countries where modernization did not succeed;[3]
2. Ethnic conflicts are possible in societies with differential modernization or in societies where there is a low level of modernity - ethnic distinct areas in the process of modernization are poorly or insufficiently covered;
3. Ethnic conflicts constitute a traditional response to the attempts to modernize.

The second theory called ***Ethno cultural*** is a socio-psychological postulation of hazarded differences. The territorial proximity of ethnic groups with different cultural and political composition makes ethnic conflicts (in)believable. The cause of the conflict rule is the desire for domination of the group that represents more aggressive values, even more if it is supported by statehood "functional imperatives"[4].

Ethno-cultural hypotheses can express as follows: *The greater the cultural differences between the ethnic groups living in the same space, the greater the possibility of conflict between them.* Culture with strong warrior tradition will tend to submission of peaceful cultures.[5]

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[1] Primordial wider interpretation see: Douglas, William A., A Critique of Recent Trends in the Analysis of Ethno-nationalism, *Ethnic and Racial Studies* 11 (2), 1988, 192-206; Scott, George M. Jr., A Resynthesize of the Primordial Circumstantial Approaches to Ethnic Group Solidarity, *Ethnic and Racial Studies* 13 (2), 1990, 147-171; Smith, Anthony D., War and Ethnicity, *Ethnic and Racial Studies* 14 (4) 1981, 375-397;

[2] There is a different interpretation according to which elemental of ethnicity (ethnicity / identification) persists regardless of the degree of modernization. Only known theoretical model that fully develops this argument is sociological by Pierre van den Berg. Van Den Pierre L., The Ethnic Phenomenon, Elsevier, New York: 1981;

[3] Stavenhagen, Rodolfo, *The Ethnic Question: Some Theoretical Issues*, Paper presented on the Workshop on Ethnic Conflicts and Development, Dubrovnik, June 3-6, 1991;

[4] The institutional logic reinforces the dominance of one culture: the problem with the use of language, education programs, external political representation and so on;

[5] By the close ethno cultural model is the interpretation under which ethnic conflicts are possible by the widespread and deeply ingrained authoritarian syndrome. For this assertion, the authors (Katuranic, Vjeran, The System of powers, social structure and the national

The third concept, ***the Theory of reactive ethnicity***[1] has relied on Mackard model suggested for the study of *racial relations* in the south of Africa. *The class logic* of this approach highlights the so-called structured inequalities as the birthplace of ethnic conflicts. *The cultural division of labor*[2] emphasizes the ethnic conflict and solidarity along ethnic boundaries as an attempt to improve their economic and social position. The perception of the *system deprivation* is main mobilizing force.

Reactive model of ethnic conflict has prescribed dual rationality i.e. instrumentality: the conflict is caused by the protest of the "periphery" and developed as the defense of the interests of the "center". In other words, *ethnic conflicts are more likely if the allocation of supplies depends on the ethnic criterion, i.e. if the "borders" of the welfare / poverty overlap with the boundaries of ethnicity.*

The theory of ethnic competition negates the previous three theories with arguments that ethnic conflicts often come to the fore of the process of modernization and reduce the differences between social groups. According to supporters of this theoretical concept[3], a conflict with the growing focus on potential opponents of the same resources[4] is possible. Thus, ethnic solidarity is nothing but an effective tool for gathering *collective goods*; ethnic association provides for individuals to compete for good in their interests. The model of competition stresses that of ethnic groups are equal and live in the same or similar social conditions, there will be subject to mutual confrontation. Therefore the fundamental hypothesis of this model

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question. *Revision on Sociology* 16(1/4), 1986, 75-89; Flere, Sergej and Aleksandar Molner, *The Possibilities of Authoritarianism in Explaining Ethnic Antagonism in Former Yugoslavia*, Paper distributed at the First European Conference of Sociology, Vienna, August 26-29, 1992) use the results of the survey "Social structure of Yugoslavia 1989-91 year,

[1] Hechter, Michel , The Political Economy Ethnic Change,of *ofAmerican JournalSociology* 79 (5), 1974, 1151-1178;

[2] Bonacich, Edna, The Theory of Ethnic Antagonism: The Split Labor Market, *American Sociological Review* 37 (5), 1972 , 547-559; Semyolnov, Moshe, Bi-ethnic Labor Markets, Mono-ethnic Labor Markets and Socioeconomic Inequality, *American Sociological Review* 53 (2), 1988, 256-266; Boswell, Terry E., A Split Labor Market Analysis of Discrimination Against Chinese Immigrants 1850-1882, *American Sociological Review* 51 (3), 1983, 352-371;

[3] Benton, Michael, A Theory of Racial and Ethnic Relations, SSRC Working Papers on Ethnic Relations, No. 8, Bristol: University of Bristol, 1977; Ragin, Charles, Ethnic Political Mobilization, *American Sociological Review* 44 (4), 1987, 619-635;

[4] The space allows for highlighting the important link between the pattern of competition and sociobiological theory of ethnicity, according to environmental law "maximum competition exists between species and groups whose needs are identical"; Wilson, Edward O., On Human Nature, Cambridge, MA : Harvard University Press, 1978;

reads: *ethnic conflicts occur because of increased competition in the "equal area" where they appear, or new resources, some of them lost their "owner."*

DEVELOPMENT MODEL

Development theory at first glance seems to be very useful. It has long been believed that the frequency and severity of particular ethnic conflicts is inversely proportional to the degree of social development. Problems arose with the empirical evidence for persistence of ethnic conflict; postmodern rejection of ideas about teleological development is with arguments that ethnic conflicts are commonplace in most developed countries in the world. The development model leads in two directions: one is radical and confirms the fact that conflicts are always insufficient evidence of social development, while other the direction leads to the other two hypotheses.

1. **Hypothesis of the "elements of modernization"**

Under this concept, ethnic conflicts occur in relatively modernized societies e.g. Macedonia and in peripheral, representing traditionally, linguistically and ethnically related areas. In the Republic of Macedonia, this description fits most in the territory of the Southwest region[1], Region Polog[2] and parts of Region Skopje[3] and the statistical region of Northeast[4] Macedonia.[5] Most of the municipalities included within these four regions are not listed underdeveloped municipalities, except for the mountainous municipalities Lipkovo, Bogovinje, Vrapcishte, Tearce, Zelino and Jegunovce. If it is known that during the armed conflict in 2001, the armed actions between the security forces of Macedonia and the forces to the Albanian NLA launched and unfolded right in the municipalities of these

[1] Municipalities in the Southwest region: Vevchani, Vraneshnica, Debar, Debarca, Drugovo, Zajas, Kicevo, Macedonia Brod ,Oslomej, Ohrid, Plasnica, Struga, Zupa Center;

[2] Municipalities in Polog: Bogovinje Brvenica Vrapciste, Gostivar, Zelino, Jegunovce, Lovech and Rostushe Tearce, Tetovo;

[3] Municipalities in the Skopje Region: Airport, Arachinovo, Butel, Gazi Baba, Gorce Petrov, Zelenikovo, Ilinden Karposh, Kisela Voda, Petrovec, Saraj, Sopishte, Studenichani, Center, Chair, Chucher Sandevo, Suto Orizari;

[4] Municipalities in the Northeast region: Kratovo, Kriva Palanka, Kumanovo, Lipkovo, Rankovce, Sato Nagoricane

[5] In these regions the participation of Albanians (as the largest ethnic community in Macedonia) in the total number of people moving into the Southwest region from 50 to 74.99% in Polog region of 75-90% in the Skopje region of 50 - 90% in the Northeast region from 50 to 74.99%. The percentage of participation of Albanians in total population is 25.17%, or figures of 2 022 547 inhabitants, 509,083 Albanian citizens of the Republic; Maximum 99.20% Albanians Zelino; '03. Population, *Statistical Yearbook of Macedonia* 2010,State Statistical Office, Skopje 2010, *Macedonia in numbers in* 2010, State Statistical Office of Republic of Macedonia, Skopje, 2010;

regions, the developmental theory provides arguments for potentials of ethnic groups which share the space of the conflict. Additional information that goes to support this hypothesis is the fact that in these municipalities Albanians constitute a majority over Macedonians, although nationally minority; vs. Macedonians in these communities are a minority, although nationally the majority ethnic community.

Weak economic conditions slow down and hinder modernization flows, creating "passive parts". Apart from these demographic data, it must be taken into account some certain indicators of modernization, such as: the common feature of agricultural population, the participation of women in the workforce (social sector), the number of doctors per 1,000 inhabitants, the number of teachers per 1,000 inhabitants, the number of leased per capita, the realized investments in education and culture per capita, the number of employees in cultural organizations and so on.

By comparing data on several important indicators of socio-economic development of Macedonia in the period 2001-2010, we see that: socio-economic development and modernization process in 2001 and years before that, compared with the level of development in 2010 is significantly lower.

1. In the period 1999-2000, the Republic of Macedonia has seen steady growth rates of GDP per capita. In 2001, GDP per capita recorded negative growth. In the next period, the rate of GDP per capita grew by 1.6% in 2002, up 5.8% in 2007, unlike the situation in the EU-27 where the largest increase in GDP per capita of 3.6% was recorded in 2000. The rate of growth of gross domestic product (GDP) is an important indicator for the development of national economy. The high rate of growth provides opportunities to create new jobs and the creation of additional economic resources that will ensure meeting the growing needs of society. GDP per capita is an indicator that is used as an approximate measure of the wealth of citizens, but he did not measure their well-being for the reason that does not include labor services necessary for its measurement;[1]
2. Regional GDP measures the level of economic development of regions. Reducing regional inequalities leads to a higher level of social and territorial cohesion and the dispersion of regional gross domestic product (NUTS 3 level) per capita is defined as the sum of absolute differences between regional and national GDP per capita, weighted by the share of the total regional population, expressed as a percentage of national GDP per capita. In Macedonia in 2001 it was 36.8%, while in 2008 33.7%. This means that the percentage

[1] GDP, Statistical Yearbook of Macedonia 2010, State Statistical Office of Republic of Macedonia, Skopje, 2010;

variation of difference between regional and national GDP per capita in Macedonia. The percentage is higher, and so the regional differences are larger;[1]

3. Investments in research and development activities are essential to create an efficient economy, improving production technologies and promoting regional and national economic growth. In 2000 and in 2001 they amounted to 0.20% of GDP, while from 2001 to 2007 they decreased steadily and in 2007 accounted for 00:16% of total GDP;[2]
4. The unemployment rate represents the share of unemployed persons aged 15 to 74 years in the total workforce. The unemployment rate for persons aged 15 to 24 years has significantly deteriorated from 56.1% in 2001 to 65.7% in 2003, but then began to decline in 2008 was 56.4%. The unemployment rate in 2001 was 30.5% with a steady trend of increasing percentage of the unemployed in 2006 and a slight downward trend until 2009 when it stood at 32.2%;[3]
5. Social inclusion is the main access to the labor market, the system of education, health and social care. Social inclusion and poverty are closely related to the socio-economic development. Older people are vulnerable to the risk of poverty and increasing the social transfers intended for their social cohesion will adversely affect the sustainability of public finances. Indicator of relative poverty rate is defined as the percentage of people living below the poverty line, defined as 70% of median equivalent cost. Since 2003, poverty in general, and in certain categories, has a reduction. Thus in 2003 the poverty rate in the Republic of Macedonia amounted to 30.2% with a slight downward trend until 2008 (28.7%) and repeated trend of increase from 2009 with 31.1%;[4]

These statistical indicators confirm certain theses of the developmental theory, but it cannot be taken as the only argument - only as factors which along with other affected and still affect the increase in potential conflict with the ethnic Albanian community as a majority in the municipalities of the four regions affected by the armed conflict in 2001.

