МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА

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

INTERNATIONAL SCIENTIFIC CONFERENCE

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

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3-5 Јуни 2014, Охрид

Том I

СКОПЈЕ, 2014

INTERNATIONAL SCIENTIFIC CONFERENCE

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

3 - 5 June 2014
Ohrid, Republic of Macedonia

Volume I

SKOPJE, 2014

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

За издавачите:

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Уредник на изданието:
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Компјутерска обработка:
Проф. д-р Цане Т. Мојаноски

Печати:
АД „Ван Гог“ - Скопје

Адреса на издавачите:
Факултет за безбедност
1000 Скопје
П. Фах 103
тел: 022546211

Универзитет „Св. Климент Охридски“
1ви Мај б.б.
7000 Битола,
тел: 047223788

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

For the Publishers:

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Editor in Chief:
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Proofreading:
Anche Belada
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Computer Processing::
Dr. sc. Cane T.Mojanoski

Print:
“Van Gog” - LTD Skopje

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

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Dear,

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

The conference will present papers on the following topics:

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

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

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

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

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

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

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

- Police and crime - public opinion, public confidence

4. Economic and Commercial exchange on the Balkans:

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

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

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

6. Criminal Justice, Criminal Policy and Victimization

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

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

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

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

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

Organization committee of the
International Scientific Conference
Cane T. Mojanoski, Dr.Sc., president

SALUTATION LETTER OF THE PRESIDENT OF THE REPUBLIC OF MACEDONIA

To:
Faculty of Security – Skopje
University of "St. Kliment Ohridski" – Bitola

At the very beginning, allow me to greet you and wish you efficacious work of the International Scientific Conference on the subject: Macedonia and the Balkans, a hundred years after the First World War – Security and Euro-Atlantic Integrations".

Undoubtedly, this conference will considerably contribute to the affirmation of the Macedonian scientific thought and in addition to this, to promotion of the Republic of Macedonia as a host country of this event, and further as a country which is actively engaged in the field of security and regional collaboration.

I am convinced that about the hundred of participants who are to present their works will also have the opportunity for productive discussion, collaboration and encouragement of future activities. I would like to take this opportunity and compliment on the achievements of the Faculty of Security – Skopje and the St. Kliment Ohridski University – Bitola, as promoters of this significant international event. Further, I express my desire that the Faculty will continue to develop its academic work as a part of significant international activities.

Affirming my support, once again I wish to you a productive conference.

With respect,

Gjorge Ivanov, Dr.Sc
President of the Republic of Macedonia

WELCOME SPEECH OF THE DEAN OF THE FACULTY OF SECURITY

Distinguished guests,

As the Dean of the Faculty of Security, I am humbled by the honor and pleasure to welcome you on the occasion of the opening of the fifth International scientific conference with the title: **MACEDONIA AND THE BALKANS, A HUNDRED YEARS AFTER THE FIRST WORLD WAR - SECURITY AND EURO-ATLANTIC INTEGRATIONS.**

This is a relatively small but for our faculty - very significant jubilee - five years of continued holding of this conference, which among other things points out to our devotedness and implies to one of the priority activities of our higher education institution. More significantly, it points out to the fact of existence of interest for participation in this conference: it is distinguishable, it offers ongoing and attractive topics and contents, but also indicates that we dispose of personnel, organizational, and financial potentials supported by corresponding logistics, which provide for proper organization of this type of manifestations.

A contribution is the this year's conference for which 86 works were submitted; 23 of them come from foreign authors, and from those coming from the Republic of Macedonia 32 come from colleagues from other higher education institutions. The fact that almost a third of the works are of joint authorship confirms the thesis of attractiveness and recognition of our conference.

It is my pleasure to note that this years's conference will be attended by intellectual and scientific potential coming from scientific institutions from the republics of Serbia, Croatia, Bosnia and Herzegovina, Bulgaria, Albania, Slovenia, and Macedonia.

In this occasion, I would like to underline the support given to us by the allied institutions in the region. With many of them we have already

signed memorandums for cooperation and some participate in the organization of the conference. We hope that our collaboration will proceed, since the up-to-now collaboration has proven to be of common interest and designed on long-term bases.

The scientific conference embraces the following **thematic areas:**

1. The Balkans and the Republic of Macedonia in the geo-strategic concepts of the European countries and interests

2. The Balkans, national states and European integration

3. Police and inter-police collaboration on the Balkans

4. Democracy, legal state, human rights, promotion of human rights and forms of protection

5. Criminal justice, criminal policy and victimization

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

The topic of the conference: **MACEDONIA AND THE BALKANS, A HUNDRED YEARS AFTER THE FIRST WORLD WAR - SECURITY AND EURO-ATLANTIC INTEGRATIONS** was not chosen randomly. It contains three important components. First of all, it is the hundredth anniversary of the First World War which is the milestone in the history and the reminiscence* of humanity, for many things. The topic is related to the war known as *the most large-scale manslaughter in the history*. A war of such extents happens for the first time in history embracing a large number of countries, direct participants, an enormous number of victims (most of them belonging to the civil population), huge physical losses and many other detrimental consequences. Thus, in the First World War more than 70 million people were in the arms, more than 15 million were killed, 22 million were wounded, and the immediate participants in the war suffered huge deterioration and losses.

Termination of this war was established by the Paris / Versailles Peace Conference; we can still cherish the consequences of this Versailles Conference; by it, significant geopolitical changes were evoked but on the

other part, some of the resolutions of the conference inflicted injustice towards certain peoples.

The First World War was a resultant of the militarization of society, the expansionistic and imperialistic policy.

Further on, when it comes to this war the most interesting and provocative question which is imposed and problematized by contemporary historiography is: whose fault was this war? Even thought it seemed like there was a consensus on this question, in recent times it has become actualized again and we expect it to be reviewed on some of the panel discussions of our conference. At this point I would only mention that according to some of the most eminent contemporary historians, the number of countries which were so to speak *culpable* for the war is somewhere between two and six countries.

Taking into consideration the field of scientific interest of our as well as the allied institutions whose representatives are participants in the conference, it was logical to put the question of the meaning, nature, and the features of the First World War in the context of security and Euro-Atlantic integrations. Here, such is also the question of whether we can observe these contemporary processes significant for all the countries of the region in the function of negation, overcoming or as an antithesis of the war, as a way of solving the conflicts and the different interests among the countries and the peoples. In other words, the more we move forward in these processes of promotion of security and advancement in the integrations, the less are the chances of the war. Hence, this question is the second important component of the global topic of our Conference.

The third component of the main topic is related to the Republic of Macedonia and the Balkans.

As initiators and organizers of the Conference, our determination is to put into review the question of security and Euro-Atlantic integrations of the Republic of Macedonia and the Balkans. The discussions could be related to the First World War which was a watershed for many processes and countries, simultaneously being an event which brought about to some new principles and values into the contemporary living related to human rights and freedoms. We have been striving for these principles and freedoms ever since.

The last century was a century in which the peoples, especially on the Balkans, sought and affirmed modes of building common values, regardless of the tragical historic periods and twists. This road is today the tendency towards the Euro-Atlantic integrations.

It is certain that some of the authors participating by their researches in the Conference will review and seek for answers to the questions I have suggested. Defining the approaches of the Conference, our orientation was directed towards a regard into the past in order to identify the weaknesses which brought to misunderstanding, misapprehension or conflicts with the aim of finding the common values of all the peoples of the Balkans. History has proven that the Balkan peoples are more or less in the centre of interests of the irredentist policies as well as that in certain historical periods, these interests represented a bargaining coin. As scientific workers, in front of us is the task to suggest mechanisms which will create conditions for safe development as well as uninterrupted pacing towards the Euro-Atlantic integrations.

In this context, I would also like to recall the eminent political scientist Zarko Puhovski who observed one more significant and very common dimension of the First World War and its implication on the contemporary movements - precisely, its relation to globalization. "The First World War undoubtedly represents the beginning of the process which will later be named globalization. (Zarko Puhovski "Peshchanik", 24.01. 2014)

Dear participants, the aim of the Conference among the other is to search for answers to several questions, such as: is the Balkans still the *powder keg?* Which are the consequences of the military and political conflicts after the First World War?, and especially: Which are the contemporary consequences? Were there any changes in the geo-strategic position of the Republic of Macedonia and the Balkans after the First World War? Is the solution of the Macedonian question accomplished or is it still an incomplete process? What is the reason for the slow integration of the Republic of Macedonia into the European Union and the Euro-Atlantic structures? The next is the question of security implications of the thesis that the Balkans is a crossroads of cultures and traditions and to which extent the cultural and religious differences on the Balkans are also security challenges? In this sense we expect that discussions on the Conference will be about the contemporary state of the Balkans, which is a constituent of modern Europe, but in political terminology it is referred to as Western.

From this aspect it is important to define whether there are and what are the conceptions and strategies of the influential subjects in the international relations about the position of the Balkans i.e. towards the Balkan countries? In other words, to which extent is the Balkans of the present a strategical interest of the influential countries and subjects? Of course, here my purpose is not to exhaust the numerous questions related to the thematic areas which I enumerated at the beginning. I tried to emphasize the ones that should, in my opinion, give a special feature to the conference, taking into consideration its global theme.

I am certain that some of the authors who participate in the conference will try to answer many of these questions. I assume that the retrospection to these questions is important if it can give an answer to the questions of nowadays, but also to the question of what is to be done in the future in order to prevent from emergence of wars.

Distinguished participants,

At this point I would like to note that within the working materials for the Conference there is the Book of abstracts, and as it was done in the previous years, the integral texts of the works in English will be published in a separate edition (usually of two volumes).

I would like to inform you of one more important aspect: the annual Anthology of the Faculty of Security is published in the EBSCO database, and the Editions of our Conference of 2013 as well as the newest of 2014, will be published as a supplement of this Anthology.

I would here end my salutation wishing you all productive work, successful presentation of your works, active and argumentative discussions as well as conclusions and recommendations which will be encouraging for overtaking certain activities.

Allow me now to declare the fifth International scientific conference opened.

Thank you.

Dr. Sc. Oliver Bachanovic

Dean of the Faculty of Security

100 YEARS AFTER THE FIRST WORLD WAR: EUROPE, THE BALKANS, MACEDONIA AND MACEDONIANS – BACK TO THE VICIOUS CIRCLE OR A STEP FORWARD

Tome Batkoski, Dr.Sc

Dear colleagues, distinguished guests,

This year the world is marking the centenary of the outbreak of the First World War, the darkest event in the history of mankind of the time, in terms of the number of casualties, the mutilated soldiers and civilians, the damaged and destroyed material goods and devastated cultural goods[*]. Of course, the marking of its centenary should not be understood only as a reminder of the disastrous years of this war, but it should also serve as motivation and encouragement for drawing on experiences from more recent history, which will contribute to finding constructive ways for the development of the man and his communities at local, state, regional and world level. In the spirit of the Latin proverbs "repetitio est mater studiorum" and "historia est magistra vitae" it is desirable and necessary to have a profound scientific and expert insight into all issues forming the basis of the causes and factors which led and are still leading towards the encroachment of peace and security as universal values, on the one hand, and the building of a stable architecture of maintaining and enriching them, on the other one. This international conference of the Faculty of Security Skopje, in the sense of the above said, should provide modest contribution at scientific and expert level, alongside with a multitude of similar conferences and round tables which are held in our country and also in the world.

Dear colleagues, let us briefly remind ourselves:

The First World War represented a huge and bloody scene of the fight for a new division of the world – fight for colonies, spheres of influence, raw materials and markets, between the old imperialist powers and the new group of powerful countries which required new redistribution of territories on the grounds of the newly built power relations. On the one side were the powers of the Entente, while on the other one the powers of the "Triple Alliance". The antagonisms and the fight for achieving the interests between the blocks of the opposing powers were sharpened by the end of the

[*] "100 YEARS AFTER THE FIRST WORLD WAR: EUROPE, THE BALKANS, MACEDONIA AND MACEDONIANS - BACK TO THE VICIOUS CIRCLE OR A STEP FORWARD" by Tome Batkoski, Dr.Sc, was translated into English by Vesna Trajkovska

19th century and the beginning of the 20th century, and turned into an open military clash and a world war. The assassination of Franz Ferdinand – heir to the throne of Austria-Hungary by Gavrilo Princip, on 28 June 1914 in Sarajevo served as the immediate cause of the First World War. On 28 July 1914, after having imposed ultimate and humiliating demand on the Kingdom of Serbia and having declared mobilization, Austria-Hungary declared war and started its offensive military operations at a wide front. This declaration of war only intensified the tensions in Europe, so that the existing antagonisms grew into open military clashes. Thus, on 1 August 1914, Germany declared war on Russia, and then on France as well. On 4 August 1914 Great Britain declared war on Germany, i.e. on the Central Powers, as a response to the German invasion of Belgium. This marked the involvement of Great Britain in the war and the actions spread to wider world regions. Then Turkey and Bulgaria joined the Central Powers (Turkey on 29.10.1914 and Bulgaria on 14.10.2015), while Japan (on 23.08.1914), Romania (on 27.08.1916), the USA (on 06.04.1917) and China (on 14.08.1917) joined the Entente. Italy also joined the Entente, withdrawing from the circle of the Central Powers on 23.05.1915. The First World War assumed a "positional" character, wide front lines were opened, with the "Salonika front" or the "Macedonian front" being important for the Balkans. The war exhausted all belligerents to a tremendous extent. The entry of the USA into the First World War, on the side of the Entente in 1917 meant a great contribution and overbalance on the part of the Entente forces. Previously, Imperial Russia was faced with the February Revolution and the beginning of the end of the Empire, which followed the October Revolution in 1917. The beginning of the end of the First World War started with the breakthrough of the Macedonian front in September 1918. Bulgaria was the first to surrender (29.09.1918), followed by Austria-Hungary (03.11.1918) and finally Germany (11.11.1918).The Versailles Peace Treaty of 28.06.1918 marked the end of the First World War.

At the beginning 8 countries with 732 million citizens participated in the war, while at the end of the war their number rose to 36 countries with 1.5 billion people. There were around 73 million mobilized soldiers, out of which only 48 million were on the part of the Entente and around 25 million on the part of the Central Powers. The damages included around 10 million killed and more than 20 million wounded. Only the immediate material costs in this war amounted to 956 billion German golden marks, without counting the overall war damage caused by the military actions.

On the one hand, the First World War had devastating effects, while on the other one it built the grounds among part of the structures of the defeated parties for the emergence of the most dangerous social power – Nazism and Fascism. At the same time, several Empires ceased to exist –

Austria-Hungary, the Imperial Russia, the Ottoman Empire. The USSR was created as the first country with socialist social order, which in the era of Stalinism led to enormous encroachment of human rights and regression in the processes of democracy.

For the Macedonian people, the First World War, together with the Balkan Wars which preceded it, meant another great historical ordeal, mere continuation of the tragic course, with no recognition of their national sovereignty, being doomed to fight and die under foreign flags, coats of arms and interests.

With the aim to keep the world peace and security, and to establish international cooperation on universal basis, and taking into consideration the harsh experiences from the war which had just finished, on 14.02.1919 a proposal by the Pact for the establishment of the League of Nations was accepted, as a basic act of this international organization, which was submitted to the Conference for Peace in Paris by the US President Woodrow Wilson. The Pact was considered an integral part of the Versailles Treaty and other peace treaties and entered into force at the same time as the peace treaty. The League of Nations was established in Genève, in 1920. The USA did not become member of the League of Nations, while the USSR was admitted to membership in 1934, and excluded in 1939 (the reason for this being the Soviet-Finnish war), which altogether, to a great degree decreased the power and narrowed the framework of this organization, which has increasingly become an arena for the behind-the-curtains fight for supremacy between Great Britain and France. From 1920 to 1938 the League of Nations considered 43 separate cases of encroachment of peace, but in the majority of cases its actions were insufficiently efficient. Its inefficiency became particularly evident in the cases of systematic violation of the Versailles Treaty by Germany. Thus becoming all the more compromised, and facing an increasing number of aggressive acts by Hitler Germany, the activity of the League of Nations slowly phased out. The League of Nations was officially dissolved in 1946 when the last session of its Assembly was held, which brought the decision for its dissolution and the handing over of its property to the United Nations Organisation (established in 1945). Thus, a kind of continuity was ensured between the previous and the current world organization - the United Nations.

Dear colleagues,

Many prominent historians, talking about the First World War, emphasize the fact that the war did not end in 1918, but in 1945. In fact, the Second World War (1939-1945) is considered as a continuation of the First World War, after which many unresolved issues at a world level were left,

and the newly established League of Nations did not manage to successfully implement the task of establishing and keeping world peace on universal basis.

The Second World War, which finished with the victory of the anti-Hitler coalition against the fascist axis, had a significantly anti-fascist characteristic, was the most massive one and, based on its devastating actions and number of casualties, the most terrible military clash in human history of the time. The Second World War was fought in the territories of 40 countries, around 110 million soldiers were mobilized, and 55-60 million people were killed. From both world wars, a conclusion can be drawn that mankind has learned many lessons such as: realization of the importance of democracy and freedom; the danger and the harmfulness of totalitarian regimes and ideological and political exclusiveness; the need for rejecting the methods of political, economic and other pressures and ways of coercion (values incorporated in the Charter and other documents of the United Nations).

Taking into consideration the Latin proverb "historia est magistra vitae", we must emphasize the following facts, above all, from the security aspect of Europe:

- the First and the Second World War erupted in the territory of Europe;

- the First and the Second World War were initiated by European countries, with Germany playing a particular role.

The period after the Second World War, unlike the military turbulent first half of the 20th century, luckily for the mankind, is characterized by the absence of a world military clash, i.e. there haven't been a third world war in spite of the great dangers with the development of the deadliest means for killing in the history of mankind – the nuclear weapons. The establishment and the functioning of the two military blocks, the NATO and the Warsaw Treaty, until the end of the "Cold War", due to the "balance of power" or "balance of fear", was marked by the constant race for armament and constant underground security-intelligence games on the relation east-west and vice versa. But, mankind has avoided new global military earthquake.

The dissolution of the eastern socialist block of countries with the USSR and the end of the "Warsaw Pact", the abandonment of the socialist social order and the introduction of political pluralism and the establishment of market-goods relations in the newly formed states, at the same time, marked new processes in Europe – transformation of the EEC into the EU, new strategy of NATO and fine-tuning of CSCE's role, now OSCE. The creation of new security architecture in Europe has started.

Talking about European security, we must emphasize the fact that this syntagm refers to a system of international relations which takes into consideration the rights and obligations of the countries and international organizations, whose aim is to mutually keep and provide peace in the European space. European security should encompass the whole of the continent, as well as the regions which are important for the security of its countries. The system of European security should include all European countries, on the basis of the recognition of the same mutual rights and obligations, full equality and mutual respect for their territorial integrity and political independence, as well as their capacity to independently and freely enter into international relations. In fact, despite being limited in geographical sense, European security should draw on the principles and aims of the universal collective security grounded in the UN Charter, i.e. it should be taken as a starting basis for building a collective system of security in Europe.