2. **Hypothesis of "traditionalistic reaction"**

This concept (which explains the ethnic conflicts in response to the traditionalism of the group A, pressure for modernization from group B), does not provide sufficient arguments in favor of this explanation of the

[1] Sustainable Development, Statistical Yearbook of Macedonia 2010, SSO, 2010;
[2] Ibid;
[3] Ibid;
[4] Ibid;

ethnic conflict in Macedonia in 2001. To claim otherwise would be possible only if we previously prove that the Albanian armed mobilization and action, is:

a) Response to threat of cultural, religious or native tradition of the Albanian community in Macedonia, and / or

b) The resistance of threat to traditional economy.

The fact that in a period of armed conflict, waging a war against the Albanian side pointed out that the reason for the conflict is the fight for the "political form" (territorial, cultural and others autonomy), further complicates the proof context of the "traditionalist reaction".

ETHNOCULTURAL MODEL

Data from Vilterdink's[1] research in 1990 showed that subjects with the highest level of education believe that there are significant differences among national / ethnic characters. It is rarely accepted as true that Italians are different from Swedes, Germans and the French. But, how to interpret it? A partial answer to this question is given by Robert Park, when he decided to check the validity of his "cycle of racial relations", following the optimistic "development paradigm". The conclusions that he found clearly contradict the idea of assimilation as the inevitable finale of racial (ethnic) interaction.[2] If we look at "evolving circle of (ethno-)national cultures" shown in the diagram, the question is how the once selected institutions can successfully affect inside the dynamic structure of international relations.

[1] Wilterdink, N., Where Nations Meet: National Identities in an International Organization, European University Institute working paper, SPS 90-3, Florence: European University Institute, 1990;

[2] To defend his theory turned out to encompass the development of so-called doctrine of obstacles S. M, Press, *Civilization*,(Lyman, Fayetteville: University of Arkansas 1990). The idea is that different intervening variables (such as population density), can delay the transition from one phase to another phase of the cycle - from competition in accommodation, from accommodation to assimilation. The potential of this great doctrine fits into the cultural pattern. Obstacles, among other things can be operationalized as specific differences in the (collective) cultural features, which would impede harmonious relations between ethnic groups. Thus, the comparison between the various tribes that made Thompson in 1988, showing long-term threat to those in peaceful surroundings, noting the differences in the forms of socialization (Thompson, JG, The Psychobiology of Emotions, New York: Plenum Press, 1988). Otherwise, how could I explain the stability of the ethno-types (their opposition to the social dynamics and cultural globalization), which constantly causes ethnic conflicts?

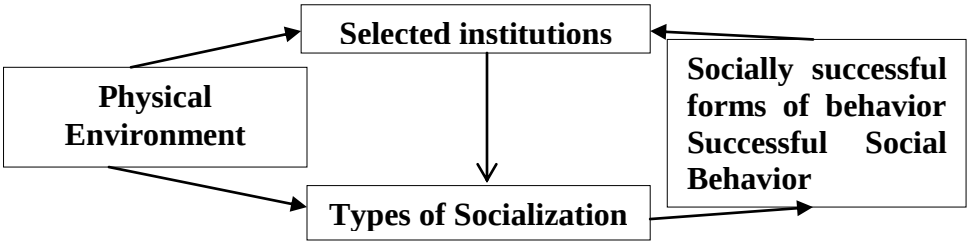

Figure 1

If we start from the second end as possible stability of the form of social behavior in continuous variable environment, we can see that the completely isolated community compositions allow such a paradox. In reality, as it is confirmed by de Tocqueville, analyzing the difference in cultural terms between the American North and South, less modern cultures perceive transformation by peaceful or violent means. Apparently we got back to the question we asked at the outset of this section. In my opinion, the answer is necessarily indirect. Sociological theory must not contest with the idea of persistence until they meet two conditions. The first is that differences in ethno characteristics (e.g., Albanians, Macedonians) cannot argue within stereotypes and empty generalization, especially in a state of ethnic heterogeneity. The second condition involves the identification of "mechanisms to preserve" the traits ethno characteristics in a resistant modernization change. Without these elements, ethno cultural model is short and does not provide scientifically validated conclusions that we can take the advantage of argumentation for ethnic conflict in Macedonia in 2001.

THE MODEL OF REACTIVE ETHNICITY

According to Hechter[1], ethnic solidarity is a response to "peripheral" ethnic discrimination - so-called internal colonialism - which made the "center", i.e. the dominant ethnic group. In order to verify this thesis in addition to the causes of ethnic conflict in Macedonia in 2001, we search answers in the cultural division of labor (resources are allocated according to ethnic criteria!) We should make a brief analysis of some data.

1. *Cultural division of labor often rationalized with reference to unequal educational background of ethnic groups.*

The educational structure of the Albanians and Macedonians in Macedonia showed some differences in the period before the conflict in 2001 and the period after the conflict. Because the percentage of Albanians in the

[1] Hechter, Michel, The Political Economy of Ethnic Change ,....;

total population of the Republic has grown, a smaller number of Albanian pupils enrolled in primary, secondary and university education in their mother tongue. In the period before the conflict, among the causes (of the Albanian community) is cited the inability of native language education at the level of university education that affect the incompetence of the Albanians in the labor force for jobs that require university education. Therefore, as one of the mechanisms to overcome this compete in 1995, came the first Macedonian-Albanian ethnic tensions related to teaching the Albanian language at the Pedagogical Faculty in Skopje and the opening of the then illegal, and now the Third State University in Tetovo, formerly University of Mala Recica;

1. *Cultural division of labor is expressed through differences in the structure of vocational and professional mobilization of ethnic groups.*

The general overview of official and unofficial statistical data provide the basis for the conclusion that by introducing the principle of equitable and proportional representation of non-majority in the state organs, as norm of the Framework Agreement became part of the fundamental values of the constitutional order and acts of constitution, the percentage of members of ethnic Albanian employees in state structures is considerably lower compared to the number of employees in 2011 - ten years after the affirmative action to meet this principle. It is a general impression that by 2001 the number of Albanians working in the private sector is much larger than the percentage of employees in the public sector;

These two arguments are not sufficient to confirm the hypothesis of reactive ethnicity through the concept of cultural division of labor along ethnic grounds in context of the causes of ethnic conflict in Macedonia in 2001. However, one part of the arguments can be found motivation in ethnic Albanian community for applications which later became part of the Ohrid Framework Agreement and walked towards the percentage of non-majority communities in state bodies. In this regard it should be pointed the moment legitimizing the work of the state university in Tetovo and the establishment of the University Of Southeast Europe in Tetovo, which further contributed to overcoming the deficit of personnel in government agencies as an argument for discrimination against ethnic Albanian community in Macedonia.

MODEL OF COMPETITION

The base model of competition includes the following tenets of the *theory of rational choice*[1]*:*

- The operation of the actors is directed toward maximizing profit;
- Acting actors with limited experience (past actions) and norms (cultural codes, institutional norms)
- Actors join because of achieving the collective good - those who cannot get with individual stocks.[2]

In other words, *ethnic solidarity* is a specific form of group solidarity which is realized through a *common interest*[3]; ethnic mobilization then is a form of collective action. *Situation character* of ethnic action indicates the postulates derived by combining the *theory of mobilization* resource and Hechter *theory of solidarity.*

- The process of association tends to minimize the loss and relies on the spatial and cultural advantages (ethnic markers);
- Collective action depends on the efficiency of common interest association (the degree and speed of homogenization);
- The effectiveness of collective action depends on the resources that disposal group (the sum of individual resources, assistance from outside, existing institutional network and so on.)

If ethnicity is territorially compact, lower cost refers to association, as for the cultural familiarity of the actors (language, custom, norms) in a positive sense, but also for the negative interest. Anyone can join the ethnic violence and it is not because of the reason he/she thinks he is in the immediate interest to act so, but because he/she thinks that only thus he/she can protect its interests or go unpunished for this.

In the third set, the postulate describes the dynamics of ethnic competition:

- The lower degree of interdependence of ethnic groups, produce competition between them;

- Competition between ethnic groups is stronger if there is past experience of interethnic conflict;

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[1] The foundations of the theory of rational choice in the context of ethnicity overview exposes: Benton, Michael, A Theory of Racial and Ethnic Relations, SSRC Working Papers on Ethnic Relations, No. 8, Bristol: University of Bristol, 1977 и Hechter, Michel, The Political Economy of Ethnic Change, *American Journal of Sociology* 79(5), 1974;

[2] The competition for resources is often based on ethnicity, not gender, professional or regional basis. The direction / scope of mobilization as a rule are determined by "the size and nature of the resource".

[3] Bell, Daniel, Ethnicity and Social Change, Ethnicity: Theory and Experience, Cambridge, MA: Harvard University Press, 1975;

In the context of the three groups of postulates that should be aimed at testing the model of competition of the conflict in Macedonia in 2001, it is required preciseness on what we mean by resources in our conflict context.

Resources in a general sense represent existing tangible and intangible values of social communities, which are available and can be used for different types of social work. In the context of our understanding of the term resources, we put the emphasis above all on the intangible in terms of political power, the benefits of decentralization, affirmative measures to ensure priority of social position and the body of collective rights. In this sense, if we analyze the competition and ethno-political mobilization of the Albanian ethnic community in the events of 2001, we can extract the following conclusions:

- *Collective good*, or rather Albanian *particularistic interest* in 2001 was the conquest of political resources that create conditions to achieve ethno-political interests of the Albanian community in Macedonia. This resulted in the introduction of collective rights (ethnic principle) in the Constitution, and guarantees nondiscrimination in decision-making on issues affecting ethnic communities that are not the majority (Badenter principle of decision-making, the right of minority veto, etc...)
- *Common interest homogenization* of the Albanian ethnic community in the period before the conflict is realized through long-media presentation for discrimination of Albanians in regional historical context. If we add the events chronologically in favor of claims of discrimination, then you can easily conclude that ethnic homogeneity was not a difficult process.

The model of competition through the theory of rational choice offers a good basis for explaining the high degree of homogenization of the Albanian ethnic community in the period before the conflict and in the process of institutionalization of affirmative action to promote human rights after the adoption of amendments to the constitution of 2001.

CONCLUSION

Postulates of the four theoretical models offer grounds for requesting a determination and social manifestation of the conflict potential of the (Albanian) ethnic communities in Macedonia in 2001, analyzed ten years later. In the main disadvantage of testing of these four theoretical models (theories of ethnic conflict) I see the inability of this distance to provide accurate statistical indicators which will serve to confirm or reject the hypothesis of the development, the model of reactive ethnicity and other models which require accurate statistical data. This paper also represents an

attempt by this theoretical approach to answer the need and the idea of armed ethnic conflict in Macedonia in 2001, to make it suitable to be analyzed and studied by one non-legal and nonpolitical aspect.

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ВООРУЖЕНИОТ ЕТНИЧКИ КОНФЛИКТ ВО РЕПУБЛИКА МАКЕДОНИЈА ОД 2001 ГОДИНА: *ТЕСТИРАЊЕ НА ТЕОРИИТЕ ЗА ЕТНИЧКИТЕ КОНФЛИКТИ ДЕСЕТ ГОДИНИ ПОТОА*

Резиме

Целта на трудот е вооруженият етнички конфликт во Република Македонија од 2001 година, којшто беше вовед во воените случувања, да биде предмет на истражување преку тестирање на четири теориски модели. За оваа цел во трудот ќе бидат разгледани: „развојниот модел“, „етно-културолошкиот модел“, „моделот на реактивен етницитет“ и „моделот на компетиција“. Тестирањето на овие четири теориски модели на македонскиот конфликт пред десет години ќе покаже дека последниот модел кој во основата ја има теоријата на рационален избор (применета на етничката солидарност, мобилизацијата и колективната акција), најуспешно ги објаснува причините и случувањата во Република Македонија за време на конфликтот во 2001 година. Во заклучокот се разгледани прагматичките импликации од изложената анализа.

Клучни зборови*: етнички конфликт, теориски модели, тестирање;*

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TREATMENT OF THE MEMBERS OF SECURITY FORCES OF THE REPUBLIC OF MACEDONIA PARTICIPANTS IN THE 2001 ARMED CONFLICT BY THE STATE

Abstract

After the armed conflict in the Republic of Macedonia in 2001, the legal framework in the state was changed and a number of institutional changes were undertaken in order to realize the new solutions. This has resulted in numerous debates and discussions in the country, intended to provide understanding of the real picture about what actually happened. However, very little was done to examine the perceptions of the participants in the armed conflict, especially in the context of their treatment by the state.

One of the few researches in this regard was the research conducted in 2009 by the Faculty of Security – Skopje on "Psycho-Social and Legal Consequences on the Security Forces of the Republic of Macedonia who participated in the 2001 conflict". The research showed that extremely high percentage of the respondents, even 92.5% of them consider that the state and state institutions do not have understanding for their problems and needs. Also, high percentage of respondents or 83.9% of them consider that existing legislation does not take into consideration all the demands, needs and problems of the members of the security forces. This kind of research results, raise the need for further scientific research and analysis in order to determine the reasons for the dissatisfaction of the participants in the 2001 conflict and their treatment by the state. In this regard, the paper presents attempt to locate the reasons for the dissatisfaction of this category of people, with the state and state institutions treatment, and to identify the possible risks from this situation, i.e. to get the complete picture of the treatment of the members of the security forces of the Republic of Macedonia who participated in the 2001 conflict, through detailed analysis of the implementation of the legislative framework in this part.

Key words*: security forces, Republic of Macedonia, conflict from 2001, state.*

INTRODUCTION

After the end of the armed conflict of 2001, the Republic of Macedonia (RM) faced the challenge of handling its consequences. The need to handle the consequences of the conflict on the immediate participants (the members of the security forces of RM) and their families was the special challenge for the state. According to the White Book[1] published by the Ministry of Interior (MOI) of RM fifteen (15) members of MOI and forty-three (43) members of the Army of the Republic of Macedonia (ARM) were killed during the 2001 conflict, while a hundred and fifty (150) members of the MOI and a hundred and nineteen (119) members of the ARM were wounded[2]. This situation, among the other required an action at legislative level. Hence, the Law on the Special Rights of the Security Forces members and the members of their families[3] was adopted in 2002. Furthermore, in addition to this law, the status of the war veterans form the 2001 conflict has been regulated by the Law on the rights of the war veterans, the members of their families and members of the families of the fallen soldiers[4]. These pieces of legislation define the following terms member of the security forces: war veteran, fallen member of the security forces, then regulate their status and their special rights[5], as well as the conditions and procedure under which those rights can be exercised[6].

The legislation in this part was criticized by the members of the security forces who participated in the 2001 conflict. In their public

[1] White Book, Terrorism of the so called People's Liberation Army, MOI of RM, Skopje, p. 145-154.

[2] The number of injured and killed members of the security forces of RM presented in the White Book of MOI includes the date of 10.08.2001.

[3] Law on the Special Rights of the Security Forces Members and the Members of their Families ("Official Gazette of RM" no. 02/02, 17/03, 30/2004, 66/07).

[4] Law on the Rights of the War Veterans, the Members of their Families and Members of the Families of the Fallen Soldiers ("Official Gazette of RM" no. 13/96).

[5] The Macedonian legislation defines the following rights for the members of the security forces and their families: 1. exemption from financial participation for health care; employment; 3. apartment leasing – residential care; 4. one-time compensation; 5. rights in the area of education; 6. family pension; 7. disability allowance; 8. right to allowance for care and assistance by another person; 9. right to orthopedic allowance; 10. right to spa and climate treatments; 11. right to automobile; 12. right to child allowance (special regulations for child allowance); 13. right to professional rehabilitation and right to allowance, health care; 14. financial payments.

[6] For more see: "Psycho-Social and Legal Consequences on the Members of the Security Forces of the Republic of Macedonia who participated in the 2001 Conflict" (report on research project), Faculty of security – Skopje, Skopje, 2009, p. 111-116.

appearances, individually or through their associations (for example the Association of the Members of the Security Forces "Dostoinstvo" [Dignity]), they have expressed and are still expressing great dissatisfaction both form the relevant legal acts and the treatment of the institutions towards them[1]. This can be further supported by the fact that the Association of the members of the security forces "Dostoinstvo" submitted to the Parliament of the Republic of Macedonia new draft-law on the special rights of this category of persons supported by thirty-one thousand (31.000) signatures of citizens[2]. The Assembly of the Republic of Macedonia did not adopt this draft-law[3]. A great dissatisfaction among the members of the security forces who participated in the 2001 conflict form the treatment of the state was also noted within the research project "Psycho-social and legal consequences on the members of the security forces of the Republic of Macedonia who participated in the 2001 conflict" conducted by the Faculty of Security-Skopje.

PERCEPTION OF THE MEMBERS OF THE SECURITY FORCES OF RM WHO PARTICIPATED IN THE 2001 CONFLICT IN REGARD TO THE TREATMENT BY THE STATE

In the period between the second half of May and the first half of June 2009, the Faculty of Security-Skopje conducted empirical research related to the psycho-social and legal consequences on the members of the security forces of the Republic of Macedonia who participated in the 2001 conflict. The research covered 667 respondents[4] - members of the security forces who participated in the 2001 conflict. The research procedure included survey, while the instruments that were used included tests and questionnaires[5].

[1] For example, see: Sunčica Stojanovska Zoksimovska, Ten years - The conflict is over, the battle is still on, *Nova Makedonija, online edition*, 28.01.2011. (See: www.novamkedonija.com.mk).

[2] Marinela Trajkovska, Igor K. Ilievski, The authorities did not support the law of the defenders, *Dnevnik, online edition*, 20.11.2008. (See: www.dnevnik.com.mk).

[3] Ibid.

[4] For empirical survey the sample is random and structured, and stratified by participation in the structures. See: "Psycho-Social and Legal Consequences on the Members of the Security Forces of the Republic of Macedonia who participated in the 2001 Conflict" (report on research project), Faculty of security – Skopje, Skopje, 2009, p. 18.

[5] The structure of the instrument is compiled so that in the beginning it is in the battery of the psychological tests (Scale of clinical anxiety 0 - CAS (Bruce A. Thyer, 1986), Beck's inventory of depression - BDI (Beck, A. T., 1967), Scale of influence of the events - IES (Horwitz, M. J., Wilner, N., and Alvarez W., 1979), Scale of conditions – features of aggression - STAS (Spielberg, C. D., Jacobs, G., Russel, S., and Crane, R. S.,1983), then the battery questions related to the social and interpersonal relations, followed by questions

Even though the results of the survey cannot provide complete picture about the treatment of the members of the security forces who participated in the 2001 conflict by the state, still some conclusions can be drawn, some problems can be diagnosed and thus it can provide solid basis for future scientific researches in this part. The research has shown that a great percentage of the respondents, 92.5% consider that the state and the state institutions do not have understanding for their problems and needs[1]. Here it is important to note that most of the respondents (who said that the state institutions do not have understanding for their problems and needs) or 47% of them referred to the MOI as an institution that does not understand their problems and needs, while small number of them or 13.7% of the respondents referred to the Ministry of Education as an institution that does not have understanding for their problems and needs[2]. Furthermore, a great number of the respondents or 83.9% believe that the existing legislation does not take account of all demands, needs and problems of the members of the security forces[3]. In regard to the question whether as members of the security forces they have exercised a right in accordance with the legislative framework, high percentage of the respondents answered negatively[4].

Further in the paper we will focus on whether (based on the results of the above mentioned research) there are significant differences in the perception of their treatment by the state between the separate categories within the security forces, that is, between the members of the MOI and the members of the ARM (see: Chart 1).

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related to the position and rights of the members of the security forces and the questions related to the characteristics of the respondents are placed in the end of the instrument. The questionnaire in the part of the social and interpersonal relation and the legislative position of the defenders is designed for this purpose, that is, for the research needs (See: "Psycho-Social and Legal Consequences on the Members of the Security Forces of the Republic of Macedonia who participated in the 2001 Conflict" (report on research project), Faculty of security – Skopje, Skopje, 2009, p. 13-20.

[1] "Psycho-Social and Legal Consequences on the Members of the Security Forces of the Republic of Macedonia who participated in the 2001 Conflict" (report on research project), Faculty of security – Skopje, Skopje, 2009, p. 117.

[2] Ibid, p. 117-118.

[3] Ibid. p. 121.