The idea of European security in the period after the Second World War has gone through several stages. The first stage marks the period when the problem of European, i.e. pan-European security was resolved within the "German question". This stage lasted from the end of the Second World War until 1955 when in Europe a number of international treaties entered into force which de facto and de jure confirmed the division of Europe into two opposing blocks.

The second stage lasted up until the mid '70s, when a new idea of pan-European security and cooperation emerged. This period coincides with the broad processes of global relaxation of relations, which reflected on the European political circumstances. Namely, it turned out that nothing could be changed in the then status quo position in Europe with policy of power and pressures, non-recognition and intolerance, so a course of improving the mutual relations among the European countries was taken, which also included the beginning of the peaceful resolution of the German question.

The third stage included specific measures for building international legal, political and other elements of the new system of pan-European collective security. These measures were expressed through the acceptance of the idea for convening a Conference on European security, which was prepared in Helsinki. The first preliminary Conference was held in 1972, and CSCE (now OSCE) was established three years later. In relation to this issue, we should also mention the fact that in 1973 in Wien international negotiations were opened for mutual and balanced decrease of armed forces in Europe.

Dear colleagues,

The end of the "Cold War" marked new processes in Europe as well, inter alia, the transformation of EEC into EU and its enlargement which is still an ongoing process; the new strategy of NATO (peace operations) - the single military factor today and the first military factor in the world, and its expansion towards the East with new members; the beginning of a new war of the USA, the leader of NATO -"the war against terrorism" which replaced the previous "war against communism". The first decade after the "Cold War" in the world, in a military and security sense, was marked by the existence of unipolarity, with great domination of the USA as the leading force. In the last decade, with the great strengthening of Russia and China, above all, the world is entering into the era of multipolarity with the possibility for weighing off the "military muscles" of the strongest countries within "limited war clashes". It is getting harder and harder for the United Nations to play their role of protecting and keeping world peace and security.

In the territory of Europe, from security and military aspect, the following clashes were and are still topical:

-The bloody war epilogue of the disintegration of former SFRJ, 1991-1995 with a great number of deaths, wounded, missing or displaced persons;

-The Kosovo war, the NATO attack on the Federal Republic of Yugoslavia and the beginning of the process of separation of the then province and the formation of the independent state Republic of Kosovo.

-The armed conflict in the Republic of Macedonia in 2001 between the legal armed forces of the Republic of Macedonia and the Albanian national-separatist armed units, whose goal was later changed into a "fight for greater rights of the Albanian ethnic community in the Republic of Macedonia", which ended with the signing of the "Framework Agreement".

-The detachment of Crimea (former autonomous republic) from Ukraine and its attachment to Russia (without war clashes – after an independence referendum)

-The armed conflicts in eastern Ukraine which are still going on, between Ukrainian armed forces and the federalist (Pro-Russian) armed units, which, slowly but surely, are growing into a civil war.

In all these military clashes, beside domicile factors, the USA, NATO and the EU also had very active participation, as well as Russia in the conflict in Ukraine. It means that these armed conflicts have an international character, in spite of the fact that they occurred within a "limited framework". Apart from searching for answers to questions regarding the reasons and the factors for violation of security, in this case, in Europe, the following are some of the key questions for the security science: Until when and how efficiently can the creators of "limited military clashes" or "limited

wars" control the situation? and: In what directions and with what intensity can a given "limited armed conflict" spread if the steering wheel is lost? At the same time, are there mechanisms for recovery from such consequences, and methods and means for coordinated action, or everything would be left on its own will? It is my opinion that security science should seriously address this issue and should timely warn and, possibly inhibit the aggressive political and military strategic decision-makers. Namely, we have learned from history that vicious circles can reappear with greater terror and devastating effects.

At the same time, security as a science should provide insight into all the increasing antagonisms which are present within the EU and the countries aspiring for its membership, and which, in given favorable historical circumstances can grow into serious reasons for greater security violation and military clashes. In that sense, the following questions, in my opinion, deserve particular security attention:

-The great difference in terms of economic development between the "European North" and the "European South";

-The great difference between the GDP per capita of the citizens of the "European North" and the "European South";

-The great difference between the "creditor countries" and the "debtor countries";

-The great difference between the countries from the Eurozone and the countries outside the Eurozone;

- The great difference among the EU countries from the aspect of military power, irrespective of their membership and "collectiveness" within NATO;

-The increasing separatist tendencies in not a small number of countries;

-The increasing extreme political groupings, movements and parties within EU countries.

In recent times, it seems that another threat for Europe is coming out on the surface, not in the form of an external danger for Europe, i.e. the EU, but danger from internal explosion, which is indicated by the results of the recent elections for members of the European Parliament. Namely, these results which were characterized by a great number of votes and parliamentary seats for members of extreme political parties, by the high official representatives of the EU were marked as a "political earthquake". But, is it really a "political earthquake"? According to experts in the field of seismology, an earthquake cannot be predicted, while in this case, these were social processes which had been present for a long time in the EU countries, and, according to me, they resulted from a great number of social antagonisms which had been present from before (I have already elaborated

on some of them) and had been completely predictable. In security, sociological, economic and political sciences there are no doubts regarding this. For EU politicians, particularly for those from the higher echelon, who have a special diopter, guided by their narrower interests, the "earthquake surprise" is completely understandable.

From the aspect of security science it is completely clear that the strengthening of the extreme right political parties inevitably leads to clashes, first inside the countries where they had occurred in order to take over the power, and then at international level. This is a historical and societal rule and should seriously be taken into consideration by all creators of security policy and security strategy in the EU and NATO.

As far as NATO is concerned, what has been of particular interest for security science is the issue of its expansion towards the east and its possible implications, both at European and world level. The transformation of Eastern Europe from a "buffer zone" into a "bridgehead" of NATO and the USA towards the strategic targets in Asia, in conditions of multipolarity in the world, may have effects of a "global military earthquake". I hope that at our international conference, in the presented papers and the discussion, the aspects of this issue will be raised. To illustrate this, we will take the example of the current armed clash in Ukraine, which, in spite of its geographic distance and participation of Ukrainian citizens (mainly), is a clash between NATO (read: the USA) and Russia. For the time being, we can say that there is worsening and tension on the relation NATO – Russia, but until when, how and to what extent can this "limited clash" be held under control by these great powers? Is the aim of the USA with this greater military game to exhaust Russia (both military and economically), in order to deliver a serious strike against Russia at another strategic line related to the American sphere of interest in Asia? What will the realization of the American anti-missile shield mean for the security of the "background" European countries – do they have a security alternative? This is particularly true if we take into consideration the strengthening of the power of right-wing extremist political parties in many EU countries.

Dear colleagues,

In the contemporary world, and, in contemporary Europe as part of it, the following has become a topical issue: Should policy of power be implemented or power of policy, which is characterized by righteousness, morality and solidarity? The greatest military and economic powers possess sufficiently devastating weapons which could destroy the world many times over, but the task of the security science, the progressive and democratically oriented individuals and organizations is to get insight into and solve the

antagonisms, to point out to ways leading to stability, thus contributing to maintaining and developing peace and security all over the world, including Europe, as the basis for improving all aspects of human existence and human culture, in the real sense of the word. I believe that this international conference of the Faculty of Security Skopje, with our scientific and professional papers and the exhaustive discussions will give modest but important contribution to this goal.

I would like to extend my gratitude to all participants at this international conference and wish them successful work.

THE INSTITUTIONALIZATION OF COOPERATION IN SECURITY IN THE BALKANS IN CRISIS MANAGEMENT AND OTHER SECURITY PROBLEMS

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The nature and characteristics of modern challenges and threats to security in the twenty-first century, for the second decade already, daily and painfully prove that the modern world is facing the almost unforeseeable and severe consequences that threaten its survival. Within the contemporary security studies, security threats such as terrorism of global reach are mostly discussed (global terrorism), transnational organized crime and conflicts of the third and fourth generation.[1] However, the experience of the previous century and current security reality assure us that the weapons of mass destruction, particularly nuclear weapons, are still the most devastating and the most difficult security threat, which still threatens the complete physical destruction of the entire civilization. With this, of course, the list of contemporary and ongoing security problems is not completed, because many security challenges in recent years can rightfully be defined as extremely powerful and, by its consequences, devastating security threats. That primarily refers to problems related to the global population and the environment (environmental problems), and especially to natural hazards and disasters - floods, fires, earthquakes, etc.

One thing that "characterizes" the entire world in the area of securiy is also the basic characteristic of the Balkans, one of the European regions which was often the scene of networked activities of almost all the aforementioned security threats. Namely, at the end of the twentieth century, the Balkans, particularly the area of former Yugoslavia, was the training ground of the bloody intrastate/interior violent ethnic and religious conflicts that have led to enormous material destruction and the loss of tens of thousands of lives in the countries that participated in these conflicts. In many ways, other Balkan countries that were not actively participating in them, felt the negative consequences of these conflicts.

In addition to violent conflicts, the Balkans became an unstable area due to strengthening of terrorism as well, not only because of its

[1]Conflicts of the "*third generation*" imply the intrastate, namely internal ethnic and violent religious conflicts, and the conflicts of the "*fourth generation*" imply conflicts between sovereign states and federations of sovereign states and transnational actors, such as global terrorist networks (so-called *asymmetric conflicts*).

geographical and geopolitical position, but also because of the emergence of various local extremist forces, which quickly connected to new generations of terrorists around the world when it comes to ideology and activity. That is why today terrorism is rightfully considered an extremely dangerous security threat in this region. The same situation is found in transnational organized crime, which finds new ways for its strengthening, despite the efforts of all countries in the region in preventing and fighting all forms of this security threat, endangering not only the security of the region and countries in it, but also their overall future development.

In recent years, special attention was given to new security problems which hit the Balkan region with surprising force. Those are very serious natural disasters, particularly fires and floods. That is how global climate changes, as a result of changing the nature and mutual relationship between nature and man, proved that "threats without enemies" have become constant and characteristic for the Balkan region. Latest examples of activities of these threats are devastating floods in the Republic of Serbia, Bosnia and Herzegovina and Republic of Croatia, and other countries of South-Eastern and Eastern Europe and the Balkans (Republic of Bulgaria, Romania, Macedonia) in the spring of 2014.[1] Despite the efforts made in the field of independent and joint actions of states in eliminating the consequences the floods have caused, primarily those relating to material damage and loss of human life, the experiences of these countries and the entire region are devastating. Although human lives are the final and the most difficult loss, tremendous damage was also sufferred in expanses of arable agricultural land, road infrastructure, mining and hydropower resources, industrial areas, the infrastructure of the affected cities and villages, many industries, particularly food processing industry etc. Certainly not neglecting individual human disaster, it must be noted that for almost a couple of days some states were economically degraded to the limits of survival.

By national efforts and high degree of solidarity in providing assistance between countries affected by the floods, an even greater effect of the crisis and destruction of other economic resources, which would immeasurably set back the further development of the region and countries in it, was prevented. The one thing that was evident was the fast, versatile and effective assistance of all countries of the European Union, the Russian Federation, the United States, the Republic of China and many other countries around the world, without which the consequences of the crisis would have been more severe. The help in the early days of the crisis reflected in the rapid sending of highly equipped rescue teams and necessary

[1]Although Macedonia has not experienced serious consequences from flooding, this year they did face with the new earthquake.

material and technical resources, sanitary material and medicine, food, clothing and other necessary supplies, and in the first emergency financial assistance. Without this help the subjects of the security system in the broadest sense of endangered and affected countries in the region and their economy would not successfully overcome the crisis and the first post-crisis period. This again proved that large-scale security problems can not be successfully controlled without the comprehensive cooperation between the countries, especially in the area of security.

The value and importance of cooperation in security, especially cooperation in dealing with crises and cooperation in civil protection, which is the basis of timely and effective opposition to natural disasters and other natural catastrophes, have shown inevitable in the case of the crisis in the Balkans during the spring of 2014. This especially applies to the states of the region that are in the process of joining the European Union as full members or aim for this goal (Serbia and BiH), which were the most affected by the spring floods.

The experiences of the Balkan states that were affected by the floods and other natural disasters in 2014 and before, indicate that their ideal in preventing contemporary security threats, especially natural disasters, must be a strategy and concept of the European Union in the field of international cooperation, humanitarian aid and crisis response. Of course, this does not exclude the recognition of the positive experiences of the Russian Federation, the United States and other countries in crisis response. Namely, within the European Union, for many years now, the Coordination Centre of the European Commission acts in response to crisis situations (The European Commission's Emergency Response Centre - ERCC), which has, in addition to emergency assistance through the Mechanism for Civil Protection, sent a financial assistance in the amount of 65 million euros to the Republic of Serbia and BiH, as well as the assistance for reconstruction and prevention through the activity of the EU solidarity Fund and the Instrument for Pre-Accession Assistance (IPA). By doing this, along with joint and Emergency help from the Russian Federation in the operative elimination of the flood consequences and other forms of assistance (material and financial), assistance from the United States and other countries, EU member states have particularly shown which form and level of solidarity and cooperation is needed to successfully respond to modern challenges and threats, particularly those pertaining to natural disasters (earthquakes, floods, fires).

Painful experiences from the spring of 2014. related to floods and other disasters that have hit the Balkans, assure all countries of the region that the necessity of cooperation in security in the region is the key imperative for the future defining of national security strategy, as well as joint participation in defining strategies for regional security as an integral

part of the european security strategy and crisis responses. Although certain forms of regional cooperation in preventing security threats such as organized crime and terrorism are already established, the disastrous consequences of the spring floods emphasize the need to develop new models of prevention, response and elimination of the consequences of different crisis situations in the region on the bilateral and multilateral plan.

Geographical closeness and familiarity of one another in the region are at least the starting point to define and develop a permanent regional mechanisms for preventing and responding to crisis situations as soon as possible, which would largely prevent severe consequences of not only natural disasters, but also other security threats. The development of these mechanisms could include the establishment of a regional center for early warning and alerting, center of specialized rescue and other teams for quick response, a regional fund for providing financial, material and technical assistance to the affected areas, and finally the regional *agency for emergency situations*, etc. These forms of cooperation in the region would follow EU mechanisms in the given area and would represent their integral part. With these efforts, states in the process of joining the EU would acquire, along with the EU Member States they border within the region, previous experiences required for the processes that surely await them - active involvement in all dimensions of European security, Common Foreign and Security Policy – CFSP, Common European Security and Defence Policy – CESDP and developed cooperation mechanisms in security at the EU level and beyond.

THE BALKANS AND MACEDONIA IN THE GEOSTRATEGIC CONCEPTS OF THE EUROPEAN COUNTRIES AND INTERESTS

1995 INTERIM ACCORD AND THE NAME ISSUE

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INTRODUCTION

The Republic of Macedonia and Greece normalized their bilateral relations with the conclusion of the Interim Accord, on September 13, 1995, under the mediation of Cyrus Vance, Special Envoy of the Secretary General of the UN, and Richard Holbrooke, US Assistant Secretary of State. Greece accepted to recognize the statehood and sovereignty of Macedonia, under the provisional name. Both parties declared the existing borders to be permanent and inviolable and established diplomatic relations (Article 1 and 2). They agreed that Macedonia would change its national flag featuring the ancient Macedonian "Star of Vergina" (Article 7, paragraph 2); and that Greece would not object to the admission of Macedonia to international organizations where Greece was a member if it was referred under the provisional name (Article 11). The two countries agreed to continue their negotiations concerning the name issue in accordance with the UN Security Council resolutions (Article 5).

The Republic of Macedonia was admitted to membership in the United Nations on April 8, 1993, under the provisional name "the former Yugoslav Republic of Macedonia", thus creating precedent in the United Nations' history. According to UN Security Council Resolution 817 (1993), two additional conditions (provisionally referred to as 'former Yugoslav Republic of Macedonia' within the UN; negotiating with another state over its name) were imposed on Macedonia for its admission to UN and they are contrary to UN Charter, to the general rules of international law, and to the principles of representation in international organizations.

The Interim Accord opened the door for the Republic of Macedonia to join international organizations and initiatives, including the Council of Europe, OSCE and Partnership for Peace. The name issue was left open. Negotiations regarding the name issue continued under the mediation of Matthey Nimitz as a Special Envoy of the UN Secretary General. There is no deadline for negotiations neither in UN Resolutions nor in the Interim Accord. In the meantime, a number of states (135 countries, by March 2013) have officially recognized the Republic of Macedonia under its constitutional name. However, since April 2008, the unsettled name issue has become an

obstacle for Macedonia's admission to international organizations (NATO and EU).

This paper deals with the comments on the relation between the Interim Accord and the name issue. It analyzes the nature of the name issue – is it political or/and legal one? It gives answer to the question regarding the parties of the dispute – is it between Macedonia and Greece or/and between Macedonia and UN? It also elaborates on the possible outcome of the negotiations over the name issue.

THE NAME ISSUE

The name issue (or dispute over the name) between Greece and Macedonia appeared in 1991, at the very moment when the latter declared its independence. Greece opposed the word Macedonia to be part of the name of its northern neighbor and delayed its recognition by European Communities and its admission to the UN. The name issue, or the problem that Greece have with the name of the Republic of Macedonia, is one of the most unprecedented disputes in international community.

Not only did Greece oppose the name Macedonia, but it also objects to the use of the term "Macedonian" for its neighboring country's citizens and its language. The Republic of Macedonia has been accused of hostile propaganda and of promoting the irredentist concept of a United Macedonia. According to Greece, Macedonia's name, flag and some provisions in its Constitution implied territorial claims against it[1].

It should be underlined that, just a few years before, the Greeks preferred not to use the name Macedonia at all. There were periods when use of the name 'Macedonia' in Greece was avoided with administrative measures. After the Balkan wars (1912-13) and the partition of Macedonia, the area of Macedonia under Greek rule was called the 'New territory' and the Ministry in Salonika was called the Ministry of Northern Greece. Aegean Macedonia was taken by Greece by force, during Balkan wars, not by any act of self-determination. Participating in the division of Macedonia, Greece created the very problem it now complains about.

Faced with Greece's blockade, Macedonia adopted two amendments on its Constitution on January 1992: Amendment 1: "The Republic of Macedonia has no territorial pretensions towards any neighboring state". "The borders of the Republic of Macedonia can only be changed in accordance with the Constitution and on the principle of the free will, as well as in accordance with generally accepted international norms". Amendment

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

2: “In the exercise of this concern the Republic will not interfere in the sovereign rights of other states or in their internal affairs”[1].

The Arbitration Commission, composed of eminent European lawyers and scholars, chaired by Robert Badinter, recommended that the European Community accept Macedonia’s request for recognition. In its Opinion No.6 the Commission stated that “the Republic of Macedonia fulfils the necessary conditions 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”. It emphasized that “Macedonia has renounced all territorial claims of any kind in unambiguous statements binding in international law; and that *the use of the name “Macedonia” cannot therefore imply any territorial claim against another State*...”[2]. However, in Lisbon Declaration, on June 27, 1992, EC reiterates its willingness to recognize the state within its existing borders, but “under the name that does not include the term Macedonia”[3].