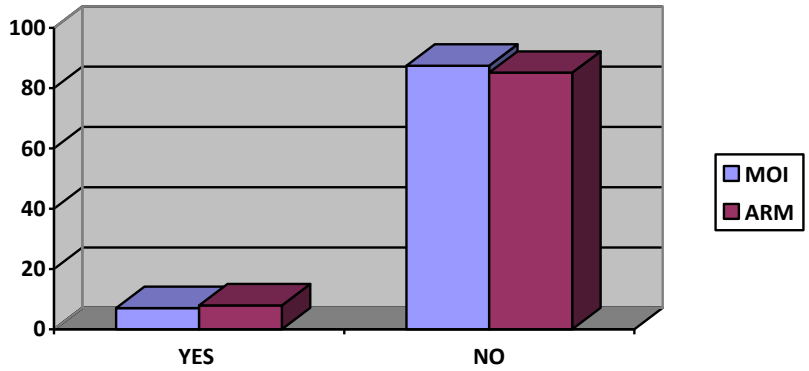
[4] Ibid. p. 119.

Chart 1. In the 2001 conflict in the Republic of Macedonia, you participated as a member of the:

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	a) Ministry of Interior	342	51,3	55,0	55,0
	b) Army of the Republic of Macedonia	242	36,3	38,9	93,9

If the research results are being analyzed in regard to the question of whether the state and the state institutions have understanding for your problems and needs as defender who participated in the defense of the RM, it can be concluded that there is no big difference in the attitudes between the members of the MOI and the members of the ARM. Namely, 87.4% of the MOI members and 85.1% of the ARM members stated that the state and the state institutions do not have understanding for their problems and needs as defenders who participated in the defense of the RM. Only 7% of the MOI members and 7.9% of the ARM members responded that the state and the state institutions have understanding for their problems and needs as defenders who participated in the defense of the RM.

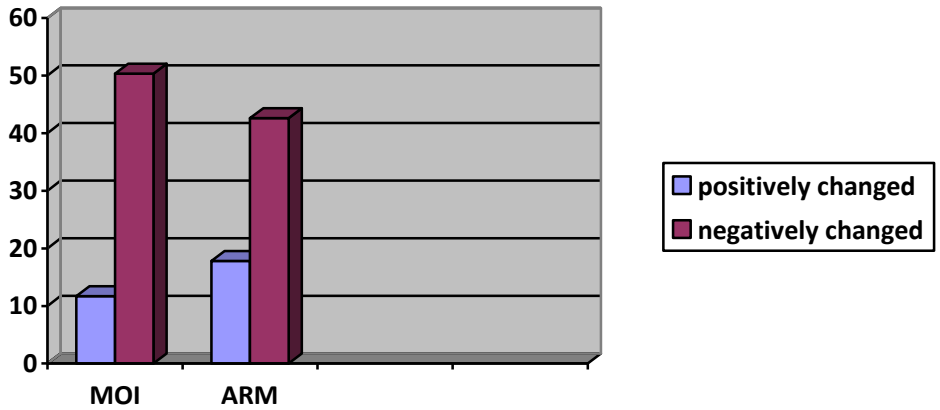
Graphic no. 1. Do the state and the state institutions have understanding for your problems and needs as defender who participated in the defense of RM?



In regard to the question which institution does not have understanding for their problems and needs it is interesting to note that

largest percent of the respondents, 57.3% of the MOI members and 40.5% of the ARM members refer to their basic MOI that is ARM. This result is further supported by the fact that 48% of the interviewed MOI members and 49.6% of the ARM members responded that the institution in which they had worked before the 2001 conflict, changed its attitude towards them. Moreover, 50.3% of the MOI members and 42.6% of the ARM members who responded that the institution in which they had worked before the 2001 conflict changed its attitude towards them, consider that the attitude has changed negatively.

Graphic no. 2. In what direction has changed the attitude of the institution in which you had worked before the 2001 conflict in respect to you?



Based on the results in this part it can also be noted that both the MOI members and the ARM members express less dissatisfaction by the treatment of the other ministries in comparison to their basic ministries. However, even here there is no big difference in the attitudes between the MOI members and the ARM members. Namely, 14.9% of the MOI members and 25.6% of the ARM members stated the Ministry of Labor and Social Policy does not have understanding for their problems and needs, 17.3% of the MOI members and 18.6% of the ARM members stated that the Ministry of Health does not have understanding for their problems and needs, while 11.7% of the MOI members and 14% of the ARM members replied that the Ministry of Education does not have understanding for their problems and needs.

As to the use of the special rights guaranteed by the Macedonian legislation to the members of the security forces of RM based on their participation in the 2001 conflict, according to the research results, high

percentage of the respondents, that is 82.3% of them (76.6% of the MOI members and 85.1% of the ARM members) did not exercise any right on that basis, and only 17.7% of the respondents exercised some of those rights. Furthermore, highest percentage of the MOI members (30.7%) and of the ARM members (31.8%) who answered that they did not exercise any of the rights that they have on the basis of their participation in the defense of the state in 2001, find the reasons for that in the fact that according to the existing legislative framework they are not entitled to any rights. There is also high percentage of the members of the security forces of RM (23.1% of the MOI members and 25.2% of the ARM members) who responded that their request was declined by the relevant institutions. It is also worth noting that 16.4% of the MOI members and 15.3% of the ARM members do not know if they are entitled to any rights as participants in the 2001 conflict. We have already pointed out in the above mentioned analysis of the research results that the perception of the MOI members and the ARM members in regard to their treatment by the state institutions does not vary significantly. However, in terms of the accomplishment of the rights set forth by the Macedonian legislation on the basis of the participation in the 2001 conflict, there is a significant difference between the members of the MOI and ARM. Namely, there is considerably higher percentage of the MOI members (21.8%) that exercised a right on this basis in comparison to the ARM members (12%). However, this outcome is influenced by the fact that over 50% of the respondents were MOI members, while above 30% were ARM members.

Chart no.2. Have you so far exercised any right (such as benefit, reward) for your participation in the defense of RM in 2001 as a member of the security forces?

			Frequency	Percent	Valid Percent	Cumulative Percent
a) Ministry of Interior	Valid	Yes	73	21,3	21,8	21,8
		No	262	76,6	78,2	100,0
		Total	335	98,0	100,0	
	Missing	System	7	2,0		
	Total		342	100,0		
b) Army of the Republic of Macedonia	Valid	Yes	29	12,0	12,3	12,3
		No	206	85,1	87,7	100,0
		Total	235	97,1	100,0	
	Missing	System	7	2,9		
	Total		242	100,0		

The results indicate that 26.6% of the MOI members that exercised any right acquired by law said that they were not charged financial participation for the faculty studies, while 9.1% were given priority for employment in a budget financed institution. On the other side, 19.4% of the ARM members stated that they were not charged financial participation for faculty studies, while 16.5% were given priority for employment in a budget financed institution.

SOME ASPECTS REGARDING THE TREATMENT OF THE STATE TOWARDS THE MEMBERS OF THE SECURITY FORCES OF RM WHO PARTICIPATED IN THE 2001 CONFLICT

After the Completion of the 2001 conflict, the issue of compensation of the non-material damage was quite important in the Macedonian social and expert public, which had influence on the perception of the state treatment toward the members of the security forces who participated in this conflict. In this context, it was openly debated whether a member of the security forces wounded in the conflict (or in a case of death, member of his family) is entitled to compensation of non-material damage in accordance to

the Law on Obligations (LO). If the latest regulations of the Supreme Court of RM in this matter are analyzed, it may be concluded that the answer to the above issue is negative. Namely, the Supreme Court of RM on the session held on 23.06.2007, deciding on the revision given by the sued MOI through the State Attorney of RM against the Ruling of the Court of Appeals dated 23.06.2005, determined that there is inadequate application of the material right by the lower-level courts when they determined responsibility of the sued party for compensation of non-material damage to the submitters of the suit because the relation that was created between the suit submitter as a member of the security forces and the sued party, RM-MOI, is regulated by another law (Law on the special rights of the members of the security forces and the members of their families ("Official Gazette of RM" No.2/02)[1].[2] Furthermore, the Supreme Court states that*: "in accordance with Article 16 of the Law on Obligations, for the obligations regulated with another law, the provisions of this law are applied in cases which are not regulated by that law. That means that the above cited law regulates the rights of the mentioned persons thus excluding the application of the Law on Obligations.*[3] Regarding the article 166 of the Law on Obligations (which stipulates that for damage caused by death, injury or damage, that is, destruction of property of people or legal entity due to acts of violence or terror as well as during public demonstrations or events, the responsibility falls on the state) which was applied by the lower-level courts, the Supreme Court of RM would underline that this provision cannot be applied because the suit submitter participated in organized defense of the independence, territorial integrity and sovereignty of RM as a member of the security forces (in the reserve), and not as an ordinary citizen who suffered damage due to acts of violence or terror[4]. He, as a member of the security forces is obliged to fight against such acts of violence.[5] The Court would suggest that: *"by participating in such defense organized by a competent state body, the suit submitter acquired special rights which are not enjoyed by the other citizens. Therefore, the position of the lower-level courts that the state should be responsible for damage, caused by acts of terror or violence in regard to the members of the security forces, cannot be accepted.*[6]

[1] Ruling of the Supreme Court of the Republic of Macedonia Rev. no. 61/2006 from 14.03.2007.

[2] See also: Ruling of the Supreme Court of the Republic of Macedonia adopted on 19.04.2006 under Gzz.no. 105/05, Rev.no. 282/05; Ruling of the Supreme Court of the Republic of Macedonia adopted on 10.10.2007 under Rev. no. 13/2007.

[3] Ruling of the Supreme Court of the Republic of Macedonia Rev.no. 61/2006 from14.03.2007.

[4] Ibid.

[5] Ibid.

[6] Ibid.

In view of the ruling of the Supreme Court of RM, the State Attorney of RM submitted suits against the members of the security forces who have succeeded in charging the lawsuits (non-material damage) in order to have them refund the compensation as being paid inadequately. This caused open demonstration of revolt, dissatisfaction and protest by the members of the security forces of RM. In an attempt to overcome the reactions, the Government of RM on the session held on 10.11.2009 adopted the Information of the State Attorney and the MOI regarding the regulation for compensation of non-material damage to the members of the security forces and their families and concluded: the State Attorney of RM and MOI should withdraw the suits and renounce the lawsuits against the members of the security forces and their families requiring them to return the finances with interest rate, which were given to the suing party as a fair compensation for non-material damage – mental pain, and execution requirements for return of finances against members of the security forces and their families for compensation of non-material damage – mental pain, should not be submitted.[1] In this manner, the issue was transferred form the filed of law into the filed of politics and many dilemmas remained open.

The Supreme Court of RM on the general session held on 10.03.2011 discussed the request submitted by 38 citizens of the Republic of Macedonia (registered under No.03-1609/10-1) dated 13.12.010 in regard with the issue for compensation of non-material damage and mental pain caused by loss of a close family member and the members of the security forces of RM wounded and injured in the 2001 armed conflict. However, this will not resolve the situation. Namely, the Supreme Court will conclude that it does not have constitutional or legal basis to determine general position or general legal opinion that would help to resolve the problem of the participants in the security forces of RM related to the 2001 events.

CONCLUSION

The research conducted by the Faculty of Security – Skopje in 2009 shows that there is a great dissatisfaction among the members of the security forces who participated in the 2001 conflict from the treatment of the state (both in terms of legislation and its application). In this context, it is important to underline that this dissatisfaction cannot be related only to one category of members of the security forces of RM. The research results in this part indicated that there is no big difference in the attitudes between the

[1] Annual Report on the work of the State Attorney of RM for 2009 adopted on the hundred fifty and eight session of the Government of RM held on 11.05.2010, (published on www.drzavnopravobranitelstvo.gov.mk).

MOI members and the ARM members. Namely, 87.4% of the MOI members and 85.1% of the ARM members stated that the state and the state institutions do not have understanding for their problems and needs as defenders who participated in the defense of the RM. Furthermore, highest percentage of the respondents (57.3% of the MOI members and 40.5% of the ARM members) point out their basic ministry - MOI i.e. ARM as an institution which does not have understanding for their problems and needs. If this result is further supported by the fact that most of the MOI and ARM members believe that the institution in which they had worked before the conflict of 2001, negatively changed its attitude towards them, there is a logical need for further researches in order to determine whether there are objective reasons for this dissatisfaction or it is only unfounded and subjective perception of the treatment by the basic ministries. Moreover, if the decisions, i.e. the expressed positions and the undertaken activities of the competent state bodies who acted in certain cases and decided on the rights of the members of the security forces are taken into account, there is also a need for additional in depth analysis and research which would significantly contribute to comprehensive regulation of this issue by the state.

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ТРЕТМАНОТ НА ПРИПАДНИЦИТЕ НА БЕЗБЕДНОСНИТЕ СИЛИ НА РЕПУБЛИКА МАКЕДОНИЈА ШТО УЧЕСТВУВАА ВО ВООРУЖЕНИОТ КОНФЛИКТ ОД 2001 ГОДИНА ОД СТРАНА НА ДРЖАВАТА

Резиме

По вооружениот конфликт што се случи во Република Македонија во 2001 година беше изменета правната рамка во државата и беа преземени низа институционални промени за реализирање на новите решенија. Тоа резултираше со бројни дебати и расправи во државата кои имаа за цел да ја согледаат реалната слика околу она што всушност се случи. Но, многу малку беше преземено во насока на тоа да се истражат перцепциите на самите учесници во вооружениот конфликт особено во контекст на тоа каков е односот на државата кон нив и нивните барања.

Едно од ретките истражувања во овој дел беше истражувањето спроведено во текот на 2009 година од страна на Факултетот за безбедност – Скопје во однос на "Психо – социјалните и правните последици врз припадниците на безбедносните сили на Република Македонија учесници во конфликтот од 2001 година". Истражувањето покажа дека исклучително голем процент од испитаниците, дури 92,5% од нив, сметаат дека државата и државните институции немаат разбирање за нивните проблеми и потреби. Исто така, голем процент од испитаниците, или 83,9% сметаат дека постојната правна регулатива не ги опфаќа сите барања, потреби и проблеми на припадниците на безбедносните сили. Ваквите резултати од истражувањето наметнаа потреба од дополнителни истражувања и анализи со цел да се детерминираат причините за незадоволство на учесниците во конфликтот од 2001 година со тоа како државата ги третира. Во тој правец, трудот претставува обид да се лоцираат причините за големото незадоволство на оваа категорија на лица

од државата и државните институции, преку детална анализа на имплементацијата на законската рамка во овој дел и да се идентификуваат можните ризици од ваквата ситуација, односно да се добие целосна слика за третманот на припадниците на безбедносните сили на Република Македонија учесници во конфликтот од 2001 година од страна на државата.

***Клучни зборови**: безбедносни сили, Република Македонија, конфликт од 2001 година, држава.*

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TRAUMATISATION OF THE MEMBERS OF THE POLICE, THE PARTICIPANTS IN THE CONFLICT IN MACEDONIA 2001

Abstract

This paper resulted from the research conducted on a sample of 395 police participants in the conflict in Macedonia, in 2001, as follows: members of special tasks police units, rapid deployment unit, police officers in uniform who went on the ground in the crisis regions and members of the reserve police forces.

The purpose of this research is to see whether, after years of conflict, participants have the symptoms of trauma, and whether there are differences in the degree of trauma between differrent categories of police officers, participants in the conflict in 2001.

Subjects were tested by using several psychological instruments for assessing mental status: a Clinical Anxiety Scale, Beck's Inventory of depression scale of the impact of events and situation-scale features of aggressiveness, and a questionnaire to assess the military stresses, as well.

The results were analyzed by descriptive statistical methods and regression analysis, the main emphasis being put on the calculation method of grouping the results by classes (frequency analysis). The results show that the respondents - participants in the conflict of 2001 survived events with a high degree of stress, and that as a result, changes have occurred on psychological level, which is the strongest change in the emotional sphere. Respondents showed increased anxiety, deperession, aggression and symptoms of PTSD. The results noted that there were no statistically significant differences between the four different categories of police personnel. This practically means that all categories of policemen suffered equal types of trauma and feel the symptoms as a result of their participation in the conflict in Macedonia in 2001. Based on this research, the authors give suggestions on what may be the measures that the state should take to help in overcoming the status of trauma among the defenders.

Introduction

War, as a specific product of the human race, brings many experiences and traumatical stresses affecting bio-psycho-socio-cultural

structure of people. Studies of the effects of war on the mental health of participants starting from the First World War and continued after World War II, the Korean, Vietnam, the Gulf War and Afghanistan, to the wars on the territory of former Yugoslavia. These studies show that psychological stress in soldiers was an inevitable sequel to the nature of war and indicate the intensity and the harmful effects of psychological trauma are widespread, deep and long lasting. PTSD (post-traumatic stress disorder) is a relatively new diagnostic category, and is tied primarily to the effects of war on soldiers. Initially limited to soldiers, later being extended to civilians who have suffered various accidents, physical, psychological and sexual assaults, and those who had witnessed the death or injury to others. Although considered a transient response, PTSD often becomes a chronic disease, with duration of 3-5 years.

This diagnosis is characterized by three different types of symptoms:

- Re-experiencing the traumatic event;
- Avoiding reminders of the trauma;
- Increased anxiety and emotional arousal.

The symptoms increased tension which leads to irritability, anger, excitement and aggressive behavior. Aggressive behavior usually causes marital problems, difficulties in social relations, even homicidal and suicidal behavior. Besides the mentioned symptoms of PTSD, as a result of stressful experiences in war, may also arise other symptoms such as depression, psycho-somatic reactions, anxiety disorders, diseases of addiction (alcoholism and drug addiction). Psychological dysfunction leads to social dysfunction: difficulties in performance of social roles of a husband and a father and decreased interest in work commitments.

Studies of Vietnam syndrome show that military veterans have significant problems in psycho-social functioning for many years, even decades after the war. Suicidal behavior is increased among the participants in the war.

Epidemiology of PTSD

According to Kaplan and Sadock (1998), PTSD occurs in 1-3% of the general population, and about 30% of Vietnam veterans. There are data that refer to different wars: The American Civil War is recorded 3.3 cases per 1000 soldiers (0.33%) in the First World War, 4 cases per 1000 soldiers (0.4%) in the Second World War 10-30% and the Korean War 6%. (Vujchich, 1997). It is interesting that in the Vietnam War, PTSD was quite rare during his stay in Vietnam and immediately after returning to the U.S. only 1.5% showed symptoms. But a few months and years after returning home, many veterans begin to show symptoms of PTSD. According to these authors, this number is now 15,2%. (Davison and Neale, 1999). These

authors suggest that the frequency of PTSD was higher among African Americans and Hispanic Americans than among white Americans. It is explained by the fact that members of racial and national minorities were more involved in the direct fighting. Tomb (1994) states that the frequency of PTSD among troops was moving up to 38.5%. The research of Croatian war veterans points out that 34% show current PTSD (Kozaric-Kovacic and co-workers, 1998). When we only examined men who survived the torture, the diagnosis of PTSD was established in 79,9% (Ilic and co-workers, 1998). A recent survey in Serbia shows that only in 81% of cases among war veterans disorders were discovered of mental health (Cucikj, 2007).

Etiology of PTSD

Unlike other psychological disorders, PTSD involves presumed etiology, i.e. traumatic event. The predictors for PTSD are female gender, early separation from parents, family history of disorders, previous disturbances. The probability of the occurrence of PTSD increases with the severity of the traumatic event (e.g. exposure to direct combat). In individuals with family burdens, even a small exposure to combat actions are leading to PTSD ((Davison and Neale, 1999). Stand on the crucial importance of the survived stress gets especially important since the Vietnam War, when the returnees were registered with frequently high stress disorders. A number of studies in which subjects were Vietnam veterans, showed a significant association between the degree of exposure to stress and the intensity of stress disorders, mainly of PTSD. One of the most representative research studies is Card (1987), which between 1960 and 1981 year, conducted a longitudinal study of 1385 subjects, of which about two thirds had war experiences with varying degrees of stress and concluded that the presence and intensity of PTSD is a responsible intensity in combat experience. Foy (1987) analyzing the results of 13 studies which examined the problem of etiological factors that suggest these results are consistent with what Card said. Similar investigations were carried out in Serbia, where PTSD is starting to occur in participants of the war. Compared were group of subjects (participants in the war) with symptoms of PTSD and appropriate control group of subjects (participants in the war) without symptoms of PTSD. As an important variable for distinguishing these two groups is the variable-degree of exposure to stress (Zotovik, 1993; Novovik, 1994).

Unlike the countries in the region where there is research on the effects of wartime stress, in Macedonia the only such survey was conducted in 2009 under the title: Psycho-social and legal consequences for the security forces of the Republic which participated in the conflict since the year 2001. This paper has a basis for some of the findings of the survey, and takes security forces from the ranks of the police as a target group.

The purpose of this research is to see whether, after years of conflict, participants have the symptoms of trauma, and whether there are differences in the degree of trauma between different categories of police officers, participants in the conflict in 2001.

Methods of research

The sample

The research was carried out on the total sample of respondents consisted of 395 police officers,[1] participants in the conflict in Macedonia in 2001. This sample is composed of four different categories of police personnel and they are: I - special tasks unit (N = 86); II - rapid deployment unit (N = 149); III - officers in uniform who were in the field in crisis regions (N = 68) and IV - members of the reserve police assembly (N = 92).