As it was expected, the Republic of Macedonia refused to change its constitutional name. The “name issue” became a serious dispute that has not only postponed Macedonia’s recognition and admission to the international organizations, but has also affected the foreign policy of the European Community. The Danish foreign minister, Uffe Elleman-Jensen, on January 20, 1993, described the Greek position as "ridiculous" and expressed his hope that "the Security Council will very quickly recognise Macedonia and that many of the member states of the Community will support this."[4]

The name issue is one of the most unprecedented disputes in international community. There is no basis in international law for demanding from any country to change its name. It is contrary to the principle of sovereign equality between states (Article 2(1) of UN Charter) and contrary to the principle of non-intervention in matters which are essentially within domestic jurisdiction of any state (Article 2(7) of UN Charter).

It is very strange that Greece considers having title over Macedonia’s denomination. It approaches the name issue from the position of ownership over the name Macedonia. It also accuses Macedonia of appropriating

[1] Official Gazette of the Republic of Macedonia, No.1/92.

[2] See: Arbitration Commission on the Conference on Yugoslavia, Opinion No. 6 on the Recognition of the Socialist Republic of Macedonia by the European Community and its Member States, 14 Jan. 1992, United Nations doc.S/25855, Ann. III, para. 5, 28 May 1993: AM, Ann. 33.

[3] See: European Council in Lisbon, 26/27 June 1992, Conclusions of Presidency, Annex II, p. 43.

[4] See: Tom Gallagher, *the Balkans in the New Millennium: In the Shadow of War and Peace*, pp. 7 - 8. Routledge, 2005

symbols and figures that are historically considered as part of Greek culture, such as Vergina Sun and Alexander the Great.

However, it does not make any sense. Let us remind ourselves of the fact that Alexander the Great conquered Egypt and Persia and they were also, as Macedonia and Greece, part of ancient Macedonia. What would Greece say if modern day Iran and Egypt put the name Macedonia to some of their provinces, or started building monuments of him too?

Actually, the claim that an independent Macedonia will somehow monopolize the name seems to be groundless. Many places in the World, including states and cities, have the same names as other places. For instance, the former Soviet Republic Georgia has the same name as the US state Georgia; Mexico is the name of a state in North America, and it is also contained in the name of the state New Mexico as one of the US states. Luxembourg is a state in Europe and also a city in Singapore. There is a state Columbia in South America and a number of cities called Columbia (at least 22) in the US states[1]. Paris is not only capital of France, but also a city in Texas; Moscow is not only capital of the Russian Federation but also a city in Kansas; Cairo is not only capital of Egypt but also a city in Illinois, etc. What will Greece say about the name of Athens? It is not only the name of Greece's capital but also the name of around 60 cities, towns and places all over the world[2]. Athens can be found in Russia (Siberian Athens - Tomsk, Russia) or in Cuba (Athens of Cuba - Matanzas, Cuba) etc.

Copyright over the names of the states and cities do not exist in international law. The right of a state Republic of Macedonia to freely choose its name derives from its inherent right of self-determination. On the other hand, Greece uses the name Macedonia for one of its provinces which does not have legal personality. No one is disputing Greece's right to name its province Macedonia. There is clear distinction between it and the Republic of Macedonia as independent state.

[1] In Alabama, California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, New Hampshire, New Jersew, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, Wisconsin. Columbia is capital in South Carolina

[2] In USA Athens is the city or town in at least 20 states: Alabama, Arkansas, California, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas, Vermont, West Virginia, Wisconsin. See more at: http://greece.greekreporter.com/2010/12/17/60-worldwide-towns-are-named-athens/#sthash.wRuDiaNL.dpuf

MACEDONIAN ADMISSION TO UN

Although the Republic of Macedonia applied for membership of the United Nations on 30 July 1992, delay of Macedonia's admission had a serious effect on the Republic, as it led to a worsening of its already unstable economic and political conditions.

On 7 April 1993, the UN Security Council endorsed the admission of the Republic of Macedonia in **UN Security Council Resolution 817 (1993)**, which contains recommendation to the UN General Assembly:

-" …Noting that the applicant fulfils the criteria for membership in the UN laid down in Article 4 of the Chapter",

-" Noting however that a difference has arisen over the name of the State, which need to be resolved in the interest of the maintenance of peaceful and good neighborly relations in the region",

- "Recommends to the General Assembly the State… be admitted to membership in the United Nations… being provisionally referred to for all purposes within United Nations as 'the former Yugoslav Republic of Macedonia' pending settlement of the difference that has arisen over the name of the State" [1].

It should be noted that the President of the Security Council, circulating the draft of resolution 817 containing the provisional reference, specifically stated that this "is not a matter of imposing a name on a new State, or conditions for its admission to the UN, but it merely concerns the manner in which it will be provisionally referred to in its activity in the United Nations.[2]" United Kingdom Ambassador Jeremy Greenstock confirms that resolution 817 did not mean that the new member had to call itself by the provisional reference, either generally or in its communications to the United Nations[3].

The recommendation was accepted by the **General Assembly**, which passed **Resolution 225 on 8 April 1993**, using almost the same language as the Security Council[4]. The following elements can be emphasized from the two resolutions:

The reference "the former Yugoslav Republic of Macedonia" is a *provisional* term to be used only until the dispute was resolved[5];

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[1] See United Nations Security Council Resolution 817 (1993) from 7 April 1993, at para. 2.

[2] AR, para. 4.42 and Ann. 12.

[3] Ibid., para. 4.43.

[4] "Admission of the former Yugoslav Republic of Macedonia to membership in the United Nations", United Nations General Assembly Resolution 225, 8 April 1993

[5] Jochen Abr. Frowein, Rüdiger Wolfrum, *Max Planck Yearbook of United Nations Law 1997*, p. 239. Martinus Nijhoff Publishers, 1998

The term was a *reference*, not a name; the President of the Security Council issued a statement declaring on behalf of the Council that the term "merely reflected the historic fact that it had been in the past a republic of the former Socialist Federal Republic of Yugoslavia."[1];

The use of the term was "for all purposes within the United Nations"; it was not being mandated for any other party. The Republic of Macedonia thus became the 181st member of the United Nations.

The admission of the Republic of Macedonia to the United Nations under the provisional name, on 8 April 1993, created **precedent in the UN history and in international law**. Imposing additional conditions on the Republic of Macedonia for its membership (provisionally referred to as 'former Yugoslav Republic of Macedonia' within the UN; negotiating with another state over its name), was irregular and unlawful. Additional conditions for Macedonia's admission to the United Nations are contrary to UN Charter. Namely, Article 4 paragraph 1 of the UN Charter provides for the following criteria for UN membership: a) to be a state; b) to be peace-loving; c) to accept the UN Charter and its obligations; d) to be able to carry out these obligations; e) willingness to do so[2].

Two additional conditions (provisionally referred to as 'former Yugoslav Republic of Macedonia' within the UN; negotiating with another state over its name [3]) are not prescribed in Article 4. These conditions imposed to the Republic of Macedonia has created precedent in United Nations' history. They violate the following provisions of the UN Charter and of Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character:

Article 2 (7) of the UN Charter [4], which explicitly forbids the UN to interfere in matters of domestic jurisdictions of member states;

Article 2 (1) of the UN Charter, which provides the principle of sovereign equality of all member states. Conditioning one state to negotiate with another one over its name, which belongs to the domain of domestic

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[1] Repertoire of the Practice of the Security Council Twelfth Supplement 1993-1995, Chapter VII: Practice relative to recommendations to the General Assembly regarding membership in the United Nations 1993-1995

[2] Article 4 paragraph 1 of UN Charter: "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations"

[3] Igor Janev, Some Remarks of the Legal Status of Macedonia in the United Nations Organization, Review of International Affairs, Vol. LIII, No. 1108, October - December 2002

[4] Article 2 (7) of the UN Charter: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state…"

jurisdiction, and making it possibly dependant for fulfillment of this condition exclusively on the will of another state, is contrary to the principle of sovereign equality;

Article 83 of the Vienna Convention on representation of states, which provides that "in application of the present Convention no discrimination shall be made as between states" [1]. The fact that Macedonia is referred as "former Yugoslav Republic of Macedonia", not by its constitutional name, for all purposes within the UN, puts Macedonia in a discriminatory position[2].

One can see the absurdity of the imposed provisional name "former Yugoslav Republic of Macedonia", and also of the acronym "FYROM" for the Republic of Macedonia which is often used in Greece's practice. It is obvious that FYROM does not mean anything. Dealing in that way, maybe Turkey will have the right to demand that Greece be called FOPG (former Otoman Province of Greece). It is possible that the city of Rome will demand the name London no longer to be used, but to be called FRCL (former Roman City of Londinium). Or the UK may demand that the United States should be called FBCUS (former Britain Colony of United States).

In fact, the **Republic of Macedonia** maintains that resolution 817 contemplated that it could refer to itself by its constitutional name (Republic of Macedonia) within the United Nations, and this has been its well-established "practice" since resolution 817 was adopted [3]. Namely, being admitted in international organizations under the provisional designation, Macedonia has been referred to by that name. However, the Republic of Macedonia has continued to refer to itself by its constitutional name in its relations with and dealings within those international organizations and institutions.

Greece appears to believe that resolution 817 prohibited any use of the name "Republic of Macedonia"; it refers to this as the "prohibited name.[4]" However, the text of resolution 817 contains no prohibition on the use of "Republic of Macedonia", it contains no requirement for the provisional reference to be the "name" of Macedonia, and it contains no requirement that Macedonia use the provisional reference in its communications with the United Nations.

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[1] Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character. UN Doc. A/Conf. 67/16, March 14, 1975

[2] 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

[3] See more in: Vladimir Ortakovski, The Judgment of International Court of Justice (Republic of Macedonia v. Greece) and the Name Issue, International Scientific Conference: Security and Euroatlantic Perspectives of the Balkans. Police Science and Police Profession (States and Perspectives), Vol. I, Skopje, 2012, p. 23 - 40

[4] See, e.g., RR, para. 7.23

Since Macedonia's admission to UN membership, the name issue from political issue has also became a legal one. For the first time the name issue was mentioned in a legally binding document, i.e. in the two UN resolutions, which are in clear breach of the UN Charter. The name issue does not appear to be between Greece and Macedonia, but rather, in its legal part, between Macedonia and the United Nations.

THE INTERIM ACCORD

The Interim Accord was concluded on September 13 1995, under the mediation of Cyrus Vance, Special Envoy of the Secretary General of the UN, and Richard Holbrooke, US Assistant Secretary of State. It entered into force a month later and it has now been in force for 19 years.

The Interim Accord[1] is regarded as a singular diplomatic and legal achievement of the mid-1990s. It **i**s a **unique example of an international bilateral treaty without mentioning the names of the contracting parties**. In order to avoid the name issue, and according to the principle of reciprocity in international law, the names of both countries are omitted from the text and they are referred to as the Party of the First Part (Greece) and the Party of the Second Part (Macedonia). 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".

The Interim Accord comprises a preamble and 23 articles, divided into six sections. It established a number of obligations for the two states. **Section A** addresses "Friendly Relations and Confidence-Building Measures", and consists of eight articles addressing matters such as inviolability of the existing frontier and respect for sovereignty and territorial integrity, and political independence. Normalizing bilateral relations with its northern neighbor, Greece has accepted to recognize the statehood and sovereignty of Macedonia, under the provisional name. Both parties declared the existing borders to be permanent and inviolable and established diplomatic relations (Article 1 and 2).

Under its Article 5, **the Parties "agree[d] to continue negotiations under the auspices of the Secretary-General of the United Nations**

[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. 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

pursuant to Security Council resolution 845 (1993) with a view to reaching agreement on the difference described in that resolution and in Security Council resolution 817 (1993)". Both parties have agreed to their commitments in Article 7 to prohibit certain activities or propaganda and avoid the use of a particular symbol. The Republic of Macedonia changed its national flag featuring the ancient Macedonian "Star of Vergina" (Article 7, paragraph 2).

Section B addresses "Human and Cultural Rights", and it provides for respect for human rights and for the rule of law, by reference to eight instruments, including the United Nations Charter, as well as the encouragement of contact between the Parties.

Section C is related to "International, Multilateral and Regional Institutions" and consists of a single provision − Article 11. Addressing the admission and membership of the Republic of Macedonia in international organizations and institutions of which Greece was a member, Article 11, paragraph 1, provides: "Upon entry into force of this Interim Accord, **the Party of the First Part agrees not to object to the application by or the membership of the Party of the Second Part 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).[1]" As Matthew Nimetz said: "[T]he people from [the Applicant's] country, when they talk about themselves, use their constitutional name, Republic of Macedonia. And we have found this to be the case, that there is no requirement for them to use a name that they do not accept. But that doesn't mean that the organization accepts the name.[2]"

Section D comprises three articles that are intended to normalize the treaty relations between the Parties, including both bilateral and multilateral arrangements.

Section E addresses "Economic, Commercial, Environmental and Legal Relations", comprising six articles intended to enhance co-operation between the two States.

Section F contains some "Final Clauses", addressing the settlement of disputes - the International Court of Justice will have jurisdiction to decide for any disputes concerning the interpretation or implementation of the agreement, with the exception of article 5 section 1 (Article 21, paragraph 2).

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[1] See: *United Nations Treaty Series (UNTS)*, Vol. 1891, p. 7

[2] AR, para. 4.57; "Foreign Press Center briefing with Ambassador Matthew Nimetz, special White House Envoy subject: Macedonian-Greek agreements", White House Briefing, 18 September 1995: AR, Ann. 87

The Interim Accord remains in force pursuant to Article 23, paragraph 2, not having been superseded by a definitive agreement or withdrawn from by 12 months' written notice by either of the Parties [1]. Neither Party has ever taken any steps to suspend the treaty in whole or in part, or to seek to withdraw.

What were the object and the purpose of the Interim Accord? It is providing for:

- *immediate* normalization of relations between the Republic of Macedonia and Greece;
- future co-operation, notwithstanding the continuing difference concerning Macedonia's name;
- recognition of Macedonia by Greece, the establishment of diplomatic relations, the adoption of practical measures in those relations;
- commitment to the free movement of persons and goods, including the lifting of the economic embargo that, starting since February 1994, had still been maintained by Greece;
- confirmation of "the existing frontier" between the Parties as "an enduring international border".

The Accord reaffirmed the Republic of Macedonia's lack of territorial claims against Greece, and provided for Macedonia to join the family of nations and to become an active member of the international community. These objectives were achieved over the next 13 years. This agreement opened the door for the Republic of Macedonia to join almost immediately a few international organizations such as Council of Europe, OSCE and Partnership for Peace. Greece's non-obstruction enabled Macedonia's admission to OSCE on 12 October 1995, one day before the Interim Accord entered into force. After the conclusion of the Interim Accord and up until the Bucharest Summit in 2008, Macedonia joined a number of international organizations whose member was also Greece.

The name issue has remained unsolved. The Interim Accord "left open the issue of the country's name – an issue that negotiators could continue to discuss without prejudice to the position of either side"[2]. The relation between the Interim Accord and the name issue is that: a) Greece and Macedonia "agreed to continue negotiations under the auspices of the UN Secretary-General"; b) The Interim Accord in Article 21 forbids any issue of the difference over the name to be referred to the International Court of

[1] Article 23, paragraph 2: This Interim Accord shall remain in force until superseded by a definitive agreement, provided that after seven years either Party may withdraw from this Interim Accord by a written notice, which shall take effect 12 months after its delivery to the other Party

[2] See: Richard Holbrooke, To End a War, Random House, New York, 1998, p. 124

Justice. The reason is that the name issue, in its part of diplomatic negotiations, is a political one, and according to Article 36 of its Statute, the Court is dealing with legal issues.

NEGOTIATIONS REGARDING THE NAME ISSUE

There are two views regarding negotiations over the name issue. The first one is that negotiations are to be conducted in good faith (bona fide), according to above mentioned UN resolutions. The second view is that, since additional conditions imposed on the Republic of Macedonia are illegal, Macedonia's obligations resulting from these resolutions (i.e. to negotiate with other state about its name) are also illegal. As far as the Interim Accord is concerned, there is a clear obligation of both countries to continue negotiations.

Two aspects are relevant in terms of the ongoing negotiations between Greece and Republic of Macedonia, under the auspices of UN Special Representative, Matthew Nimetz[1]. The first aspect is the composition of the proposed names. The second one is the extent of the usage of the negotiated name.

Various names have been proposed over the years, but they were unacceptable for Greece, for Macedonia, or for both countries. During the course of the negotiations, Macedonia showed a degree of openness to proposals that differed from either the sole use of its constitutional name or the "dual formula". Greece has gradually revised its initial position and in September 2007 declared that it would agree to the term "Macedonia" as part of a compound formulation, with a geographical qualifier, for erga omnes use.

Before NATO Bucharest summit, on 26 March 2008, Matthey Nimetz proposed the name "Republic of Macedonia" to be the name for internal purposes, written in Cyrillic alphabet ("Република Македонија") and "Republic of Macedonia (Skopje)" in English version to be used as an international name. At the same time, the proposal gives recommendation the word "Macedonia" not to be used independently as official name of RM and the proposed international name to be used in bilateral relations. Macedonia

[1] From March 1994 to September 1995, Matthew Nimetz served as the US President Special Envoy to mediate the resolution of the Macedonia naming dispute. This effort culminated in the signing of the Interim Agreement of September 13, 1995 by Greece and the Republic of Macedonia at the United Nations. He became a deputy to Cyrus Vance, who served as Personal Envoy of the UN Secretary General in the talks on the remaining open issues in the dispute, in particular the name of the country. He chaired those talks from December 1999 onwards, as that Personal Envoy, from Vance's resignation from that position in December 1999

expressed willingness to put this name to a referendum, but Greece rejected this proposed name. It is interesting that Macedonia had rejected this proposal in 2005, when Greece had welcomed it. However, feeling itself in a much stronger position, Athens rejected the offer, insisting in particular that the agreed name should apply in all Macedonia's international relations, bilateral as well as multilateral[1].

Preferring the political approach, Macedonia has negotiated over its name. Generally, proposals proved as unacceptable, since it is a case of the renaming of the Republic of Macedonia and therefore they have raised the issue of the identity of the Macedonian people. It is difficult to expect a solution that will satisfy the interests of both states. The substance of the problem is not the name issue itself, but a complex set of questions, including the rights of persons belonging to Macedonian minority in Greece (Athens refuses to accept the very existence of minorities); the rights of Macedonians expelled from Greece during 1946-1949 Civil War to their property etc. While the fundamental interest of Greece is national assimilation and deprivation of identification of the Macedonians, the fundamental interest of the Republic of Macedonia is not to allow its name and the identity to be endangered.

Greece contends that Macedonia has been pressing for a "dual formula" whereby the negotiations are "limited solely to finding a name for use in the bilateral relations of the Parties" and thus has attempted "unilaterally to redefine the object and purpose of [the] negotiations". Athens further contends that Macedonia's continuous use of its constitutional name to refer to itself and its policy of securing third-State recognition under that name deprives the negotiations of their object and purpose. On the other hand, Macedonia emphasizes that the Interim Accord did not prejudge the outcome of the negotiations required by Article 5, paragraph 1, by prescribing that those negotiations result in a single name to be used for all purposes.