Sample of variables

Anxiety is an expression of quantity, the extent or severity of clinical anxiety (mental state of anxiety and tension accompanied by somatic manifestations), expressed by the score of Clinical test anxiety scale **(KAS)** (Clinical anxiety scale, Thyer, 1986).[2]

Depression is an expression of the degree of depression, feelings of hopelessness, helplessness, emptiness, lack of environmental serenity and enthusiasm. This variable is expressed by the test score **BDI** - Beck 's Inventory of Depression Inventory (Aaron T. Beck, 1967)

Aggression is an expression of the degree of manifestation of the feeling of anger as an emotional state and *this* ***state,*** which consists of subjective feelings of tension, anxiety, irritability or rage and anger, *as* ***a character trait,*** which is defined in terms of how often the respondent felt anger over time. These variables are shown by test score scale features state of aggressiveness **STAS** (Spielberg, CD, Jacobs, G., Rus, S., and Crane, RS, 1983). The scale consists of two under scales: Scale aggressive reactions (STAS 1) and scale of aggressiveness as a state (STAS 2).

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[1] The sample of respondents that is treated in this study is only part of the total population on defenders (N = 667), which was performed on the main survey. Within this research members of the security forces of the Army of the Republic were included. Macedonia was also a participant in the conflict in 2001.

[2] A more detailed description of these psychological tests can be seen the research project, psycho-social and legal consequences on security forces of the Republic of participants in the conflict in 2001.
p.13-16.

Symptoms of PTSD are the expression of the extent of present symptoms of trouble, ***imposing*** *impressions* related to the trauma and ***avoiding*** everything that reminds them of the trauma, typical of PTSD. These two variables are expressed through scores of the two scales: intrusive Scale **(IES)** and and avoiding Scale **(IES-IZ)** which influence the impact of events (Impact of Event Scale, Horowitz, 1979).

Moreover, a ***Questionnaire to assess the military stressor*** is being used**,** a questionnaire taken from Serbia and adapted for our needs (The Questionnaire assessed the war stresses, Jovic, 2002). This questionnaire covers a wide range of stress characteristic of military conflict on the territory of former Yugoslavia, to which were exposed both soldiers and civilians. Examples of such stresses are: to be a witness to the death of a person, serious injuri, a situation when the subject hit the enemy, when the examined never ate anything for 48 hours, when he was surprised or struck by enemy attack, when he was surrounded by the enemy and similar typical military situations. Based on Vordovat's method of cluster analysis obtained the following categories of traumatic experience: active combat, witnessing killing or wounding, deprivation caused by the conflict, loss of organizational / military structure, getting hurt and endangered by violations of military actions, which are post-certified with fact analysis. Subscales obtained in this way have good metric characteristics.

Hypothesis

1. By exposure to military stress during the conflict in 2001, the members of the security forces of the police force, were led to psychological consequences in the form of symptoms of PTSD, depression, anxiety and aggression;
2. The extent and number of the traumatic experiences affect the presence of symptoms (PTSD, depression, anxiety and aggression);
3. There are differences in the degree of trauma between different categories of police employees, participants in the conflict in Macedonia in 2001.

Statistical methods for data processing

To address the set objectives, the results of the research are treated with appropriate descriptive statistic methods and regression analysis procedures, from the procedures, the main emphasis is given to the method of grouping the results into classes expressed through cumulative percentage frequencies.

Analysis of the results of research conducted within members of the MOI

Analyzing the results obtained from Table 1, it is obvious that the values of arithmetics in most psychological tests are moving high above the permissible limit values, and only one of these tests, average values of the respondents is below the limit values or bordering them. Thus, the highest average values of the members of MOI shown in tests BDI (depression), KAS (anxiety) and STAS 2 (aggression as a state) is somewhat lower in the remaining tests IES, IES-IZ, STAS 1. The members of the MOI, I and II group showed more acute tolerance than the limit values in psychological tests in comparison with group III and IV, where the number of average values deviate less.

Table 1. Average and limit values in the psychological variables of members of the MVR

Members of MVR		I GROUP N=86 **Special tasks unit**	II GROUP N=149 **Rapid deployment Unit**	III GROUP N=68 **uniformed Police in crisis regions**	IV GROUP N=92 **Reserve**
Variables	Limit values	I-IV GROUP (average values-X)			
1. BDI	**30.00**	**45.09***	**42.60***	**42.35***	**43.85***
2. KAS	**25.00**	**46.04***	**43.25***	**41.27***	**41.78***
3. IES	**21.02**	**21.33***	20.81	19.89	20.14
4. IES-IZ	**20.80**	**21.01***	**20.83***	19.81	19.58
5. STAS 1	**9.50**	9.35	9.36	9.23	9.38
6. STAS 2	**14.28**	**29.45***	**28.85***	**29.61***	**31.71***

In further proceedings in order to see what is the total percentage of respondents whose results deviate from the limit values, the method of frequency analysis is applied. In the results of this analysis (Table 2), there is a visible presence of symptoms of PTSD, depression, anxiety and aggressiveness in all police categories. Individually, the highest total percentage deviation from the limit values the members of the MOI have in psychological tests BDI, KAS and STAS 2 scale in a range from 80.6% to

99.3%, but in other tests IES, IES-IZ and STAS 1, this percentage deviation is quite large and scales in a range from 40.7% to 68.2%.

Table 2. Total percentage deviation from the limit values (norms) in psychological tests on members of the MOI

Members of MOI	I GROUP N=86	II GROUP N=149	III GROUP N=68	IV GROUP N=92
Variables	I-IV groups (percentage deviation-%)			
1. BDI	90.7 %	91.9 %	85.3 %	84.8 %
2. KAS	85.9 %	85.7 %	80.6 %	81.5 %
3. IES	68.2 %	57.2 %	53.0 %	54.3 %
4. IES-IZ	65.1 %	57.2 %	49.3 %	54.1 %
5. STAS 1	45.9 %	40.7 %	49.2 %	45.7 %
6. STAS 2	98.8 %	99.3 %	97.0 %	97.8 %

To address the second set in order, the research is carried out to test the differences in average values between groups using T-test for independent samples, whereby the gathered results conclude that there are statistically significant differences between the four different categories of police members of any psychological variable of significant level ($p < 0.05$ and $p < 0.01$)[3]. For explanation of this situation, the great extent and length of time contributes to participating in combat actions of the police in the conflict in 2001 (Table 3). This practically means that all categories of policemen equally feel the symptoms of trauma which are acquired as a result of participation in the conflict in Macedonia in 2001.

Table 3. Time participation in the conflict in 2001 the members of the MOI

Members of MOI	GROUP I N = 86	GROUP II N = 149	GROUP III N = 68	GROUP IV N = 92
3 months and more	85.3%	89.3%	72.1%	81.5%

The reliance on this previous conclusion and the results of the regressive analysis (Table 4) show that members of MVR during the participation in the conflict in 2001 were heavily exposed to numerous stressful events that affect and reflect on the psycho-physiological symptoms of stress. Influence of weight and exposure to stressful events characteristic of participation in the conflict on the psycho-physiological symptoms of

stress are statistically significant at the highest level (p-level =. 00), with values of multiple correlation coefficients (RO = 47. - .69) and coefficient of determination (DELTA = .23% - .47%).

Table 4. Regression analysis of the criteria (psychological) variables BDI, KAS, IES, IES-IZ, STAS 1 and 2 STAS

Members of MOI – (N=395)			
Variables	Multiple-correlation **(RO)**	Coefficient of determination **(DELTA)**	Level of significance **(p-level)**
1. BDI	.59	.34	**.00***
2. KAS	.60	.36	**.00***
3. IES	.68	.46	**.00***
4. IES-IZ	.69	.47	**.00***
5. STAS	.53	.28	**.00***
6. STAS 1	.53	.28	**.00***
7. STAS 2	.47	.23	**.00***

Discussion and conclusion

Given the hypotheses of the research, the results can be interpreted as follows:

1. The hypothesis is completely proven: due to exposure to stress of the members of security forces of the police during the military conflict in 2001, they were led to psychological consequences in the form of symptoms of PTSD, depression, anxiety and aggression. Namely, respondens from all groups showed increased anxiety, depression, aggression (particularly as a state) and presence of symptoms of intrusion and avoidance, which are actually symptoms of PTSD and are at the upper limit but do not exceed it, which leads the boundary to the normal spectrum. As for aggression, the results of the tests show that, although they have a sense of outrage, the respondents are controlled in terms of its manifestation.

2. According to these results, more than 80% of the defenders show symptoms of depression, anxiety, and symptoms of PTSD: involuntary imposing impressions related to the trauma and avoidance of anything reminiscent which relates to trauma over 50%. The aggression as a condition is the most dominating, in more than 90% of respondents in all groups. When it comes to the presence of aggressive reactions, they are present in more than 40% of respondents. These results are consistent with the existing knowledge in the field of psychology of stress. Among the changes to psychological stress, the most expressed are the specific changes in the

sphere of emotional processes. Emotional reactions characteristic to stress most often are anxiety, anger and sadness, and may also occur as shame, guilt and glut (Zotovic,1999). Anxiety and depression are common symptoms associated with symptoms of PTSD. (Chadlovski,2006). Anxiety is a kind of tension which the subject feels when his overall life situation exceeds their capabilities. In other words, a person is anxious when unable to cope with life's difficulties. (Milivojevic, 1999). The depression, however, is insight into the failure of adjustment between the subject and the world, he is convinced that his inability of adaptation is his fault, and that as a person is inadequate and worthless. The aggression is behavior that originantes from the feeling of anger. The subject feels anger when he estimates unjustified behavior from someone else or loss of some concerns so that endangers the value of the subject. Defenders show low tolerance to different frustrations.

1. All these emotions represent change that occurred between the personality of our subjects and its surroundings. The traumatic experiences that they have experienced have led to reactions to stress that remained after returning home, still exist for their unresolved issues and because of the insufficient support from society. The traumatized defenders show loss of trust in a society that sent them to fight and now ignores them. The problem with war trauma is that with time it does not decrease, but rather grow. The defenders are feeling rejection, alienation and misunderstanding by the environment that leads to maintaining the mentioned emotional state. Obviously the experience of participants in the conflict in 2001 led to permanent change of personality, which the competent authorities have not been accountend for and offered an opportunity for recovery and psychological healing. Experiencing a traumatic situation requires fast psychological intervention known as “crisis intervention”. Given that, treating effects of unresolved trauma require serious and continuous work which involves psychological help and support as well as the support of the whole family.

2. The Second hypothesis is also fully confirmed, that the extent and number of traumatic experiences affect the presence of these symptoms (PTSD, depression, anxiety and aggression). With regression analysis it is indicated that the impact of the weight and exposure to stressful events characteristic of participation in the conflict on the psycho-physiological symptoms of stress are statistically significant at the highest level. The Respondents, members of the police, participants in the conflict in 2001 survived the events with a high degree of stressfulness such as events that constitute a direct or potential death threat, vulnerability or threat of a personal or foreign physical integrity. As a result of these changes they occurred on a psychological level, which are the strongest changes in the sphere of emotional processes.

Thus, exposure to war stresses shows highly significant correlations with individual indicators of psychopathology commonly considered as psychological consequences of exposure to the following stresses: depression, anxiety, aggression, intrusion and avoidance of thoughts related to traumatic events.

3. Hypothesis is not confirmed, that there are differences in the degree of trauma between different categories of police staff, participants in the conflict in Macedonia in 2001. Namely, from the application of the T-test for independent samples, the result concluded that there were no statistically significant differences between the four different categories of police personnel (members of special police units, police officers in uniform and reserve members who went into the crisis regions fields of any psychological variable. This could be explained by the length of time which lasted more than three months for the participation in the combat actions of the police in the conflict in 2001. This means that all categories of MOI equally felt the symptoms of trauma which are acquired as a result of participation in the conflict in Macedonia in 2001.

Based on the results, can we say that our respondents suffer from PTSD. Although the claims cannot be certain, because the setting of such a diagnosis requires a broader battery of psychological tests and individual exploration, their scores indicate alarming psycho-social situation of these people. The presence of symptoms suggestive of PTSD, as well as symptoms of anxiety and aggression, draw a picture of these individuals as high risk category in terms of mental health in our society.

While the professionals of the countries in our vicinity (Croatia, Serbia and Bosnia) are worried that there is much talk about this problem, and few take concrete actions to help the war veterans. In our nation it was not even spoken of the state of the psychological participants in the conflict. These people are visible in society only when they want their rights, but are invisible when it comes to their health and mental condition for which nobody is interested, setting aside offering them any support and assistance.

There are two possible approaches to this problem: The first and current approach is denial and ignoring the psycho-social problems of the participants in the conflict, and second, for which we stand firmly is actively participating in the assessment, placement and resolution of psychological and legal problems. For veterans as our research shows, trauma is not shrinking with time, but growing.

The second approach is the acceptance of the fact that the participants in the conflict in 2001 live in our country and have psycho-social problems as a result of that conflict. That means they need to participate in working environment which will contribute to overcoming of their traumatic experience and better functioning on the psycho-social plan. With resolving

of the traumatic experience, the likelihood of involvement in activities that manifest violence decreases. At the same time, they will be able to talk without the emotional burden about this experience, and tell others the value of peace.

Participants in the conflict generally speak that they have a sense of rejection from society which did not reward them for defense of the nation, and also ignores them and grossly neglects their needs. Our research shows that the ignorant relation of society towards these people contributed to maintaining a state of stress several years after the conflict and this relationship urgently needs to change. Allowing for the transactional model of stress according to which stress is a process and not a state, and which assumes both components of stress: personality and environment are not independent but mutually connected in the process of changing under the impact of this transaction; we believe that the environment (family, workplace and wider society) have a significant stake in the adjustment of the person after exposure to military activities. The attitude of society which is compassionate and cares for the needs of its members and takes into account the consequences the conflict participants normally have after surviving traumatic experiences, will contribute to overcoming this situation. For the traumatized person, a functional social support is necessary. Given that, the participants of the conflict in 2001 show symptoms of trauma that significantly affect their current life, and need a psycho-social assistance and support to overcome the consequences that are still existent.

For this purpose it is necessary to work directly with them through:

1. Opening regional counseling in Macedonia;
2. Individual therapeutic work;
3. Group psycho-social intervention in order for the groups to grow in self-helping groups.

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THE ROLE OF THE POLITICAL PARTIES IN THE PROCESS OF INTENSIFYING OR RELAXING INTER-ETHNIC CONFLICTS (CASE STYDY OF KALE FORTRESS 13/02/2011).

Abstract

In the Macedonian society, which is composed of a number of different ethnic communities, the term multiethnic relations is very commonly used. The division of citizens based on ethnic, religious, linguistic or cultural grounds is very common among the political parties as well.

In the Macedonian politicological theory, division of political parties based upon ethnical grounds is also present, which automatically has its reflection upon the Macedonian practice. Thus, we are witnesses of policital parties that represent not only a particular enhnic community, but even their very names contain terms like: Macedonian, Albanian, Turkish, Roma, Serbian, Bosnian party. Addition of such terms in the names of political parties points to the fact that the parties themselves are formed on ethnic ground, i.e. the majority of its members are of the same confession and language group.

As previously stated, the aim of this paper is to present the influence of political parties and their policy on the inter-ethnic conflicts, particularly, on the direction of their influences (as expressly stated in their stands and actions), whether they are oriented towards intensifying or pacifying the conflicts.

What happened on the Skopje Citadel on February 13th 2011 will be especially accentuated through presentation of political circumstances in the current social context, as well as through the activities of political parties in the given period. Research will be conducted of the accessible information about the Skopje Citadel incident on the social network Facebook, announcements from parties about the incident immediately after it, and the media coverage as well.

Key words: ethnic communities, political parties, conflict, multiethnical conflict, Skopje Citadel, Facebook, announcments of parties, media.

Macedonian society is composed of several ethnic communities living at the territory of the Republic of Macedonia. According to the Preamble to the Constitution of Republic of Macedonia, the citizens living within its borders are the representatives of the Macedonian nation, Albanian nation,Turkish nation, Vlach nation, Serbian nation, Roma nation, Bosniak nation and others. Though these communities are culturally, religiously and linguistically different, they have a continuous and inevitable contact among each other. Therefore we can say that interethnic relations in Macedonia are day-to-day routine. "The ethnicity is an aspect of the social relationship among the representatives that consider themselves culturally distinctive from the members of other groups of which they have a minimum of regular interaction"[1].

Division of the citizens on ethnic, religious, linguistic and cultural basis is present everywhere, even in the political parties. "Political organizations are organized forms of association of citizens and groups to express their common interests, directing them to the centers of political deciding" [2]. The most important political organization is the political party that represents a partial social group that unites people in an organized and voluntary way according to a certain ideology shaped as a party programme and determined to win the political power or to influence it. Political parties are the heart of democracy. In democratic regimes they are the main intermediaries between the voters and their interests on one hand and the decision making institutions on the other hand. They are the channels of political interaction between the civil society and the state. The meaning of their existence is the direct governance, continuous strive to win or retain power and thus to decide on the development of the society. Subject to their interests are almost all aspects of human life. Exceptions to this rule are the small political parties that promote only one goal. " Such examples are the ethnic parties or the Green party , but both types of parties in a long period of time are required to create programs for the social life in general"[3].

In the Macedonian theory of political science there are divisions of political parties based on ethnicity, which is immediately reflected in the Macedonian practice. So, we can see that some political parties representing certain ethnic community, even in their names contain the terms: Macedonian, Albanian, Turkish, Roma, Serbian, Bosniak party. Adding these terms in the names of political parties suggests that the parties

[1] Petar Atanasov, Multiculturalism as a theory, policy and practice, Euro-Balkan Press, Skopje, 2003, pp.39

[2] Prof. PhD. Biljana Vankovska: Political system, Bomat graphics, Skopje, 2007, pp. 32

[3] Dimitar Mirčev, Lidia Hristova, The Contemporary Politicology, The foundations of political life studies, University of FON and Kultura, Skopje, 2008, pp. 268

themselves are established on the basis of ethnicity i.e. the most of the party members come from the same religion and language group.

The ethnic parties are determined to collect the votes of the members of their ethnic group only. This conclusion can be confirmed by the analysis of Kitshel who claims that the main feature typical for these parties is that they limit their target group and make a clear distinction between the friends and the enemies of this ethnic group. These parties have significantly inferior ideology and political platform and are mainly oriented towards achieving financial, cultural and political benefits for their ethnic group. "Taking into consideration that the ethnic parties generally use fairly strong, emotional issues related to the identity and sometimes even calculating with the ethnic survival, these parties are often organized and led by a single charismatic leader.[1]"

There are analysts who believe that the appearance of such ethnic parties leads to fully "ethnification" of the party system and also leads to destabilization and potential collapse of the existing democracy. On the other hand, there are analysts who believe that "the existence of ethnic parties provides articulation opportunities of the views for groups that could potentially have been excluded from the political system"[2]. In the same direction with the views of the second group of analysts is the opinion of the representatives of the con-social doctrine who think that "the ethnic parties reduce the possibility of conflicts of the ethnic groups because their interests would be channeled through the legal system"[3].

According to Prof. PhD. Svetomir Skaric, the first party infrastructure that appeared after the independence of the Republic of Macedonia and the emergence of a multi-party system, is designed under the direct influence of the four factors:

1. The renewal of the old political parties formed in the late 19th and early 20th century, when Macedonia was under the Ottoman Empire (historical parties)[4]
2. Transformation of former socialist organizations in new political parties (reformed parties)[5]

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[4] The author lists here VMRO-DPMNE, VMRO-Democratic Party, VMRO-Homeland, VMRO-Macedonian National Democratic Alliance, VMRO-Goce Delčev, VMRO-United, etc.

[5] SDSM, SPM, Youth Democratic Progressive Party of Macedonia etc.

3. Growth of the ethnic nationalism (ethnic parties)[1]

4. Appearance of other parties having a wide range of civil, political, social, religious and other interests (new parties)[2].

In order to examine the role of the political parties in the process of intensifying or calming the inter-ethnic conflicts, we should define first what exactly an inter-ethnic conflict is. If there are more ethnic communities that live together in a society where one is dominant, and when its norms are considered and commonly accepted as general norms, then it automatically requires adaptation of other communities. This may result in inequality and favoritism of one community on the account of the others, which might develop public or covert negative feelings among members of the communities that consider themselves discriminated. "When the connection within the group is powerful because of various reasons, and when the members of the group cease to obey the actual conditions, the group identities become a problem for the victims and for the superiors and sooner or later erupt in social or political conflicts and crises"[3] .

The speech of hate very often occurs as an intensifier of the inter-ethnic conflicts and can be spread out through oral or written communication between members of a certain community. "The speech of Hate is a term denoting a speech intended to degrade, disturb, or cause violence or activities based on prejudices against persons or groups of people about their race, gender, age, ethnicity, nationality, religion, sexual orientation, gender identity, disability, language ability, moral or political views, socioeconomic class, occupation or appearance (such as height, weight and hair color), mental capacity or any other characteristic[4].

In the case of Kale Fortress incident which happened on 13/02/2011, it is important to note that one of the clashed groups was organized through the social network Facebook. “Facebook is a social network which exists since 2004 and in January 2011 has more than 600 million active users. Users can create a personal profile, add friends and exchange messages, including automatic notifications if any new information has been added to the profile. Additionally, the members could join groups of common interests, get organized according to the place of work, education or other

[1] PDEP, NDP PDPA, Democratic Party of Turks in Macedonia, Democratic Party of Serbs in Macedonia

[2] LDP, League for Democracy, MAAK, Democratic Alternative, etc.

[3] Petar Atanasov, Multiculturalism as a theory, policy and practice, Euro-Balkan Press, Skopje, 2003, pp. 42

[4]http://mk.wikipedia.org/wiki/%D0%93%D0%BE%D0%B2%D0%BE%D1%80_%D0%BD%D0%B0_%D0%BE%D0%BC%D1%80%D0%B0%D0%B7%D0%B0

characteristics"[1]. Under the cover of anonymity the privacy of the members here is guaranteed to the certain extent, i.e. anyone can say or write down his/her own opinion, to find like-minded people that share the same attitudes, values and interests.