The Greece's claim mutually acceptable name to be erga omnes is contrary to UN resolutions, which provide it to be "for all purposes within United Nations". If an assumed name can be negotiated, it would be for the purposes of bilateral Greek-Macedonian relations. A bilateral agreement as the supposed outcome of negotiations would be binding only for the contracting parties. It cannot impose obligations on third states. The general rule in international law is that international agreements bind only the parties

[1] See: International Crisis Group, Macedonia's Name: Breaking the Deadlock, Pristina/Brussels, 12 January 2009, http://www.crisisgroup.org/home/index.cfm?id=5862&l=1. Crisis Group interviews, senior Greek official, November 2008, and international and domestic officials, Skopje, October and November 2008

to them. The supposed new name would only be used for the purposes within the UN, but can not imply its use by the UN member states, in their respective bilateral relations with Macedonia. The fact is that the Republic of Macedonia has so far been recognized under its constitutional name by 135 states. Macedonia and Greece in their negotiations can only agree on the aspects of bilateral use of the name Macedonia, or any other name, but only for the purposes of their bilateral relations[1].

It is indisputable that the aspects being negotiated are in domestic jurisdiction of the Republic of Macedonia and thus neither United Nations nor Greece have the right to interfere in such matters. It is not possible to interfere in the choice of one country's name which is the right of the state as legal subject. The state's right to identify itself with certain name is an integral part of the right to self-determination, which belongs to the domain of jus cogens norms.

THE JUDGMENT OF THE COURT OF INTERNATIONAL JUSTICE

The Republic of Macedonia on 17 November 2008 initiated proceedings before the International Court of Justice (ICJ) requesting the Court to adjudge and declare that Greece objected to Macedonia's invitation to NATO and thus violated its obligations under the Interim Accord. Namely, Macedonia expected to receive an invitation to join NATO during the 2-4 April 2008 Bucharest Summit of NATO. 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"*[2]. Macedonia's Application to the International Court of Justice alleged that Greek actions, violating Article 11, paragraph 1 of the Interim Accord, have denied it membership in NATO[3].

In its Judgment from December 5, 2011, the Court has found:

[1] Article 34 of the Vienna Convention on the Law of Treaties specifies that "a treaty does not create either obligations or rights for a third state without its consent"

[2] 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.

[3] See more in: Vladimir Ortakovski, The Dispute between the Republic of Macedonia and Greece before the International Court of Justice, in: Security in the Post-Conflict (Western) Balkans: Transition and Challenges Faced by the Republic of Macedonia, Vol.II, Skopje, 2011, p. 151 - 164

- by fourteen votes to two, that **it has jurisdiction to entertain the Application filed by the former Yugoslav Republic of Macedonia on 17 November 2008 and that this Application is admissible**.
- by fifteen votes to one, that **the Hellenic Republic, by objecting to the admission of the former Yugoslav Republic of Macedonia to NATO, has breached its obligation under Article 11, paragraph 1, of the Interim Accord of 13 September 1995.**
- by fifteen votes to one, that **it rejects all other submissions made by the former Yugoslav Republic of Macedonia**.[1]

It should be noted that the Court rejected Macedonia's request "**to order 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 North Atlantic Treaty Organization 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 organizations or institutions by the designation provided for in paragraph 2 of United Nations Security Council resolution 817 (1993)**."

The Court explained that "**[a]s a general rule, there is no reason to suppose that a State whose act or conduct has been declared wrongful by the Court will repeat that act or conduct in the future, since its good faith must be presumed**".[2]

The Court accordingly determines that **its finding that the Respondent has violated its obligation to the Applicant under Article 11, paragraph 1, of the Interim Accord, constitutes appropriate satisfaction**.

The Court, based on Macedonia's arguments and submissions, ruled that:

- **Macedonia can continue to use its constructional name in its relation with Greece and within international organizations**. The "Memorandum on 'Practical Measures' Related to the Interim Accord", concluded by the Parties at the same time with the entry into force of the Interim Accord, expressly envisages that the Applicant will refer to itself as the "Republic of Macedonia" in its dealings with the Respondent. The Court sided with Macedonia and concluded that the Interim Accord does not allow Greece "to object

[1] Cited in: Judgment. Application of the Interim Accord of 13 September 1995, 5 December 2011, para. 170, p. 693, http://www.icj-cij.org/docket/files/142/16827.pdf
[2] Ibid, para. 168

to the Applicant's admission to an organization based on the prospect that the Applicant is to refer to itself in such organization with its constitutional name";

- the only thing excluded from its jurisdiction was deciding on the **difference over the name** of the Republic of Macedonia;
- the Republic of Macedonia's **complaint was solely with Greece's conduct, which is within the Court's jurisdiction**;
- the fact that the **negotiations have been actively pursued** during the proceedings is **not legally any obstacle** for the Court to exercise its judicial functions;
- the Republic of Macedonia, together with Greece, has been **negotiating in good faith**;

The Court rejected all arguments and submissions put forward by Greece in the course of proceedings, including Greek allegations that Macedonia had been exercising "hostile propaganda" against it using "antique symbols belonging exclusively to the Greek heritage", in breach of Article 7 paragraph 1 of Interim Accord[1].

Although the Court has found that Greece's objection before and at the Bucharest Summit violated the international law, its Judgment does not directly apply to third states or to NATO. As Greece's objection was the reason that blocked consensus on the issue and Macedonia was not invited to join NATO, it should have been appropriate for the NATO member states and NATO itself to revisit its Bucharest and all subsequent decisions, this time without the influence of an act declared wrongful by the Court.

However, NATO does not have provisions establishing criteria for admission. NATO admission procedure provides that an invitation to join the alliance can be extended to a European state, which is capable to contribute to furthering the goals of the organization, by unanimous agreement of all NATO members [2]. It means that admission of new members to NATO depends mainly on political circumstances. Non-invitation of Macedonia to NATO at the Bucharest Summit in April 2008 did not violate any legal

[1] About Greece's objections to jurisdiction of the Court and admissibility of Application as well as additional justifications invoked by Greece, see more in: Vladimir Ortakovski, The Judgment of International Court of Justice (Republic of Macedonia v. Greece) and the Name Issue, International Scientific Conference: Security and Euroatlantic Perspectives of the Balkans. Police Science and Police Profession (States and Perspectives), Vol. I, Skopje, 2012, p. 31 - 34

[2] North Atlantic Treaty (signed 4 April 1949, entered into force 24 August 1949) 34 U.N.T.S. 243, Article 10: "The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty"

provisions of the Treaty. NATO Secretary General, Anders Fogh Rasmussen, delivered a statement on 5 December 2011, that ICJ ruling on a bilateral issue between Greece and Macedonia "does not affect the decision taken by NATO Allies at the Bucharest summit in 2008".[1]

CONCLUSION – POLITICAL OR LEGAL APPROACH FOR RESOLVING THE NAME ISSUE

Is the name issue a political or a legal issue? After the Declaration of independence of the Republic Macedonia in 1991, Greece has persistently objected to the name of the state and its membership into international organizations. Since there is not a legal basis for Greece's demand for changing the name of the Republic of Macedonia, the name issue at this stage is a political one. After Macedonia's admission to UN membership, on 8 April 1993, the name issue from political issue has also became a legal one. For the first time the name issue was mentioned in a legally binding document, i.e. in the two UN resolutions. These resolutions (Security Council Resolution 817 and General Assembly Resolution 47/225) are in clear breach of the UN Charter. In that way, the UN have violated Macedonia's right to UN membership although it fulfilled the conditions prescribed in Article 4 of the UN Charter. The name issue appears to be a dispute not only between Greece and Macedonia, but rather, in its legal part, between Macedonia and the United Nations.

The Interim Accord, concluded on 13 September 1995 (entered into force on 13 October 1995) left open the name issue, as a political one, for negotiations to continue. The relation between the Interim Accord and the name issue is that parties "agreed to continue negotiations" regarding difference over the name. They also agreed in Article 21 of the Interim Accord the name issue not to be referred to the International Court of Justice, because in its part of diplomatic negotiations, it is a political one.

However, the negotiation process, i.e. the political approach, appeared to be inadequate and endless. It is not possible to impose denomination of one state, i.e. of the Republic of Macedonia, without its consent. But since 2008 the unsettled name issue has become an obstacle for Macedonia's Euro-Atlantic integration.

The Republic of Macedonia can take legal actions regarding the unlawfulness of its admission and status in the United Nations. It should question the legality of additional conditions in front of the International

[1] See: Statement by the NATO Secretary General on ICJ Ruling, December 5, 2011, available at: http://www.nato.int/cps/en/SID-DC1424AA-E26142B7/natolive/news_81678.htm?selectedLocale=en

Court of Justice. The initiative should be launched through the UN General Assembly [1], because of the voting procedures – in the Security Council consensus is needed between the five permanent members, and in the General Assembly simple majority is needed from the present members. According to Article 65 of the Statute of the ICJ, the official request for advisory opinion should come from the UN General Assembly in a form of legal document containing a question that needs interpretation from the ICJ.[2] The substance of this question is not the name issue but the legality of additionally imposed conditions for admission which are not prescribed in the UN Charter. That is why Article 21 of the Interim Accord is not a problem for referring the question to the ICJ.

The International Court of Justice "may" give advisory opinion (it is not an obligation for the Court) and its advisory opinions are not binding. However, the possibility for the Court to deny the request for advisory opinion in the case of Macedonia's admission to the UN is very low. We should bear in mind that the Court in 1948 already gave its interpretation to Article 4 from the Charter, ruling out any expansion of the conditions for admission. The Court's Advisory Opinion in the Admission of State to the UN Case of 1948 [3] is a specific case of an established general rule. This Advisory opinion of the ICJ, that no additional conditions for membership in the UN can be imposed, was accepted as binding by the General Assembly [4]. The Court's position on the same issue cannot be any different from that of 1948. There is no precedent in the United Nation's practice that the UN General Assembly has not taken into consideration the advisory opinion of the International Court of Justice.

After the Court's likely favorable opinion, Macedonia will launch an initiative in the UN General Assembly for the revision of the resolutions that imposed additional conditions, which are not prescribed in Article 4 of the

[1] Article 96 of the UN Charter: "1. The General Assembly or Security Council may request International Court of Justice to give an advisory opinion on any legal question; 2. Other organs of the United Nations and specialized agencies, which may at the time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities"

[2] The question of UN General Assembly referred to the ICJ should be formulated as: "Is the Resolution 47/225 (1993) of the General Assembly, and the Resolution 817 (1993) of the Security Council, in their parts relating to denomination 'the former Yugoslav Republic of Macedonia', with the requirement for settlement of the 'difference that has arisen over the name of the State' legally in accordance with the Charter of the United Nations? See: Igor Janev, Proposal for Resolving the Dispute Over the Name of the Republic of Macedonia, MakNews, July 2003

[3] Admission of State to the United Nations (UN Charter, Article 4), Advisory Opinion, ICJ Reports 1948, p. 57

[4] UN General Assembly Resolution 197 (III, Part A), 177-th Plenary meeting, December 8, 1948

UN Charter. The UN should bring a new resolution to the General Assembly which would exclude additional conditions imposed on Macedonia during its admission as a UN member. It doesn't mean that Greece would recognize Republic of Macedonia under that name. The name dispute would go back for resolution at bilateral level as a political issue. Greece and Macedonia could negotiate a different name that would be used in their bilateral relations and finally sign an agreement which would put an end to the dispute.

Solving the problem of the name of the Republic of Macedonia in the UN by requesting advisory opinion from the International Court of Justice is a possible way for Macedonia to follow, which includes principles and norms from international law. Such approach towards the problem makes Grece's demands for intervention in foreign name groundless. That approach provides politically neutral solution for the problem and enables international organizations, member of which is Greece, to conduct common politics towards Macedonia, including recognition of its constitutional name.

Finally, I would like to propose something. A number of nations lay claim to the same history, being previously parts of the same multi-ethnic empires. It is not only case with Macedonia and Greece, being parts of the Otoman Empire, but also of British Empire, Habsburg Empire, Russian Empire, Swedish Empire, Polish-Lithuanian Kingdom, etc. Many of them are arguing that "this isn't your heritage, it's ours" but in reality it is a heritage of both.

What is giving modern Greeks the right to claim exclusively ancient Greek heritage, since their Modern Greek language is very different from the ancient Greek and since that civilization was in the meantime taken over by Romans, then Byzantines, then Ottomans long ago, while modern Macedonians can't claim a Macedonian heritage? It should be noted that Macedonians never denied Greeks their heritage. They never claim that "they are the only descendants". However we can see Greeks opposing Macedonia and accusing it of "stealing their heritage".

It should be said: "We all share a heritage, let's make the best of it". Why would not a trans-national EU region Macedonia be declared as such where Macedonian, Greek and Bulgarian cultures would meet and mix (like in several such European regions)? We can all be proud of our common history and heritage.

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REPUBLIC OF MACEDONIA IN THE SECOND HALF OF 21ST CENTURY - SECURITY ASPECTS

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Abstract:

This paper attempts to emphasize and elaborate the priority objectives of the Republic of Macedonia in the field of security in the period up to 1920, starting with the set permanent, vital and important interests of the state outlined in the National Security and Defense Concept, adopted in 2003 by the Assembly of RM. The paper is structured in four parts. The first part is dedicated to highlighting the issue of national security as the cornerstone of the concept of national security. The second part of the paper presents the permanent, vital and important interests of the Republic of Macedonia of the National Security and Defense Concept, with a critical approach to the interests that have not been realized in the 11-year period so far, and are extremely important for the security of the state. The third part of the paper is devoted to the three priority objectives in the security field, which, according to the author, should unavoidably be achieved in the period covered - achieving full NATO and EU membership, developing good neighborly relations with Greece and Bulgaria and realizing long-term stability at internal political level and interethnic relations. What is particularly indicated are the geostrategic and security reasons due to which it is necessary to achieve full NATO membership, given the current security and political situation related to the area of the so-called Western Balkans. The fourth part of the paper gives suggestions for qualitative improvement of the structure of the security-intelligence system, taking into account the principles of hierarchy, coordination, synchronization and operation in the work of the entities in the system and the system as a whole. What is particularly indicated is the need to strengthen the intelligence component, primarily in the basic approach of providing quality information base and support for makers of decisions of strategic character at state level.

Key words: *national security, national interest, strategic objectives, security and intelligence system, intelligence, intelligence base, strategic decisions, security priorities.*

Introduction

The Republic of Macedonia, approaching the middle of the second decade of the 21st century, is facing with certain stalemate on the road to the basic objective of foreign policy plan: EU and NATO integration. Namely, despite the received recommendations to start negotiations with the EU by the European Parliament and the European Commission and the previously obtained judgment before the International Court of The Hague against Greece for breach of the Interim Accord, because of the failure in terms of "closing the name issue" with the Hellenic Republic, the country cannot move forward in terms of European and Euro-Atlantic integrations, which strongly burdens not only its security situation but its overall situation. Can, and to what extent and how, this major stalemate in the European and Euro-Atlantic integration process have a determining effect on the internal stability of the country and its position in the region? These are questions to which the answer should be found in one of the basic documents at state level – the security assessment, of course, starting from the specified state (national) interest and set security priorities. In this paper I will try to highlight a few areas of security aspect related to the topic titled, such as "defining the state (national) interest in the given period, the necessity of defining the security priorities and the specific methods and tools for their implementation, the compatibility of the security system in terms of the complexity and severity of the security threats and, in particular, the contribution of the intelligence component in making timely and reasonable decisions at state level.

1. In the modern scholarly and professional approach to security, an important place is occupied by considerations for national security and national interest. At the beginning, national security was equated with the external security of the state (protection of the territorial integrity against military aggression[1]). However, this notion was very narrow, so recently national security is defined as protecting and creating a reliable basis for development in the area of the constitutional order of the state, democratic relations, economic prosperity, ethnic, religious and cultural equality of citizens in the overall sphere of human freedoms and rights. In that sense, Amin Hevedy[2] finds that national security is an activity of states regarding the protection of their identity, survival and national interests, and in accordance with their social opportunities in the present and the future, given the global changes and developments worldwide. In that direction, it is also the definition of national security by A.Grizold[3], who determines it as security of the political people, and its content includes: security of the national territory (including

[1] Views related to the crucial role of the power and military power in terms of security are inherent in the members of the realistic direction (realists). For this and other theoretical approaches in deliberations on security, see: Peter Hugh, *Concept for global security*, Tabernakul, Skopje, 2009.

[2] Hewedy, Amin, *Militarization and Security in the Middle East*, London, Pinter Publishers, 1989.

[3] Grizold, Anton, *Medjunarodna sigurnost-teorijsko-institucionalni okvir*, Zagreb, FPZ, 1998.

the airspace and territorial waters), protection of people's lives and their property, preservation and maintenance of national sovereignty and the exercise of the basic functions of society (socio-economic, social-political, environmental, cultural, etc.). So, according to R.Aron, it is a much broader understanding of national security as one of the most important "suprahistorical national interests of each country".

National security is the cornerstone of the concept of national interests. Most recently, for each state (regardless of its military, economic and cultural power), including the Republic of Macedonia, one of the most important and, at the same time, most difficult issues is the projection and realization of the security on short, medium and long term, as an important aspect of its strategic interests.

2. The basic document in the sphere of security and defense of the Republic of Macedonia is the *National Security and Defense Concept*[1], adopted by the Assembly of RM in 2003. This document defines three groups of state interests: permanent, vital and important.

Permanent interests of the Republic of Macedonia are:

- Preservation and enhancement of the identity of the state;
- Free expression of ethnic identity of all citizens of the state;
- Protection of the independence of the state;
- Protection of the territorial integrity of the state.

The vital interests of the Republic of Macedonia are seen in:

- The protection and promotion of peace and security, life, health, property and personal safety of the citizens of the state;
- The development of a multi-ethnic society based on mutual trust, mutual efforts and aspiration of all ethnic communities for stability and comprehensive progress of the state;
- The economic development based on the principles of market economy, private property, and the protection of the vital infrastructure and resources of the state;
- The protection and promotion of the democratic foundations of the law-governed state - political pluralism, parliamentary democracy, division of powers and democratic and fair elections, the rule of law, consistent respect for human rights and freedoms, including the rights and freedoms that belong to all communities and the continued maintenance and improvement of the overall internal security of the state and society;
- The political-defense integration into NATO, political, economic and security integration into the EU and in other systems of collective security.

In view of the important interests of the Republic of Macedonia, the *National Security and Defense Concept* lists:

- The building and development of all forms of cooperation with neighbors, and in the interest of peace, security and development of the Republic of Macedonia and its neighbors;

[1] The document *National Security and Defense Concept of the Republic of Macedonia* was adopted by the Assembly of RM on 11.06.2003.