The situation escalated at Kale Fortress on 13/02/20, when showdown with stones and other hard objects happened between two opposing groups. On one side there was the group that came to defend the building of museum – church, composed mostly of members of the Macedonian ethnic community, while on the other side there was the group that protested against the mentioned building, mostly composed of members of the Albanian ethnic community. Early that day, the public was informed that "yesterday, it was announced that today at the Kale Fortress in Skopje, two groups will hold their rallies simultaneously - one organized through the Facebook network and the other organized by the non government organization NGO "Awake (Razbudi se)", defenders and opponents of the museum building"[2].

If you try today, from this point of view to understand this event created with the only aim to express the opinion and support for the construction of the museum-church at the Kale Fortress of its supporters and based on that, on 13/02/2011 the group gathered and moved towards the Kale Fortress, then you will realize that "The event has been canceled"[3]. The cybercrime unit in the Macedonian Ministry of Interior urged the Facebook administrators to remove the groups that share aggressive content, call for ethnic cleansing and spread speech of hate. MOI informed the public through a statement that "the cybercrime department recorded and documented all the members of groups and supporters, as well as user profiles that accepted the posted invitations to participate in the new confrontations at Kale Fortress"[4].

The disturbing fact is that there are still Facebook groups spreading speech of hate and calling for violence. If you search for web pages in Macedonian language referring to the church at the Kale Fortress, 19 pages[5] will appear of which only one calling for "peace and love instead of church and mosque at the Kale Fortress[6], while all the others call for violence. All

[1]http://en.wikipedia.org/wiki/Facebook
[2] http://www.ereporter.com.mk/mk-mk/Details.aspx?Title=15989
[3] http://www.facebook.com/event.php?eid=111820328893061
[4]http://it.com.mk/mvr-bara-da-se-izgasnat-agresivnite-facebook-grupi-za-crkvata-na-kale/
[5]http://www.facebook.com/home.php#!/search.php?q=Crkva%20Kale&init=quick&tas=0.344391175541636&search_first_focus=1302004773715&type=pages
[6]http://www.facebook.com/pages/%D0%9C%D0%B8%D1%80-%D0%B8-%D1%99%D1%83%D0%B1%D0%BE%D0%B2-%D0%BD%D0%B0%D0%BC%D0%B5%D1%81%D1%82%D0%BE-%D1%86%D1%80%D0%BA%D0%B2%D0%B0-%D0%B8-

these web pages have from hundred to about several thousand people who like this site. If Facebook users want to write and leave comments on a particular site, they have to click 'I like' to the actual page. The contents that can be found on these pages, as well as some pictures attached to them are quite disturbing. We are concerned by the fact that many people hiding behind their virtual identity, call for 'ethnic cleansing, violence and war'. Here, on these sites, representatives of Macedonian and Albanian ethnic communities communicate virtually and their communication is basically limited to insults, curses, mutual accusations and proofs of who is stronger and who has the right. Due to the language limitations we were unable to find and analyze all Facebook sites in Albanian language that refer to this event.

The printed media in the Republic of Macedonia also reported about this event. The subjects of analysis of this paper were the daily newspapers "Dnevnik" and "Nova Makedonija" in the period from 14th to 20th of February. The analysis showed that these newspapers informed about this unpleasant event within the mentioned period. Besides the front page and the headlines, several inner pages in the newspapers were also dedicated to this event.

The daily newspaper "Dnevnik" on 14/02/2011 dedicated much of its front page to this event. The article titled as "Blood fell at the fortress" reported that: "The construction of the church-museum at the fortress became a cause for a fight of an interethnic and interreligious character, because one of the groups protested against the demolition of the building while the other against its construction"[1]. The information about the event continued on the pages 2 and 3, covering the positions of the political parties. Social Democratic Union of Macedonia (originally SDSM) called on the Prime Minister to take some emergency measures including: Dismissal of the Minister of Interior Mrs. Gordana Jankulovska, dismissal of the Vice - Minister of Interior Mr.Dzevad Buci, replacement of Mr. Pasko Kuzman, and halting the construction of facilities that cause inter-ethnic tensions and religious intolerance. The party Demokracia E Re commented that the Government and its irresponsible Albanian partner led to a situation that two groups of citizens confronted at the Kale Fortress, and called for VMRO-DPMNE and DUI to take the full responsibility. VMRO-DPMNE and DUI said of the incident that such sensitive issues could and must be solved only through an open political dialogue within the institutions of the system and should not be used for other purposes. They pledged to engage the complete

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[1]Dnevnik, 14.02.2011 (Monday), the year XVI, No. 4488, Front page

political and institutional capacity in order to prevent the escalation and mistreatment of the event.

In the daily newspaper "Nova Makedonija" on 2/14/2011, the front page gave priority to the other news while the article "Political or religious conflict at Kale Fortress", which got only a small piece of this page, continued on page 4. Besides covering the event highlights, the emphasis in this article was placed on the following news: "The unwanted event might have been predicted since the two gatherings Macedonian and Albanian were announced early on Friday"[1]. The reactions of the political parties, SDSM, VMRO-DPMNE, DUI and Demokracia E Re were presented on the same page.

At the front page of the newspaper "Dnevnik" 02/15/2011 also dominated the news about the event titled " The Kale Fortress "grafted" new problems", and continued on the pages 2 and 3, saying that "diametrically contrasted assessments about the police intervention in the clash of two groups of citizens, Macedonian and ethnic Albanian, at the Kale Fortress in Skopje, were presented yesterday by the security experts and the Ministry of Interior"[2]. The article "Everyone urges to calm down" which was located on page 3, explained the attitudes of the political parties about the event…. "The opposition accuses that the government is directly responsible for the political crisis, the deterioration of interethnic and interreligious relations"[3]. SDSM requested again dismissal of Pasko Kuzman, Gordana Jankulovska and Dzevat Buci. LDP considers the problem of Kale being produced by the Government while for NSDP the Kale incident is a well organized scenario by VMRO-DPMNE and DUI. Demokracia E Re demanded again cessation of the project "Skopje 2014", termination of building a museum-church at the fortress and dismissal of Pasko Kuzman. VMRO-DPMNE accused SDSM of rough incident misuse for own political benefits.

The front page of "Nova Makedonija" on 02/15/2011 had the news "Three hundred miracles will be built at Kale Fortress," which continued on pages 2 and 3, and did not contain any information about the event dated 13/02/2011, but informed of the announced tenders for building the structure at the fortress. A very small part of the news "Everyone condemns and asks for liability" covers the views of SDSM and Demokracia E Re for the event.

"Dnevnik" in their newspapers dated 16th,17th and 18th February 2011 did not give any title to the event at Kale, but the news concerning this event could have been found on pages 4-5 (16/02), 2 (17/02) and 2 (18/02).

[1] Nova Makedonija, 14.02.2011 (Monday), the year LXVI, No. 22206, pg. 4
[2] Dnevnik 15/02/2011 (Tuesday), year XVI, No. 4489, pp 2-3
[3] Ibid

In this newspaper there were no releases and reactions of the political parties about the event within these 3 days.

The front page of "Nova Makedonija" on 17/02/2011 had the news "What is the political party team the fans are playing for?" and continued on the pages 2 and 3, where national experts and professors talked about the incident at the Fortress. In this issue of this newspaper there were no new announcements and reactions from the political parties about the event.

The weekend issue of "Dnevnik" dated 19-20/02/2011 dedicated again the front page and pages 2 and 3 to the incident with the article "Kale has to be defended from the bullies". This issue also echoed the news "For the government, responsible for the fight is "someone", saying that the Committee for Interethnic Relations of the Assembly, without the opposition, talked about the incident on Kale Fortress". The Chairman of the Parliament, Mr. Trajko Veljanovski, the chairman of the committee, Mr. Dzevat Ademi and the members of the Parliament Mr. Rafiz Aliti and Alexandar Spasenovski said that "someone" was responsible for the incident and that "'someone" suited to disrupt interethnic and interreligious coexistence in the country"[1]. Minister Jankulovska, as presented in "Dnevnik", directly accused the opposition for not being willing to overcome the vanity and calm its rage. This newspaper only presented the statement of the member of the opposition party Demokracia E Re Mrs. Flora Kadriu who accused that "the Church of the fortress is built in accordance with a government decision and the Government does not solve, but creates problems, encourages interreligious and interethnic antagonism and allows young men to jump into a war, in order just to increase the rating of the party"[2].

In the issue of the newspaper "Nova Makedonija" dated 19-20/02/2011 there is an article on the page 5 "The politicians called for calming down" carried out the conviction of the event at Kale Fortress by the Committee for Relations of Religious Communities. From the statements of the political parties this newspaper presented the statements of the President of the Parliament Mr.Trajko Veljanovski who asked the institutions to engage themselves in the process of implementing and improving of the Framework Agreement; The member of the Parliament Mr. Rafiz Aliti from DUI believes that these are moments when we should rise above the interests of the parties; Member of DOM Mrs. Ljiljana Popovska considers the events as a scary scenario of those who do not wish well for the citizens; and the statement of the member of Demokracia E Re in the Parliament Mrs. Flora Kadriu is identical to the one presented by "Dnevnik".

[1] Dnevnik, 19.02.2011 year (Saturday), year XVI, No. 4493, pg. 3
[2] Ibid

After the analysis of the newspapers "Nova Makedonija" and "Dnevnik" we can conclude that the political parties declared their statements and reactions about the incident at the Kale Fortress immediately after the incident happened and it was presented in the media mostly in the issues of 14th and 15th of February 2011. Subsequently, these newspapers in their issues were more focused on analyzing the causes that led to the incident and the presentation of certain statements about the incident given by experts and professors.

Regarding the views and attitudes of the political parties it can be concluded that the Macedonian and Albanian opposition parties locate the blame for the incident to the authorities, emphasizing that they have the direct guilt for the disruption of the inter-ethnic relations in the country. They demanded the resignation of some officials, pointing at them as directly responsible for stimulating inter-ethnic incidents, or as directly responsible for not preventing the escalation. On the other hand, political parties of the position, urge not to misuse the event for political purposes, primarily by the opposition parties. They also accuse the opposition for rage stimulation and lack of willingness to calm down the tension caused by the incident.

While the government and the opposition accuse each other who are to blame for the incident at Kale Fortress, who intensifies and who settles down the interethnic conflicts, the speech of hate is increasingly being spread among young people in the Republic of Macedonia. We are concerned by the fact that more and more people are prepared for new interethnic incidents and conflicts and say it publicly through social networks. This intensifies ethnic hatred and intolerance towards those who are different, and people become timed bombs, so only a small spark is needed for escalation of ethnic remorse that could lead to conflicts with destructive consequences.

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