- Its own contribution to the preservation and promotion of peace and stability in Southeast Europe (SEE), with a view to reinforcing democracy, security and prosperity of all countries in the region;
- The participation in building peace and stability in the region, Europe, and the world, as well as the prevention and building of instruments for early warning of crises and tensions in order to promptly and efficiently resolve problems in peaceful manner;
- The preservation and advancement of international order based on justice, mutual respect for international law, and political and economic equality of states;
- The provision of conditions and the improvement of the internal political stability and opportunities for equal rights of participation that in itself should contain a generally accepted consensus on the issues of permanent, vital, and important state interest;
- The creation of conditions for promoting the security culture;
- The construction of a fair, social state, with equal opportunities for all citizens, regardless of their gender, racial, religious, political, social, cultural and other background;
- The creation of conditions for building a society with communications and relationships that will develop common values and a culture of life, especially among the young generation, in the spirit of tolerance, fostering democratic values and respect for personal integrity, grounded in the European democratic tradition, regardless of ethnic, religious or other affiliation;
- The preservation and protection of the environment in the country, in collaboration with the general public.

The strategic state interests adopted within the *National Security and Defense Concept* set a very serious and complex task for their realization internally and externally before the state leadership, the Government, the Assembly, the competent security and defense entities and ruling political parties. However, in the past 11 years some of the projected state interests have not been achieved, which is an objective burden to the security situation, and also requires a lot of serious analysis aimed at finding optimal security solution. Specifically, I find the following strategic state interests not to have been achieved:

- Development of all forms of cooperation with the neighbours (neighbouring states) – in this field the most current are the relations with the Hellenic Republic and Republic of Bulgaria. For instance, official Bulgaria notes that Macedonia has not done enough in terms of developing good neighbourly relations and has not adequately shown to appreciate its recognition by the state after its becoming independent from the former SFRY[1]. As for Greece, despite the name issue, in

[1] With the recognition of RM in 1992, Bulgaria "gave a credit of trust to Macedonia and it was an investment in good relations between the two countries, which unfortunately is not reciprocated". However, it highlights also the need - Bulgaria to stop with the paternalistic

official documents of Greece the Republic of Macedonia is accused of alleged territorial claims and irredentist goals[1]. These two states, being EU and NATO members, are now firmly standing in the way and disrupting European and Euro-Atlantic integration of the Republic of Macedonia. It is a fact that in the past period the Republic of Macedonia has failed to find a diplomatic way to resolve the said disputes with Greece and Bulgaria.

- Achievement of a generally accepted consensus internally on permanent, vital and important interests – in the practical-political field there is a serious difference between the ruling parties in the Republic of Macedonia (VMRO DPMNE and DUI), which are most responsible for the implementation of the security policy. Thus, unlike the VMRO DPMNE, DUI considers that it is urgently needed for the Republic of Macedonia to join NATO and be put under its security umbrella; that the security risk for the Republic of Macedonia is increasing with the non-accession in NATO; that now the Republic of Macedonia and Greece are the closest to finding a solution to the name dispute; that in the Republic of Macedonia there must be respect for the fact that the two ethnic communities, through the political parties that have won the majority of the votes in the elections, should make consensual decisions, in order not to have majorization of the majority ethnic community over the minority one (according to the Badinter principle), and, in that sense, also the election of the president of the state should be on the principle of a consensus; that the Republic of Macedonia may also come to a crisis of a possible separation into a pro-western and pro-eastern part (an analogy with the situation in Ukraine[2]). These differences of opinion on important issues related to security, of course, if not harmonized, may be a serious obstacle to achieving an integrated state policy in the security field (inside and outside of the state).
- Establishing a civil society – vis-à-vis the overall declarative commitments to achieve a civil society, there are political parties in the political life of the Republic of Macedonia that cover membership by ethnicity - ethnic parties. Dominant are, of course, those of the Macedonian national block and those of the ethnic Albanian block. Thus, the fundamental principles of civil society are substantially derogated and, practically, conditions for ethnic-political division in the country are created. This division is further projected in state institutions dominated by the principle of political affiliation and not of professionalism and expertise, which negatively affects the quality and efficacy of their work. This ethnic-party division may also adversely affect the performance of the institutions of the security and defense field, with repercussions on the integration in the implementation of security policy.

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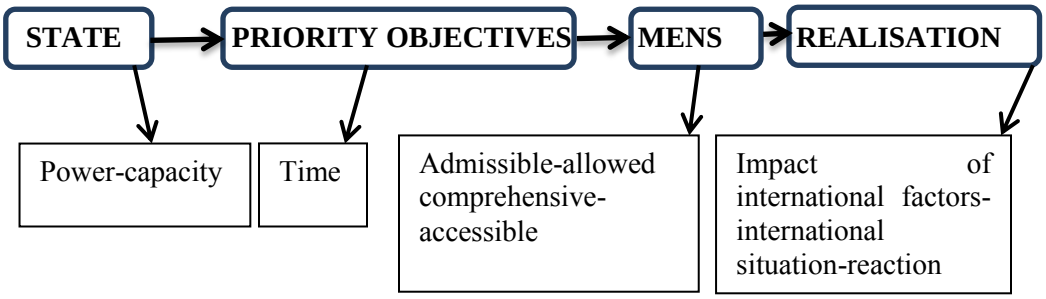
attitude towards the Republic of Macedonia for the purposes of developing good neighbourly relations. "Bulgaria's policy towards the Republic of Macedonia - recommendations for good neighbourly relations," Foundation "Manfred Werner", Sofia, 2008. That the Republic of Macedonia is not doing enough in terms of good neighbourly relations with Bulgaria is also claimed by the MEP from Bulgaria, Slavi Binev, in an interview with the Dnevnik newspaper, Skopje, issue of 18.02.2014, titled "Bitterness towards Macedonia is because of rejected love".

[1] „The FYROM name issue", Ministry of Foreign Affairs of Greece.

[2] These attitudes of DUI are presented through the party speaker, Bujar Osmani, in an interview on the 24 Hours TV – Skopje, on 21.02.2014.

- Achievement of integration into NATO and the EU – the Republic of Macedonia has not yet been admitted to full NATO and EU membership. The main obstacle on that road is the requirement by the EU and NATO for Macedonia to close the name issue with Greece. Meanwhile, NATO admitted Croatia and Albania from the Adriatic Group, where Macedonia also was part of and, in fact, was the leader. Croatia was admitted to the EU, despite the fact that it obtained its candidacy after Macedonia. In most recent times, Montenegro and Serbia are making strides towards European integration, while Macedonia is in a stalemate. It is a fact that Macedonia has started to lag behind in this process, which is, certainly, not in favor of the stability of its security situation.

3. For proper and timely decision-making of strategic importance, decision-makers in the state are required, in a qualitative way, respecting all internal and external political and security issues, to select the priority objectives, to the realization of which they will streamline all of their capacities. Thereby, from a theoretical and practical point of view, it is extremely important that the determination of the objectives be in correlation with the real power of the state and the funds available to them for their realization[1]. At the same time, the time for the realization of the objectives is extremely important, considering the possible internal and external repercussions in case of failure to realize them. In terms of the means for the realization of the objectives, the elements of their legality, admissibility and availability should be previously thoroughly analyzed and identified (at a given time on a given territory). In this sense, the following relationship may be set:



The security objectives may generally aim at maintaining a given political and security situation (status quo) or changing the situation in the direction that is desirable in terms of the national interests of the state. Thereby, it is important to know which factors internationally (in the environment, region or worldwide) the possible realization of the priority objectives will fit to or not and, in that sense, what would their reactions be (political, security, military). In other words, if possible reactions internationally would be of such a nature as to cause a counter

[1] For the definition of the objectives as part of the decision-making at state level, values and national security, see: V.Dimitrijevikj-R.Stojanovikj, *International Relations*, Nolit, Belgrade, 1979, pp.245-254.

attack on the priority security objectives of the state with more serious consequences. This question actually refers to the need for a rational approach to the determination of priority objectives, by respecting all relevant facts internally and externally. That does not mean that in history there have not been many examples of adopting irrational state objectives, which have later led to world wars, millions of victims, major losses of peoples and countries on whose behalf the objectives have been set, and there has not been any violation of international order[1]. The rational approach, in turn, requires and implies very active conduct of strategic decision-makers, taking into consideration all kinds of impulses from foreign policy field, respect for the influential factors and, at the same time, detailed and thorough approach to all aspects of domestic political and security scene that are important for the realization of the objectives internationally (to what extent and in what way they concern the interests of other states). In the modern world, internal and international affairs of states are increasingly correlated, and sometimes in direct interdependence. Therefore, decision-makers at state level need to nurture an analytical approach in the rational approach in the treatment of any internal issue (from an external aspect) and any foreign matter (from an internal aspect).

The notion of power is related to the definition and implementation of state strategic objectives, and in this framework security one as well. Many scholars of international relations and international security consider that power is a central concept in international political relations. According to the realistic theory of Hans Morgenthau, the explanation of the behavior of the subjects of international relations is seen in "the national interest in terms of power", while Organski claims that "every relation has a power aspect, while the study of this aspect is the study of politics"[2]. Members of realistic theories find the national interest to be the underlying motive for action in international relations. Thereby, what is common for all countries is their tendency towards (achieving) power, which the given national interest would be realized with. Power is a degree of capability to make or attract other entities to a behavior desired by the subject of power. In cybernetic sense, we can define power as a degree of probability that the outcome will be such as wished by the subject (of power). Power, by itself, in value terms, is neither good nor bad, good or bad are the purposes which it will be used for.

When it comes to the Republic of Macedonia, regarding the said topic, it may be concluded that the following priority security objectives remain:

A) Realization of full membership in NATO and the EU;
B) Regulation of the neighbourly relations with Greece and Bulgaria;
C) Achievement of long-term stability domestically and in interethnic relations.

[1] For example, the objective of Adolf Hitler and other leaders of Nazi Germany to achieve the "thousand-year Reich" - the rule of German people over all nations, led to the Second World War with the most severe consequences in the history of mankind.

[2] A.F.K.Organski, World Politics, New York, Knopf, 1968, Str.102; H.Morgenthau, Politics Among Nations, New York, Knopf, 1973, taken quotes from the said book of V.Dimitrijevikj and R.Stojanovikj, "International Relations".

The report of the Director of U.S. Intelligence before the U.S. Senate, at the end of January 2014, highlights that the situation in Macedonia and Bosnia and Herzegovina is particularly explosive. Thereby, the following is underlined about the Republic of Macedonia: "The Macedonian government continues to push programs designed to promote ethnic Macedonian nationalism, at the expense of Euro-Atlantic integration of the country. The longer one delays the Macedonian membership in NATO and the EU, because of the dispute with Greece over the country's constitutional name and bilateral relations with Bulgaria, the greater the risk that ethnic tensions will raise."[1]

In the said section of the Report relating to the Republic of Macedonia, U.S. Intelligence entails a causal connection between an internal matter - giving room to "ethnic Macedonian nationalism" rather than developing good interethnic relations with ethnic Albanian community, and one external issue – NATO and EU integration, associated with the development of the bilateral relations with Greece (closing the name dispute) and Bulgaria. Indeed, the prolongation of Macedonia's integration into NATO and the EU and the stagnation in relations with neighbouring Greece and Bulgaria, according to the report, would directly influence the increase in polarization between the Macedonian and Albanian ethnic communities, which would lead the security situation in the country in 2014 to the boundary of explosion. These assessments are based on the analyzed intelligence facts of the services of the U.S. intelligence community and are, of course, a look at the current situation in the Republic of Macedonia from the standpoint of the interests of the United States. However, they deserve attention and to be taken into consideration by the strategic decision-makers in Macedonia, of course, through the intersection with the assessments obtained from other subjects on the international intelligence arena.

On the other hand, the said report of the U.S. intelligence and the security assessment given in respect of the Republic of Macedonia either indicates or revolves around the three priority security objectives as previously highlighted in the text on my part: NATO and EU accession; development of good neighbourly relations with Greece and Bulgaria; and achievement of long-term stability in internal policy and interethnic relations.

The Republic of Macedonia, from a security perspective, has no alternative to the achievement of full EU and NATO membership. There are several realistic reasons for that:

First, the Republic of Macedonia does not have an available military-security capacity so that in the present circumstances it can endure "hard" security, in a possible situation of its borders to become subject to armed aggression.

[1] It is about parts of a report to the Senate in the U.S. submitted by James Klaper, Director of the U.S. Intelligence. This information was taken and published by all daily and broadcast media in the Republic of Macedonia, on 31.01.2014.

Second, the territory of the Republic of Macedonia is located in the so-called Western Balkans, an area under full control of the NATO system, so that this military-political alliance comes as a "natural ally" (allies) of the Republic of Macedonia.

Third, the east, west and south border states of the Republic of Macedonia are already full members of the NATO Alliance. That means that the country needs to develop cooperation with them as deeper as possible, thus contributing to the strengthening of the entire security in the region, and thereby of the state itself.

Fourth, NATO and the EU, because of their own geostrategic objectives which in the long term are focused on central and eastern Asia, tend to close the issue of the Western Balkans as soon as possible, among other things also with the admission to full membership of the Republic of Macedonia as soon as possible. Decision-makers in the Republic of Macedonia should properly respect this fact, demonstrating greater cooperation in the activities regarding the closure of the name issue with Greece and the development of bilateral relations with Bulgaria.

In the past 11 years the Republic of Macedonia has not found a mechanism to "soften" the views of its neighbors Greece and Bulgaria, despite the political support it has been receiving from the EU and NATO structures. Of course, this does not mean that Bulgaria and Greece have not made incorrect moves, on the contrary. However, achieving full membership in the EU and NATO is a strategic priority (security and political) of the Republic of Macedonia and for the Republic of Macedonia. This means that it should accept more creatively the signals of support from NATO and the EU and come up with new initiatives that would lead to the solution of the problem and, at the same time, would not reflect negatively on the identity aspects of the Macedonian state and the Macedonian nation.

I believe it would be unfavourable for the Republic of Macedonia if the situation regarding this issue remains to *status quo* in the future, since then the country would plunge into a passive state, and it is certainly not a desirable situation for any country in conditions of possible urgent solution to the issue under the high pressure of the higher geostrategic objectives for NATO and the EU. Therefore, what should be done in the Republic of Macedonia is: a) to make an in-depth analysis of the so far foreign policy on this issue - about the use of available resources at the international level; b) to find new means and mechanisms in the international field that would contribute to the realization of the set strategic political and security objective, that is, to the reinforcement of the diplomatic performance; c) to demonstrate a more cooperative approach to the signals of support coming from the EU and NATO; and d) to improve and strengthen qualitatively the intelligence component, without the contribution of which it is very difficult for diplomacy to pave the set ways internationally.

Internally, in the future period the Republic of Macedonia has to realize three important tasks in relation to the strategic objectives: first, to provide a full and true collaboration between the holders of political power of the majority – Macedonian community and minority - Albanian community. It is an important prerequisite for the successful realization of the strategic objectives. What is meant here is not only the declarative acceptance of the objectives, but also the agreement about the use of means internationally and the active participation in their

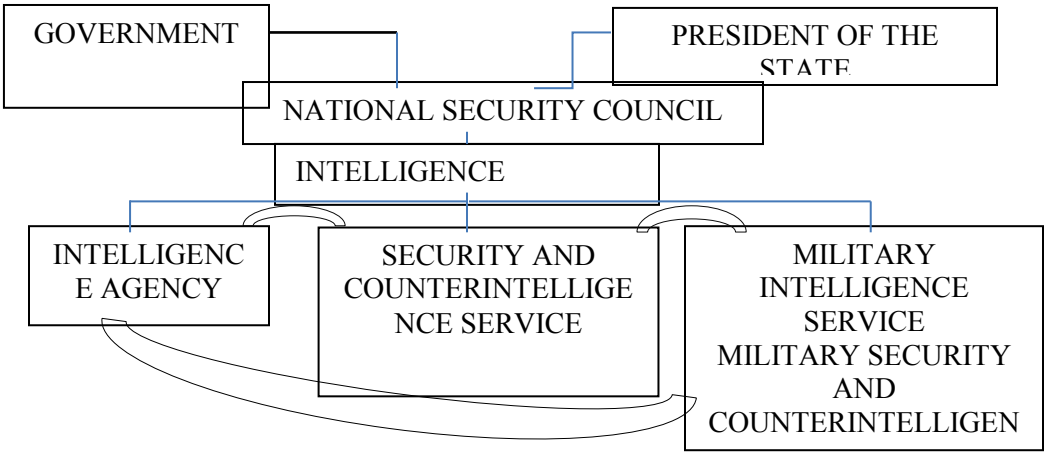
implementation within the set deadlines[1]. Second, the country must achieve a higher level of trust and agreement on this issue among the major political parties of the majority - the Macedonian community, the one in power - VMRO-DPMNE, and the one in opposition - SDSM. It is necessary to achieve the required legitimacy of the decisions that would be made in terms of the strategic security objectives. For the present, there is great distrust and animosity between the two political parties, which, certainly, does not contribute to the creative and beneficial security outcome of the current situation and, objectively, weakens the international position of the state (and) in the name dispute with Greece. Third, the Republic of Macedonia must strengthen its civil society component, since the implementation of the Euro-Atlantic integration, *inter alia*, implies the very existence of a fully democratic civil political parties, which will not be burdened with extreme ethnic issues and goals. The least has been done in this field in the Republic of Macedonia, and for now we are witnesses of the deep political trenches dug between the majority and minority communities, which is a major obstacle to the realization of a true civil society, with the citizen being the basic subject of political decision-making[2]. The realization of the civil concept is of great importance also for the effective operation of the security institutions, where the division along ethnic lines among employees, in sensitive security conditions, could have very negative consequences (for example, when executing tasks and making decisions of strategic character).

4. The realization of the strategic objectives in the security area in the period ahead (until 1920) sets for the Republic of Macedonia two tasks in terms of improving the security and intelligence system, on the one hand, and strengthening and raising to a higher level the work of the intelligence component, on the other hand. In terms of the organization and functioning of the security-intelligence system, it can be concluded that there is a need for its improvement in order to achieve greater effects on the principles of hierarchy, coordination and synchronization of its subjects. Namely, the current structure of the system, with the Crisis Management Centre, the Group for Assessments and the Steering Committee, is acting more on paper than in reality. While the Crisis Management Centre should, under the Law, prepare and submit a single security assessment to the Government of RM, for now it lacks the authority required in order to be a centre in the true sense for the development of this strategic state document, which needs to be updated constantly. The Crisis Management Centre is more engaged in the sphere of protection and rescue along with the Protection and Rescue Directorate. In my opinion, in order to improve the security system of the Republic of Macedonia, it is

[1] In the so far period there have been many situations when the party DUI – participant in the government coalition – has articulated dissatisfaction by the efforts of its government coalition partner VMRO-DPMNE in the steps being taken on the way to full membership of RM in NATO. In that sense, the DUI leader has also had his own foreign policy tour on this issue, without the participation of the Foreign Minister of RM.

[2] In this sense, all researches in RM, *inter alia,* demonstrate that employment in state administration depends on party affiliation of the candidates, and not on their professionalism and educational qualities.

necessary to introduce two new entities, which were hierarchically between the primary holders of the security-intelligence subjects and the state leadership.



The National Security Council would be jointly managed by the President of the state and the President of the Government, and its basic task would be to determine the security and intelligence priorities of the state, to define and update the security assessment of the state, to adopt the programs of work of the entities in the system and the programs for material-financial support with appropriate proposals to the Government, to determine the working reports of the entities in the system, to perform professional oversight and control over the work of the entities in the system and through the Intelligence Committee to currently direct, coordinate and synchronize the operation of all stakeholders in the system. The directors in the entities of the system would be appointed and discharged with the signatures of the President of the state and the Prime Minister[1]. In this way, the system would be marked with much greater consistency, the cooperation between the entities would be raised to a higher level and its efficacy would be increased, ultimately.

Enhancing the intelligence component is necessary in terms of the need for much faster and more qualitative decision-making at the state level and the implementation of national actions internationally[2]. Decision-makers at national level must be duly serviced with quality intelligence and assessments, which will contribute to the successful achievement of specific political and security projects internationally. The qualitative and timely intelligence base and support is a necessary condition for the adjustment to the newly arisen situation internationally and finding optimal solutions in terms of state interests. Qualitative intelligence

[1] Some of these solutions have been implemented in the Republic of Croatia, with the Law adopted in 2006.

[2] In connection with intelligence and national action, this issue is elaborated in more detail in particular in view of defense in the book by Michael Herman, "Power of Intelligence in Peace and War", Academic Press, 2009, Skopje, pp.161-180.

should lead to "reading the mind of the enemy" and always staying in an active state with the possibility of making moves in favour of state interests. Without timely and qualitative intelligence and assessments there is a danger for decision-makers at state level to make forced moves internationally, which are dictated by the opponent, that is, the other side. This is especially important in "dense" situations on the international scene, when the situation requires making moves within certain deadlines, and, I believe, that the Republic of Macedonia is approaching such a period, which is also indicated by the signals received by the EU and NATO so far.

I believe intelligence entities of the Republic of Macedonia, civilian and military, *inter alia,* require:

- Reinforcement of the use of human sources (HUMINT), in quantity, quality and methods, at all intelligence points and routes in the neighbourhood, region and global centers that are essential for decision-making in relation to the Republic of Macedonia;
- Reinforcement of technical intelligence in all intelligence directions;
- Quality reinforcement of the cooperation with the MFA (Ministry of Foreign Affairs), for coordination and synchronization of the activities at international level;
- Establishment of qualitative analytical sectors specialized in all current issues of strategic nature for the Republic of Macedonia;
- Continuation and qualitative enhancement of the cooperation with the intelligence entities of the neighbouring countries, the countries in the region and the world, based on mutual state interests; and
- Increase in the budgets of the subjects in intelligence, because the indicators for the past 10 years demonstrate that they are far from the level of requirements (it is necessary to invest in staff, technical equipment and ongoing servicing of operations).

In my opinion, this matter in the Republic of Macedonia should be regulated by a National Security Act, which would govern the security-intelligence field as a whole and the position and scope of each entity in the system separately and in their mutual correlation, based on the principles of hierarchy, coordination, operationality and synchronization.

GLOBALIZATION AND (OR) INTERNATIONAL POLICY

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Abstract

There is no doubt that the rapid growth of globalization (which is considered to have started from the middle of the twentieth century), has caused social changes in all key areas of public life, as well as at the individual level, in all societies of the world today. However, differences in the views among scientists, politicians and analysts are diametrically opposed depending on their philosophical view of the world. According to some, globalization creates new values of the so called new world order, or postmodern global capitalism and the associated cultural changes. According to others, contemporary globalization has created only an increased number of objects, supra-national bodies, non-territorial connections, apparent change in understanding, perception of reality and "modernization of modernity", while in fact, it has not even touched the essence of the basic social framework of the capitalist mode of production and distribution of income, bureaucratic management, individual and collective identity, ontology, epistemology and methodology of science. However, one thing is evident. The concept of globalization is too flexibly taken. Various actors on the political scene have interpreted the concept of globalization in the manner as they see it, actually taking the focus of attention from their own failures. Many NGOs have set their social activism under the banner of anti-globalism, although many of them are with different ideological and often contradictory understandings of the purpose in their joint fight.

Hence, there is the need to contribute to a clearer and more precise definition, which is more than necessary for scientific communication and debate. The main definition should refer to what globalization actually represents? What kind of process is it? Is globalization predominantly driven by the objective factors of the rapid technological development of the "third wave" of scientific society? Or, is it a subjective political element with diversion of objective factors through conscious action in the international politics? Are these factors the primary drivers of the globalization process, in order to dominate the global capital of the economic, military, and consequently the political level on the global stage? Are there winners and losers, or all at the same time are both winners and losers of the process which has an objective way? What can small countries do in the process of contemporary globalization in terms of security at economic, political and cultural level? To all these and many other questions that inevitably arise from the given subject topic, attempts in an original scientific paper will be made in order to give some of the possible answers to the questions.

INTRODUCTION

In the contemporary world we live in, there is no commoner and more controversial process of what is called globalization today. Namely, the contradictories are more immanent to the phenomena and processes. The more complex they are - the more contradictory in their core they are. In fact, the unity of the contradictories is one of the dialect laws of our existence. However, its actual state of the most contradictory and underestimated process sources from the intensity of the tendencies which literally affect our life with the rapid development of the informatics and the technology until the subtle unification of the political, economic, and financial systems, legislatures etc. which has a reflection on weak parts of the society and the underdeveloped countries in transition which usually get “the smaller end” paying the taxes of the underdevelopment and the ignorance of the global movements which come out of the disorientation and the lack of strategy in the new conditions. For the underdeveloped states, the answers to these questions have extraordinary and primary importance, because the perception of the essence of the problems, through tendencies of the for long-term geo-strategic interests of the developed countries, mean a life step forward in the projection of the real strategy and tactics for overcoming of the general crisis in which we are.

This phenomenon observed from a historical or civilization perspective is not new. Namely, the scientists have discovered that all the technical progress cannot stay within national borders available only for a small handful of the richest individuals. Except in the beginning phase of the exclusive exploitation of the invention, but then as a regulation the products become available for mass utilization. In fact, this is the economical logic of mass (serial) production.

From the aspect of the idea of globalization comprehended as a world’s organization which will be managed from one centre, it appeared many centuries ago in the visions of three theological concepts: Judaism, Christianity, and Islam. In the aforementioned context, the Canadian professor Richard Falk believes that contemporary globalization is only a secularized form of "Unam Sanctam" promoted by the Pope Inoktentij X, in which the spiritual authority of the Roman Catholic Church should be established over the national territories of the then states, as trans-national companies seeking territories of today's states, to submit to the non territorial economic goals.

However, the idea which was possibly well known before would be incorrect if we try to identify it with the present process of globalization which has a strong intensity especially with the fall of the Berlin wall and the deterioration of the Eastern Block. These events coincided with the

“informatics bum” and the enormous productivity of the work, which the real socialistic countries could not follow (except China). Therefore it is almost impossible to qualify this process as a historical episode. The signs of similarity with the historical ideas are just imaginative comparison, because in reality, the present globalizes starts from different ideas and political methods, creating changes in several key areas such as: production, management, knowledge, identity and culture, security and democracy. These areas will be properly analyzed in the work below.

Thereby, we are confronted with the question - what kind of process is globalization? Is it only an objective process, which should be equalized with the natural process of the unstopping technical and technologic development or is it a deed of the aware construction, through perfidy infiltration of the general concept of systemic corrupt foreign policy, which is implemented by the governments and the global institutions of the most powerful countries in the world. (Labovic, 2011) This concept is perfidiously packaged in neoliberal ideological "wafers" of subjective dimension of the process of globalization.

The answers of these several questions will be as simple as it is possible, but in no way they can be one-sided. Namely, to say that the process of globalization is only an objective process is as wrong as to answer that it is a deed of a conspirator agreement of the various connected secret and half-secret organizations under the cover of “the invisible world government” and the “Committee - 300” in order to create a NEW WORLD ORDER” with dark plans and goals. First, it is far from the logic of the existence of the world that a group, even if it is Committee - 300, should have complete dominion over the world. The effect of the powerful lobby groups of the mega capital is undisputed and it is more or less present in the political governments around the world. In the USA it is even institutionally channeled, although we cannot forget the secret channels of infiltration of “their own” people in the most significant institutions in the government, not only in the most developed countries, but also in the organizational network in the global multilateral institutions and global non-governmental organizations, in order to accomplish the long term interest of the global capital. However, to believe that this effect is accomplished with complete obedience implies to a complete negation of the objective tendencies in the leading of politics, as well as to admit the contradictorily of the realistic gap between normatively declared post statement of an ideology and what is happening in the objective reality. This kind of opinion goes even further from the dialect understanding of Hegel who, despite his opinion that individuals are marionettes in the large play of the common history, and the author of the historical play is an “absolute idea”, however he sees the historical process as a rational and full of awareness process. Secondly, we

cannot refer to people as simple personifications of the economic laws nor can we refer to history as a scientific process.

Namely, globalization as a controversial and complex multi-process has to be distinguished in its objective and subjective dimension. Objective dimension of the globalization is more than certainly unstoppable and inevitable and as such it is an objective process, from the aspect of its unbreakable (symbiotic) connection with the technological progress of the society. For this question each dilemma is apparent and it has to be declared as not scientific. However, we cannot separate the objective dimension of globalization from the subjective dimension of the process seen in the ideologically-political platform of the actual dominant dogmatization of the neo-liberal social Darwinism which is implemented through the hierarchical structure of a wide range of institutions of the politically managed part of globalization. In the following chapters we will focus on reviewing the most important areas which are under the influence of globalization, on the theories for explaining the meaning of the term globalization and the theories for the driving forces of globalization.

GLOBALIZATION AND PRODUCTION

Certain authors associate globalization with a complete change in the way of production. Others just talk about continuity in development without systemic transformation of the basic tenets of the capitalist mode of production. There is no doubt that the rapid development of trans-planetary and non territorial ties is due largely to the development of the capitalist mode of production. In fact, capitalism is such a social relationship where the overall economic activity is primarily focused on creating an excess accumulation of capital or profits. Given that competition is the main principle on which capitalism is based, all participants in the process need to generate a surplus capital accumulation. It creates various disputes and conflicts within the social structure of capitalism, which can be from visible to latent. Latent, for example are the cases where the poor countries of the South are not aware that most of their small surplus is transferred to capital accounts of the rich countries of the North because of the obligation to repay their debts. Through the history it is proved that capitalism tends to create exploitation and inequalities that in certain stages of societies are corrected with different not liberal measures.

It is believed that capitalism accelerated globalization of four basic ways that are interrelated and arise from one another; Firstly, it was by the need to expand the markets for the production. This tendency was anticipated by Marx and Engels 150 years ago. Today with the third wave of scientific society where productive forces are enormously increased, capitalists have a

greater need of conquering the global market due to the volume of sales or the so-called economies of scale. This tendency, among other things, is caused by the parallel development of the capitalist state as a welfare state, in which workers' rights were increased as well as the living standards of workers and generally, social protection of the population in the economically developed countries of the world became stronger. For these purposes, capitalism spurred rapid technological development, especially in telecommunications, transports, and computer technology for data processing. Also, capitalism spurred and supported the development of global organizations and management. Secondly, capitalism accelerated globalization in terms of contemporary accounting practice, which provides strategic cunning moves of transfer pricing and the concentration of profits in subsidiaries of companies or their company-sisters in foreign countries, mostly off-shore (or on-shore, such as Luxembourg or Liechtenstein). These are countries where you have low tax rates, lack of tax control and the origin of the capital, as well as noncooperation with other international tax institutions. Thirdly, this tendency is caused by the development of the capitalist country as a country financially secure and Kane's social state, better working and living conditions for the workers and generally bettered social protection for the population of these economically developed countries in the world. In the middle of the 20th century capitalism procured social peace and prosperity and defended itself from a wider inter – class collision in the time when socialism had the tendency to grow worldwide. However, the consequences from their politics were the trend of decline of the profit; therefore the tendency of the modern globalization is to provide trans-planetary and border free mobility of the capital. The capital could achieve its full potential and interests when it has the opportunity to relocate its production capacities where the production costs and the raw material are cheapest. Fourth is the enlargement of the purview and comfort of the services and goods. In this way the West has prompted globalization to unseen proportions, resolving the mobility of the global capital in the trans-planetary spaces and creating new opportunities for accumulation of the surplus capital.

Therefore, the different opinions that globalization created conditions for the "late capitalism" as a prior to the "post capitalist society" (Jameson, 1991; Drucker, 1993) is far from the truth, if you consider the undisputable empirical facts of the concentration of capital in very few of the global companies in the West. Namely, three out of ten global companies achieves 60 – 87 % of the profit globally in different spheres of service and production (Harvey, 1995; HDR, 1999; ISMA, 1995; FT, 1999). With this it was proven that through globalization the capitalism not only changed but it also straightened its position in continuity as a worldwide process. That is

why it is impossible to talk about "late capitalism" or "post-capitalistic society". There are many more valid arguments to be made about hyper-capitalism.

Therefore, I consider Jan Art Scholte's (Jan Art Scholte, 2008) view contradictory; in one paragraph he says "through capitalism we understand all the reasons for globalization", and in another paragraph he claims that "capitalism by itself is not the cause for the modern globalization". Sholte continues with "however, the capitalism was provisioned by the regulations and identity structures which contributed for the appearance of the surplus in the trans-planetary spaces. As an afterthought, the capitalist way of production at the same time depended on the rational knowledge which creates secular, anthropocentric attitude on which the capitalism is based. The eclectic synthesis of Jan Art Sholte will be discussed in detail in the part of the theories for the reasons for the globalization. My only argument here is with a counter question "Who brought the regulations and, which the structures of the identity that used the rational and structured knowledge of the science in the modern world are? The author's answer is that it was doubtlessly the largest capitalists through the most powerful countries in the world, who created them and completely instrumentalized the global organizations in the function of the long term geo-political, geo-economical and geo-strategic interests of the global capital.

GLOBALIZATION AND MANAGEMENT

The discourse of the globalization will not be complete without the review of the coherent ratio of globalization management. Despite the changes in production, the modern globalization causes provoked many changes in the globalization management as well. Many authors think that in this modern phase of globalization, the state has lost the prerogatives of the state sovereignty (Camilleri / Falk, 1992; Wriston, 1992; Sassen, 1997). Further, many of the authors are tempted to think that the concept of a nation-state is disappearing (Cable, 1995; Schmidt, 1995; Strange, 1996), or others who think that the globalization brought "obsolescence to the term nation-state" and "extinction of the nation-states" (Dunn, 1995; Bauman, 1998; Hudson, 1999; Bamueh, 2000). Namely, the changes that occurred in the capitalists' way of production, among other things the rapid technologic and technical development in all spheres of production inevitably brought the changes in the management. The territorial sovereignty of the Westphalian type of state was present more or less in the first half of the 20th century, it can no longer suffice for the new trans-planetary and borderless communications in the spheres, especially in the " most globalized economy and finance" (Kapstein,1994; Pauly, 1997; Helleiner, 1999). The absolute

territorial sovereignty of the state government as an imminent characteristic of the statism suffered changes; therefore, today it is most spoken of limited sovereignty, divided sovereignty, transferred sovereignty of the state to the supranational bodies (macro-regional and globalized institutions), and the sub-state bodies (national and regional), as well as the non-government organizations from the private and citizen sector. It is obvious that today the authority is multi-layered and dispersed on different levels on a horizontal line, and on the vertical line of the hierarchy. And today, instead of speaking of statism we speak of polycentrism (Jan Art Sholte, 2008: 235). Simply said, the volume of the computerized transfer of data, TV and radio broadcasts, remote satellite probes, electronic financial transactions, mobile phone calls, etc. cannot be completely controlled in one state, not even if there is an absolutism of the government. All these new conditions of the modern globalization contributed to statism even in one of the most powerful countries in the world to be inappropriate for the future development of globalization.

Considering the above mentioned facts, according to the arguments of the following authors (Jan Art Scholte 2008: 53) the states are no longer the leading places of management. The same author (Jan Art Scholte 2008:234) in contradiction of his first paragraph, rightly presents that the "state governments are still important and essential in the management of globalization. The end of statism certainly does signify the end of the state. In the text bellow, the author again represents contradictory opinions "Management appears in (and through mutual connections among) the regional, national, micro-regional and global level. No level is above the others as it was the case in the domination of the state in relation of the supra-state and sub-state institutions in territorial circumstances. Instead, the management is dispersed and has ability to originate from more than one source at the same time, and not to be clear which one of these sources is the crucial. With these diametrical opinions Jan Art Scholte presents his opinion as confusing and unclear. In the context of the previous opinions of Sholte there is another group of authors who think that the sovereign rule of the statism is not ended, only takes a different form in the post statism conditions. Namely, the attitude of the author is that, if the transferred sovereignty, the divided sovereign, limited sovereign make sense to the weaker countries, it will not be in accord with the modern empirical reality, if we are speaking about the most powerful countries in the world. It is quite clear that the USA remained the super power in the world through the usage of the global norms and institutions, the global finances and the global military operations that the US Government imposed using almost all of the global institutions. In addition to this claim I will list few of the many empirical examples: "the most powerful countries of the world used even

military force to use the global institutions (as it is the case of Iraq, even without the permission of the approval of the Security Council of the OON) to secure the interests of the global companies, as well as to implement the programs for institutional reforms and in that case the road to a complete globalization will be open. There is no doubt of the part the US Government played in the establishment of OON, Breton Woods institutions, OECD, GATT, WTO etc. The important thing here is that the US Government also contributed to the establishment of the macro regional institutions in Europe, North and South America. In case, these countries are not convinced by diplomatic, political and economical means; the US Government has used military action to punish these countries and their leaders in order to enforce their direction of globalization, with the military power (Mosler / Katley, 2000). Although the author agrees with this attitude, he insists on the possible conclusion not to be derived in the context of this thesis which goes with position of political realism, because the author of the paper considers that states are crucial, however they are not the only ones and the most crucial on the global scene. More detailed arguments about this thesis can be found in the part for critical review of the eclectic synthesis of the theories for the reasons of globalization.

GLOBALIZATION, IDENTITY AND CULTURE

In the scientific literature there are some controversial opinions about the mutual relationship of the globalization towards the identity and culture, and vice versa. Some consider that globalization leads towards one mutual world culture, whose basic value contours are characterized with consumer societies, mass media, westernizing or to be more precise, Americanizing also the English language as the worlds official language. Depending on different people and opinions, globalization is either a universal progress or cultural imperialism. The first group is glorifying the undoubtedly positive opportunities for trans-planetary and non border communications that the globalization is offering and considers that in this way the people will not only be able to continue to nurture their specific cultural differences, but at the same time it is producing a healthy competition between the nations. The second group considers that the globalization contributed that the differences between the nations and cultures become minimal. From here on, we can talk of creating different cultural identities called hybrids. According to a third group of people, followers of Samuel Huntington consider that the modern globalization is characterized with the clash of the civilizations: Christian, Hindu, Confucius, Orthodox, Jewish (Huntington, 1996). The author of the paper considers that in conditions of modern globalization it is not about clash of civilizations, simply because the western civilization has deep roots

in all the other civilizations. The author is distinguishing between civilization and culture. The term civilization is much broader than the term culture and in itself it contains the different influences and values caused by spheres outside the meaning of the term culture. (Such as philosophical concepts, political ideologies, etc.) If we consider the broader meaning of the term culture than we would realize that the terms civilization and culture are the only synonyms. Values as are consuming societies, where the success of the person is measured by the material possessions, power and influence and are not based on knowledge or wisdom, but on possessing certain skills and characteristics for human use, as means to achieve their goals and use you to further their interests are completely accepted and approved in today's modern society of globalization. Luckily the objective dimension of the globalization also created opportunities to meet other cultures, know their values and moral norms and philosophical teachings. Although they are a lot less present than the westernized culture it's far from true that they are completely abolished. For these reasons, I predict that the further development of the globalization will bring a bigger need for practicing the alternative cultural values, versus the western civilization which is considered the most appropriate, permanently and perfidiously stimulating the human lowest passions and wishes. In this sense, the development of the globalization brought to the dying of the protestant work ethic which was one of the main reasons for the development of the capitalism and represented the "murderous" application of the west to conquer the world, is now slowly dying. All this is happening because of the psychoanalytical theory and the pornographic industry, not only from the aspect of its hard core but also from its softest and most sophisticated artworks. Hence, the question we need to ask it's not if there is clash of civilizations but the cultural differences, the cultural subtle conflicts and gaps, and if the others (for example, over 70 million Chinese have accepted the Protestant religion) maybe didn't find whatever the west lost. Is the protestant work ethic trough Confucius teaching creating a new hybrid, with Western Protestant ethic, so it will be a new "murderous" application of future development of globalization?

Territorialism as the imminent characteristic of the previously dominating way of management- statism with it brought nationalism, as a collective identity. Instead of fixating on the nationalism which ruled until the first half of the 20th century in the modern global world the tendency for identity development is moving towards more hybrid and plural identity (Jan Art Sholte, 2008). Namely, as the end of statism didn't mean the end of the state, the end of nationalism wouldn't necessarily mean the end of nationality, as a mark of the individual and collective identity. Some authors make distinctions between the state and the nation, and for others those are

only synonyms. Sometimes the nations can have non state forms. As an example there are the nations in Quebec and Luo, while the sub state nationalities are considered the Curds and the Buskins. It's been considered that with the rapid development of the globalization many national projects today do not have the tendency for independent state (Jan Art Sholte, 2008). The discussions today are more about micro nations (Flemish and Valencian in Belgium), regional nations (pan-European, pan-Asian, pan-African etc.), and global nations (Chinese, Indian, Armenian, Jewish, Palestinian, Lebanese). However, from the globalization aspect there is a special interest for non-territorial identities. Certain features of the identity, such as body handicap, age, sex, religion, race, sexual orientation, profession, caste, even the human kind in general, are not connected to territorialism in the sense of nation-state, although it is not ruled out that the nationalism to pass trough as a complexly interwoven dimension with the rest of the identity features. The intense globalization is one of the main reasons for the increased tendency of the multiple hybrid identity, for example: the feeling of multinational identity, or multi sexual orientation etc. however, hybrids are not a new appearance. It existed before the modern globalization, with the difference that the enormous intensified trans-planetary and non border communications are connecting the people from all parts of the world more efficiently. At the end of this chapter I am willing to conclude that despite the serious development of hybrid non-territorial identities, the nationality is still a feature of the collective identities around the world.

GLOBALIZATION AND SCIENCE

In the modern scientific discourse of the globalization it is imminent to as the questions if the globalization caused completely new ontological concepts of the reality, new epistemological concepts of knowledge or new methodological ways of researching and constructing of the knowledge.

Ontology as part of the philosophy deals with the questions about God (does it exists or not), the sense of life, society, the time and space. Certain authors think that the globalization caused some changes in the ontology, for example the way the people understand the time and space (Robertson, 1992). In that direction most of the authors in the context of the globalization has redefined the social geography in the post-territorial terms. Namely, the virtual reality created trough the electronically mass media and the sophisticated computer technologies, contributed to the fact to the people to accept them as realistic, although they do not belong to the conventional understanding of the geographical reality. All this contributed a large piece of the population at the beginning of the 21st century to mix the terms of space and geography with the term territory (Jan Art Sholte, 2008). With the

speed and volume of the information transfer, transport etc, the globalization contributed to general rush, increased dynamics in everyday living to unseen proportions. The exaggerated global time has a high price on the quality of living, therefore the data, the information and the communications are becoming more important than knowledge and wisdom (Sohail Inayatullah / Ivana Milojevic, 1999).

When it comes to epistemology, the rapid growth of the global communications contributed to appearance of irrational epistemologies, as are the religious revivals, egocentrism and post modernism. However, from the extensive analysis it can be concluded that the rational epistemology is mainly unthreatened and still the leading direction of thinking especially in science. The reflexive rationalism represents corrective of the permanent dominant rational epistemology than its opponent option. Although the reflexive rationalism is based on the basic rational postulates, as are secularism, anthropocentrism, scientism and instrumentalism, however its representatives can see the limits of the rational thinking in the context of the correlations on one side, between the rapid development of the techno-technology and on the other side, the threats and risks of ecological jeopardy of the earth, endangering the human kind, endangering the flora and fauna etc. in this context the reflexive rationalists are less skeptical towards alternative knowledge and are more subjected for experimentation of the irrational epistemologies, for example, the alternative medicine.

The reflective rationalism has many similarities with post modernism. The reflective rationalists sometimes prefer sensibility above knowledge, not always reliable and clear, very much the same as the postmodernists, although it's not always very clear. Same as the postmodernists they see the limits of the human mind which driving forces are their ego and vanity, and from here the consequences can be dire. However, between the postmodernists and the reflective rationalists there are significant differences. The postmodernists see rationalism as a hopeless option, on the other hand the reflective rationalists believe that even with all the deficiencies the reflective epistemology is still the best concept of knowledge, which should be seriously corrected or in the words of Andre Gorz "we need to rationalize the rationality" (Andre Gorz, 1988).

When it comes to methodology, some authors are grading the globalization as the main reason for the abandoning of the disciplinary divisions and the other affirmed academic conventions (Breton/Lambert, 2003; Scholte, 2004). Methodology is a scientific discipline which is studying the ways the knowledge was built, in other words the ways the questions are asked, as well as the principles and actions of research when those questions are answered. It has been considered that the globalization had no influences on the basic methodological problems social research. In

this context it is said that the trans-planetary and non border connections did not change the idealists to become materialists and vice versa. However, the changes that were caused by the globalization, in its objective dimension in the techno-technological development, did not go through unnoticed in the methodology plan. Namely, tendencies for interdisciplinary, multidisciplinary and pos disciplinary researches appeared. However, the larger portion of the scientific conferences stayed within the disciplinary domain. Most of the investment projects were trough disciplinary channels. In other words, although the opposite tendencies appeared it did not change the basic conventional scientific discipline.

However, other methodological changes are detected, in the teaching and study sense. These forms had more influence on the form then the basis and the content, but taking care that there is no basis without form, and vice versa, these changes are neither accidental nor naïve. The new technologies created opportunities for long distance systems of teaching, where already taped lectures, or lectures in front of the students, the students have the opportunity to see them in audio-visual effect, even with an inter-active approach with the lecturer although there is a great distance dividing them. The informative technology also enabled us to use electronic books and textbooks mainly from the US, Great Britain and their allies, printed by globally present companies in millions of copies. In this way the global English professors from the Universities in US and Western Europe became global professors who teach students around the world. This characteristic of the global teaching and learning doesn't necessarily mean that it's negative, if the professors and authors from a non English speaking countries, or economically underdeveloped countries have the same opportunities as the English speaking counterparts and their works will have the same attention as the English speaking professor or author (and the quality of their books and papers is considered not the country they are coming from), and the equal opportunity to print their books and get the same marketing attention as the English speaking authors.

GLOBALIZATION AND DEMOCRACY

The globalization imposed many questions about the democracy. Many authors especially from the neoliberal provenance are saying that the globalization elevated democracy to yet unseen heights (Huntington, 1991; Diamond / Plattner, 1996). It's a fact that after the cold war the liberal democracy spread all around the world. Many countries from Latin America and Asia changed their military regimes with a liberally-civilian context and democracy. The Berlin wall was demolished, and "all" the obstacles were removed for introducing a new political multi-party system, free democratic

elections and promotion of the human rights and freedom as well as the concepts for "good management". The countries in Central and South-Eastern Europe made their first step on the thorny road to democracy. From the objective side of the globalization dimension, the apologists stressed that the huge amount and speed of the information flow in the new era, is significantly increasing the opportunities for the people to actively participate in the democratic elections, by expressing their opinion of the management structures. In this sense, today's electronic democracy which is used in domestic elections has a tendency to change the rational public debates with irrational momentary decisions of an individual, preoccupied with prejudices, stereotypes, frustrations and inhibitions.

Further analysis by the ideologically- political provenance have a different opinion of the globalized democratic processes and the wave of democracy that took over the world, especially after the dissolution of SSSR and the Warsaw agreement. Certain authors think that the globalization is an antithesis of democracy (Gill., 1996; Robinson,).1996; Klein, 200o; Hertz, 2001. Others as Gills and Robertson described democracy as poli-archaic, in which the class elected democratic elites rule and "the globalization as the new world order with a low intensity of democracy" (Gills and others, 1996; Robinson 1996). Regarding the decadently critical authors the formal liberal democracy with the right to vote on the ballots, it is nothing more than a farce, and more to the point, behind it a lot of social injustices are hidden. The key questions we should ask and which the apologists of the globalization and formal democracy do not have a valid answer are the following: is it real the citizens right to vote, or is it already imposed by the "brainwash" by the mass media? Or more importantly: Do we have a real choice if our freedom to know what we want is already shortened by choosing the lesser of two evils, distinguished just by few shades? What do we really get even from the acclaimed elections and referendums that we won, if the real questions that are important to the citizens are not voiced, only because the political parties that are asking these questions, and some of them are giving credible and correct answers to these question cannot get publicity in today's globalized and completely commercialized mass media? The deeply controversial being of democracy it is one of the biggest paradoxes of today's society. Throughout the political history, largely the democracy was a farce, because in its basic meaning "the rule of the majority of votes" from numerous anthropological, psychological, socially-political and even gnoseological and epistemological reasons it can't be taken in its' base value. Democracy was just a "good bate" for "throwing dust in people's eyes" so they have the feeling of contributing in making the important public decisions. It is true that the globalization with the rapid development in the informative technology created conditions in technical

aspect, but for the formal democracy to become essential, however, it didn't happen not only because of the deeper contradictions of the social structures of capitalism but on the contrary the globalization contributed to the weakening of the liberal democracy.

THEORIES TO EXPLAIN THE MEANING OF GLOBALIZATION

- **Internationalization**. The globalization can be also explained as internationalization. According to this the globalization in fact means intensified and enlarged inter-state exchange and inter-state dependence. This position puts in prospective the international relations, and therefore according to some authors the globalization and internationalization are just synonyms. The tendencies to qualify the globalization are directed towards measurement of indicators of the inter-border relations, transactions and differently based processes.

  According to Jan Art Scholte (Jan Art Scholte, 2008) the equation of the globalization and internationalization are attractive because it required less intellectual effort and political adjustments, because the global relations could be explored on the same etymological and methodological base as well as the international relations. The analysis of the globalization as internationalization are showing that the rates of the international commerce, direct foreign investments, migrations and etc were as large as or larger a hundred years ago. Jan Art Scholte (Jan Art Scholte, 2008) thinks that the globalization is nothing else but internationalization, then why do we have a need of a new term. Scholte continues that the idea of the globalization as an internationalization can be politically inappropriate. He claims that these opinions are ignoring and marginalizing the facts that the world state relations can be organized not only by their governments and institutions but also from the other models of organizations that are present in the modern global world.

  Scholte agrees with the fact the state structures in the modern global relations are more and more involving different kinds of organizational structures of a non-government character. However, it is most important to point out the main global players on today's global scene. Although the argument on this theme will follow in the next chapter I would like to point out the following: 1) on the aspect of the formal organizational structure there is a difference between the globalization and internationalization, and it is quite obvious that apart from the state institutions there are other institutions outside the state and participate in the global relations. Therefore, the term

globalization it is not identical to the term internationalization. 2) from the aspect of an extra-institutional approach, which means a deeper knowledge of the socio politicological understanding of the phenomena, processes and relations in the modern globalization, and it is possible to see that the whole non-government organizational structure is in fact supported, made and triggered by the most powerful states of the world., in order to create an illusion of polycentrism, while in most part the most important processes and relations in the contemporary globalization are managed by one center of power. It is evident from all the processes and events that are happening on the global scene can only be "directed" from one center of power, and can be so well coordinated all the "poly-central", dispersed government or non-government organizations (of course, only those that have influence on the global scene). In the spirit of formal democracy, anti-global, contra-global and alter-global organizations are "free" to act, as a necessary step of the democratic façade, and have previously limited "range" (see scheme no.1 at the end of the paper). All this is in the context of the general concept of the systemic corrupted foreign politics, led by the most powerful countries in the world, in order to achieve long term geo-economical and geo-strategic interests of the biggest global capital in the world (Labovic, 2011). Therefore, to deny the concept of the state and its prerogatives in the contemporary global relations, in a slightest hand is an attempt to mask the truth. In the contemporary world relations, the truth is that from the trans-planetary and trans-territorial relations of the modern globalization, the most part of benefit goes to the global capital of the most powerful states in the world and their allies. Hence, the globalization as a term can be accepted, but above all from the aspect of the formal normative-institutional structure of the global society. Nevertheless, we should consider that the term globalization if it is not carefully considered can represent a "cover" for the main promoters of the globalization, which are doing their hardest to create conditions for trans- planetary and trans- territorial connections in all fields with aim to opening the borders to the one and only global market of the world.

- **Liberalization**. As one of the redundant definitions of the globalization is considered her connection with liberalization. Those who support this view of the globalization in context of neo-liberal macro-economic strategy, whose pillars are: liberalization, deregulation, privatization and fixed monetary and fiscal politics. According to the conspirators of this strategy it is considered that in time we will achieve peace, prosperity, freedom and democracy for

all. Some authors think that the neo-liberal wave, although plays a key part, it is not necessary for the modern globalization. If we paralleled globalization with liberalization, it can give an impression that the neo-liberal option is the only political strategy that can shape the globalization. In addition is the argument that most of the anti-global concepts, are denying the neo-liberally based globalization then the globalization per se. however, some of the relational anti-global approaches are denying the globalization completely, opting for de-globalization, with independent regional, state and local economies, cultures and identities. Taking in consideration the alternative concepts of the neo-liberal globalization (alter-global) and some transformative concepts (contra-global) it seems a clever opinion at least in political and normative-perspective sense of the globalization, as a term not to be paralleled with the liberalization. Seen from the aspect of the realistic social empire, it can be said that today the globalization equals the liberalization.

According to Natalija Nikolovska, there is proof that with the appearance of globalization the process of rapid development of crisis of the profit rate of capital. Namely, with the opening of this process, the national market, which was capable of accumulating capital, today cannot provide that, even in the most developed countries such as USA, the members of EU and Japan. Thus, the stop of the tendency of the lowering of the profited rate of the home markets can only be done the “destruction “ of the borders of the national economies and the enlarging of the capital -relation in the unique world space, in order to keep the trend of growth of the of the profit rate. (Nikolovska, 2000) With the contrast to 19th century when imperialism was manifested through acquisition of colonies, the present imperialistic capitalism was exterritorial, and the government on the “independent “economies is realized through global slogan of “development” privatization, liberalization, deregulation and restrictive monetary politics. OECD Project - Multilateral Agreement on Investment (MAI), a declarative order to promote investment policy, and in fact, it is "pushed" the abolition of national legislation in the field of investment, which means deregulation. In that way tends to equalize national and transnational investment. Project prohibits giving preference to domestic legal and physical entities in privatization. ("Le Monde Diplomatique, February 1998, p. 22). Under the leading mind of the world’s working poly-technocrats, the domestic politicians try to convince the public in the rightness of this politics.

Also, through the sophisticated methods of the given economical politics the monetary sphere remains primer, instead production in order to stop inflation as a unique way of protection of money and the existing way of production, which provides the exploitation of foreign national treasures and continual cheapness of the foreign work force. In this kind of conditions claims Nikolovska, the stability of the prices and the value of the money become basic strategic goals which are incorporated by the growth of the unemployment and poverty, and from the countries in transition huge capital is deducted, so they as it was mentioned on the symposium in Thessalonica, today they are from 30% to 50 % poorer than they were at the beginning of the process of transition (1989)… The widening of the cultural model of the neo-liberalism - the right of the strongest in the illusion of globalization is lifted on the level of alternative out off which there is no survival. This kind of model continuously generates enemies from the inside and from the outside (communists, nationalists, pretensions and aspirations), in order to survive. In fact the generation of conflicts on every level is modus vivendi of the system for which a constant alibi is necessary and explanation of the constant economic downfall which happens under the influence of the discipline in the society and the realization of the profit function in the global system of relations". (N. Nikolovska, 2000)

Attitude of the author is that we can not contradict the significance of the direct foreign investment "as wheels of market growth" of the undeveloped countries "accompanying effects of the large presence of direct investments in the countries in transition" to treat them as very significant processes such as: the rise of the credits of the country , the rise of unemployment , social degradation of the layers, degradation of the human conditions, and other retrograde processes, another time to "moan" because the lack of them or the income of money. Compare the author's attitude with the attitude of Nikolovska. (N. Nikolovska, 2000)

- **Universalization.** The next equation of the globalization is as universalization. According to the advocates of this view the globalization is spread worldwide. They also consider that the globalization as universalization in fact represents standardization and homogenization by economic, cultural, political and legal connection within global frames. Some economists are estimating the globalization as universalization to the extent of equalization of the prices of the goods in different countries (Bradford / Lawrence, 2004). Other authors regarding the thesis for the cultural

homogenization, which is prescribed to the globalization as universalization, are pointing out that the universalization leads towards cultural destruction of the different cultural entities. This thesis is opposing the other thesis for cultural hybrids and heterogenization which are characteristic for the modern globalization (previously described). Universalization is an old occurrence in the world history. Klive Gamble develops an interesting thesis that the globalization appears for the first time millions of years ago at the same time as the trans-planetary spreading of the human kind (Klive Gamble, 1994). An example for the globalization as universalization is the spreading of the world religions, which are present on different continents for centuries. However, this view of the globalization as universalization is one dimensional, as much as from reality-empirical aspect as from political and normative-perceptive aspect.

- **Westernizing**. The opinion of the globalization as westernizing is widespread. In this context the globalization id explained as a separate type of universalization, where the social structures of the modernism (capitalism, rationalism, urbanism, individualism, etc.) are spread throughout the human kind, and by spreading they are destroying the existing cultures, local specifics and autonomies (Jan Art Scholte, 2008). Certain authors consider that the globalization is a kind of a hegemonic discord, the ideology of the apparent progress concealing the order of the less powerful countries compared to the West ((Petrus/Veltmeyer, 2001). Giddens considers that the widespread globalization is a product of the modernization and the bureaucratic management (Giddens, 1990). Therefore, we presume that the modern globalization imposed the standard forms of what's modern, of the western culture, wider and on higher level in every part of the world. Scholte's statement that westernizing sometimes includes violence completely justifies the epitaph empirical (Jan Art Scholte) is quite reasonable. Scholte continues that this statement is supported by the fact that the government institutions, the companies, the mass media, the academic and citizen associations in Western Europe and North America are "pushing" the promotion of the modern globalization. However, Scholte continues that although the globalization and westernizing have a common ground, they cannot be equated. His arguments supporting this conclusion are that the modernism and the western civilization are appearing in many other forms before the globalization. Besides it is important to stress that from a political aspect, the globalization could be redirected towards non western directions as Buddhism, Islamism or post-modernism

(Pettman, 2005). Scholte considers that the globalization cannot be defined as imperialism, because the modern globalization contains exploitative concepts as well as emancipating social movements. In any case, the colonization, westernizing and modernism have longer history than the modern globalization. The author considers this to be true, however it seems that Scholte cannot distinguish between the realistic-descriptive function of the science with its normative-prescriptive function. In the sense of the first function, the definition for globalization as westernizing is mostly true, although not complete, because the globalization at the same time is an internationalization, liberalization and universalization. Certainly the objective dimension of the modern globalization created conditions for influence on other cultures globally, not only in the West, however all that is insignificant to the influence on the other countries, as Scholte himself states first, and after contradicts himself. Considering the subjective dimension of the globalization, and that's the conscious worlds strategy, which is directed towards westernized globalization. There no doubts considering this unavoidable fact. The question of what might happen in a distant future is certainly a scientific question in the domain of the scientific normative-prescriptive dimension. However, we should distinguish the opinions when defining, of what's now, and what we want to be, in other words, which of the different political strategies for the globalization could prevail in future. At the end Scholte concludes that none of the previously given concepts for the globalization cannot portray the modern globalization in the real dimension. Therefore, he is offering a new, fifth concept, through which he is defining the globalization as "spreading of trans-planetary, and lately non-territorial connections between the people". With the globalization the people become more competent (legally, linguistically, culturally and physiologically) to make contacts with other people, wherever they are on the planet. According to Scholte, the fifth concept concerns the changes in the character of societies. At the time of intensified globalization the transformation of the societies is developing dynamically and influences the social changes (Jan Art Scholte, 2008). The geographical context is also a reason and consequence in the societies. However, Scholte again is not distinguishing between the objective and subjective dimension of the globalization. What he is in fact talking about when he mentions the fifth concept is nothing else but the objective dimension of the globalization, of which I spoke about at the beginning of my narrative and unambiguously has

influence over the subjective, consciously led strategy for certain directions during the development of the globalization.

THEORIES FOR CAUSES OF GLOBALIZATION

The pedestals of the **liberal and neoliberal concepts** for the reasons of the globalization:

According to the liberal concepts the moving force of the globalization are the natural human desires for wellbeing and political freedom. The liberals consider that the globalization is a consequence of the human urges to avoid poverty and to fulfill their human and political rights. Two important conditions are necessary in order to achieve the fast track of the globalization 1) technological development with all its advantages as a factor for trans-planetary connection and 2) adoption and implementation of the adequate legal and institutional changes to enable commerce development and liberal democracy. The liberal views of the globalization development were widely accepted, especially in the most powerful circles. They were accepted and plotted even under the name of different theory concepts. Liberalism became the leading and official view for globalization. The liberal views for the reasons of the globalization rightly highlighted the objective dimension of the globalization, embodied in the unavoidable technological development, which are the moving forces behind the human urges not only for welfare and political freedom, but for those human natures that posses natural talents for research, discovery and development of new fields to further the human knowledge and standards. The thesis that there were global processes before the capitalism, therefore the liberalism as an ideologically- theoretical basis of the capitalism is not the key reason for the modern globalization, do not support the thesis, because it is correct that there were liberal processes before the capitalism, however today as in the neo-liberal doctrine we have intensive development of the modern globalization, something that did not happen before.

Except this undoubted advantage, liberalism has few weaknesses 1) the liberal concepts do not enter deeper into the research of the subjective dimension of the globalization, in other words they do not answer our question of which are the social forces that are behind the consciously oriented strategy for that kind of development of the globalization as we had so far. The statement about the technological innovations and admin-institutional changes are correct, which had to be completed in order to open the way for today's globalization, we wouldn't have the intensive development we have today. 2) the other weakness of the liberal concepts is that except for the technological innovations and the administrative-institutional changes, the structures of identity and knowledge, the culturally

factors are not treated equally and without them they cannot explain the reasons for the globalization fully. 3) the third weakness is that the liberal concepts are not asking about the question of power, or better said, if they are asking the question is not formulated properly. Namely, if we talk of the basic pedestals of liberalism and neo-liberal strategies presented in the Washington consensus, as well as the former Washington consensus, which by the way has double standards, and not to analyze why the profits from the modern globalization are almost entirely for the benefit of few global companies from the most powerful countries and their allies. Therefore, the neo-liberal concepts (the old theory dress up in the modern processes and the answers to modern needs), which adapted perfectly to the new trends and entirely neutralized the powerless reformists and transformative demands, they are avoiding the question of hierarchy in the power structures, the states, the cultures, the classes etc (Steven L. Laimey, 2009, Jan Art Scholte, 2008).

The primary thesis and conceptions of the political realism and neo-realism and the reasons for the globalization:

The classical political realism which started in the 40's of the 20th century is still a dominant theoretical paradigm not only in academic circles, but also in the "real world of the politicians". The realists and neo-realists are focused on analysis of power, which the liberals have it as their greatest disadvantage, and the impact on the reasons of the modern globalization. According to the political realists, the battle for political power among the states is the main reason for the modern globalization. They think that the competition between the territorially sovereign states creates conflict of interests for power, and if it cannot be solved by political and diplomatic means, it has to be solved by war. In order not to come to war, according to them, the security challenge can be solved by balancing the power among these states. The balance of power contributes to establishing peace in the international relations, in the way that, it is in the interest of the most powerful countries to keep that balance and cooperate in order not to let another country to disrupt that balance and become too powerful (Peter Hue, 2009). This conception inclines towards unipolar multi-polarism in the international relations. As a second concept, within the political realism the theory of hegemonic stability appeared. According to the representatives of this theory the dominant country could bring stability in the international relations by implementing international regulations and institutions by the dominant state, which will represent the interests of that same state. At the same time the dominant state will control the conflicts between the other states (Jan Art Scholte, 2008). This is the theory of uni-polarism in the international relations. According to the third concept of the political realism, the modern globalization can be explained by strategy for power struggle among few powerful countries in the world. Namely, in the race for power

those few countries develop global military capacities, they promote their national currency as global, they support the global expansion of the companies in order to enlarge they power over the other countries and attract immigrants to expand their human resources etc (Jan Art Scholte, 2008). This concept inclines towards multi-polarism of the international relations.

The increased and intensified global connections from the second half of the 20th century and most of all the increased global economic transactions between the countries, has redirected the focus of the realists from the questions of political and military power towards economic power. In this way the political realism has transformed into neorealism, keeping the primary theoretically-methodological starting point on the main focus of researching the international relations: through the prism of the countries power. According to the neo realists the countries could become powerful trough their economy, as are Japan and Germany (Peter Hue, 2009).

It is doubtless that the concepts of the political realism and neorealism hugely contributed towards the enlightening of the reasons for the globalization. They stressed the importance of asking questions about the power among the countries, which is the main reason for conflicts. The big contribution of the realists is that they also stressed the countries aren't equal when it comes to international relations. Some countries are more or less dominant, and some are powerless. With this statement they filled one of the weaknesses of the liberals who do not speak of hierarchy and the fight for power among the countries.

The concepts of the political realism and neorealism have few weaknesses as well. First, they speak of the hierarchy and the power struggle among the countries and achievement of state interests. However, the question of power struggle and achievement of interests is too fictive. They do not answer the questions: who is behind the states fighting the power struggle? Whose interests are they fighting for? Is that fight for more power or to be the most powerful country in the world a purpose on it's on? Second, the concepts of political realism and neorealism are focused only on the international political and economic relations. In the focus of their perception they do not consider the numerous cultural, ecological, psychological and other aspects of the trans-planetary and non-territorial connections that are created by the globalization. As the Third weakness of their concepts we remark that with the exception of the state governments who provided regulatory provisions for the development of the modern globalization, the sub state institutions have their role, place and meaning, as well as the nongovernmental organizations, private management, the macro-regional and global organizations. However, considering the authors point of view (explained in the paragraph: globalization as internationalization) he is partly

accepting the remarks from the critics as a weakness of the realistic and neorealist concepts (Jan Art Scholte, 2008).

The most important standpoints of the marxist end concepts of the reasons for the globalization: The neomarxists concepts in analyzing the reasons for the appearance of the modern globalization are pinpointing the structures of power. Namely, if the political realists are stressing the hierarchy and the power of the state, the Marxists are interested in which are the social forces that are behind the state power. In the spirit of the classical Marxism, the neomarxists are reviewing the questions trough a class prism. They think that the class relations are the basis of the social structure and that no other question about the modern globalization should be review before first reviewing the production methods, the social exploitation triggered by unjust distribution, social emancipation and alienation created by the capitalism in the race for more profit, keeping one's job and the insecurity and obscurity of everyday life. The founder of the scientific socialism, Karl Marx predicted the development of the globalization 150 years ago when he wrote that "the capital in its natural state exceeds every space barrier" in order to turn "the whole country in its place of commerce" (Karl Marx, 1857). According to the neomarxist's theories the globalization is happening because the trans-planetary and non-territorial connection increases the opportunities for profit and accumulation of surplus capital. And in the frames of the neomarxist's conceptions there are different views. While some are more concentrated on the more traditional Marxist views on the trans-planetary flows through the prism of the class relations, others turn their attention towards the new social movements of the consumers, ecologists, peace activists, women etc (Gill, 1993; Mittelman, 2001). In any case, the Marxist concept largely contributed in our understanding for today's reasons for the globalization. Opposite to the political realists and liberalists, they succeeded in getting to the core of the social factors which triggered the modern globalization.

The neomarxist conceptions for the reason for the globalization except for their advantages they also had their weaknesses: 1) According to the author, the technological inventions which enabled the modern globalization were not prompted by the human urges for material (economic) interests, as well as from the human immaterial urges (spiritual, intellectual and moral development), but from the need to accumulate surplus capital, as one of the most prominent characteristics of capitalism. These material and immaterial personal interests are representing the primary driving force (spiritus movens) in the development of the human society in whole (Hegel). Certainly the need for accumulating surplus capital is the primary driving force of capitalism, however it has mutual influences with few other reasons which some of them are more deeply based than the need for accumulating

capital by and for itself. But, these are question whose answers are deep within the philosophical view of the world. 2) if one of the biggest weaknesses of the realists is their focus on the state hierarchy, than the same goes for the Marxists as well, who are fixated on the class hierarchy. The argument that except for the class inequality in the modern globalization there are other structural inequalities based on the country you come from, culture, sex, race, sexual orientation etc. that the Marxists could not deny. This is because all the above mentioned structures are influenced by the class relations; however, the class prism is insufficient to explain all the inter-class connections in their struggle for liberation and emancipation. 3) the third presumed weakness, according to the critics of the Marxist oriented views of the globalization is that it is too simplistic to reduce the culture and psychology as simple emanation of production and management. I agree with their critic, however I consider to be valid regarding the vulgar materialism (considers that the whole history development is achieved that's to the production) as basis for overall social upgrade. In my opinion this position is inadequate regarding the dialectic materialism that considers the production to be the basis, but considers that the influence isn't unidirectional. The immanent characteristic of the dialectic materialism is that all the processes, occurrences and relations reviewed in each other's historical connection and interdependence.

Pluralism. Pluralistic views of the globalization derived as a reaction of the neorealists' attempts trough the term for economic power to overcome the deficiencies of the political realism, whose main thesis was that the states are the main actors in the international relations. The pluralists thought that the neorealists upgrading of the basic realists position, is still a very simplified understanding of the globalized world politics. Namely, the pluralists thought that not only the states but the multilateral organizations as OON and EU, became more than favorable allies who grouped the state politics into base interests (Peter Hue, 2009). According to the pluralists the non government organizations and the multinational companies became important players on the global political scene, and can act separately from their domestic governments. The pluralists' great contribution to the globalization is their success in pushing the "lower" politic questions of the state politics (social, health and domestic politics) to a "higher" level on the political and global scene. In their view of the global political scene the pluralists are pointing out that everything that happens today on the global political scene doesn't necessarily mean that it is connected with military issues, or even questions of the economic balance of power. However, the pluralists' views do not give us any specific explanations regarding the modern globalization. They remain on the margins of the other theoretical concepts. Many of the other pluralists' views are not recognizably formed as

separate theory, but they slip through the other theoretical concepts, as specifically modified views of the modern globalization.

The thesis of the social constructivism for the reasons for the globalization: The four concepts that were reviewed so far, although with different theoretical views for the reasons of the globalization, they still belong under ontological materialism. The constructivism is a theoretical direction, which starts from the position of idealism. Therefore, according to the constructivists the trans-planetary connection results from the way the people mentally constructed the social world with the help of symbols, language and interpretation. Namely, the ways of production and management are structures of secondary meaning which aroused from deeper reasons as the cultural and psychological factors. The constructivism, in fact researches in which ways the inter-subjective communication causes common understanding of reality, of the everyday norms of interaction, and the understanding of the identity of the social groups. The growth of the trans-planetary connection is facilitated on that level that the people consider themselves citizens of the world, in which world they share the values with the people from other continents (Jan Art Scholte, 2008). Despite the undoubted advantages of the social constructivism which once again made the identity and meaning popular, its biggest weakness is that they are not reviewed together with the material factors. Constructivism same as the liberalism completely neglected the structural inequalities of the hierarchies of power, especially between the states and classes. The representatives of the social constructivism did not see the inter-subjective communication among men, and is constantly playing under conditions of dominance and subservience. Also, the overemphasized meaning of the ideas as factor on the global political scene, on account of interests, represents a naïve reconstruction who badly interpreted the examples of the global political scene. Namely, the example of the Gorbachov's case of his "betrayal" of SSSR, for an idea, and not for personal gain, as the case of uniting the two Germanys, when it was presumed that the German government for an idea of united Europe decided to become part of the EU, instead to use its enlarged power to further its state interests (Peter Hue, 2009).

The postmodernists' conceptions are forming a wide specter of different approaches, which in literature are called "post structuralism" and post colonialism". Despite that, what all these ideological approaches have in common is that they are emphasizing the power of the meaning of knowledge, ideas, norms and identities. The critic for the constructivism is the same for postmodernism.

CRITIC OF THE ECLECTIC SYNTHESIS ON THE ANSWERS FOR THE GLOBALIZATION

Every approach of the previously named theories for the reasons for the globalization is highlighting certain factors, and the dynamics of the globalization is reduced to two or few basic causalities. Certain authors are trying to merge through the eclectic synthesis the mechanics of the factors and in this way to explain the reasons for the modern globalization. Namely, the term for interweaving the point of views is considered a primary (key). All the while, none of the groups of factors, separated by the above mentioned theories is considered as the source for the other factors. Every group of factors is considered to be a reason and consequence for the rest (Jan Art Scholte, 2008).

The author considers that this eclectic (mechanical) merge of the factors is completely relative in the explanation of the reasons for the modern globalization. Namely, the key for understanding the process of globalization is its differentiating of the objective and subjective dimension. This differentiating is only of theoretical-methodological character, because in practice these two dimensions are inseparably connected and inter-dependant. For example, the powerful structures of the hierarchy can encourage or hinder the techno-technological development, however they cannot stop it. Therefore, it is necessary to answer which are the dominant factors in (conditionally separated) dimensions of the modern globalization. Opposite to the relativism of the eclectic synthesis, the approach which promotes the author, is conspiring all the factors to be analyzed in their inter-activity and multilayered inter-dependence, but with one important difference: to differentiate the important reasons for the modern globalization. This approach is necessary, especially for the subjective dimension of the globalization, however, to be known where, towards what and which alternative solutions should the political forces be directed, in order to change their choice for political strategy and the directions of the development of the globalization. I see the relativism of the eclectic synthesis as a perfidy attempt or unconscious ignorance to blur the clear picture in the political fight for a better globalization. Therefore, I consider the analytical approach on this question should be structurally set on ontological and epistemological level.

Ontology is part of the philosophy and answers the questions of the existence of things. The objective dimension of the globalization is more susceptible to be explained trough the two parts of the ontology: the ideal and material philosophy. By the way, we should mention that one and same philosophical direction; for example, the determinism can have ideological and material base. The determinism teaches us that the human life and

history are determined in advance from forces unrelated to men, and which can't be consciously controlled. This philosophical direction is shared by the vulgar materialism and some idealistically-fatalist teachings of destiny, with different explanations for the factors. It's similar with indeterminism. It can have an idealistic base (that everything comes from GOD), and it can be upgraded by the Hindu and Buddhist teachings that the men can literally change himself by the force of his conscience or will, or it can be atheistically based on the psychological teachings of the subconscious power of men. In this sense, the liberalism (basically as materialist concept) and idealistic concepts (constructivism, postmodernism, etc.) have their value in explaining of the objective dimension of the globalization. The author is on a stance that the ideas and knowledge of prominent and gifted individuals is the key drive for the human life in the history of the human kind. I'm deeply convinced of this, because first everything comes as an idea, than turns into action and reaction and continuing in its unstoppable dialectic order (Heggel). If there weren't the exceptionally gifted individuals with their ideas and discoveries, if everything that happened in the history was based on the thinking of the majority, our civilization would have stalled on the level of the cave men. My philosophical convictions are simply positioned on objective idealism. Regarding the different philosophical views on life, which are based on different moral and value positions, as the different intellectual capability for abstract perception, it cannot be argued with arguments on the basis of logical principles of the rational epistemology. That is way this part of the text is philosophically-ontological. Every attempt to come to some optimal height on the reasons for objective dimension of the globalization trough a rational confrontation of the arguments for pros and cons, it will not bare any result or effect.

However, when it come to the subjective dimension of the globalization, or better said, the choice of the political strategy and which direction it will be used, redirected and further encouraged the unstoppable technological development, is a completely different matter? In this dimension the rational epistemology is changeable, and although it is part of the philosophy, it is more susceptible for a scientific, rational confrontation on pro and con arguments, for the purpose of getting an optimal height, seen from the height of the human senses and rationalism as a leading aspect in the modern science. Here, if we use the logical principles for argumentation and the undeniable empirical data, it can be seen, if desirable, which is the view closer to the truth for the reasons of the modern globalization.

The development of the socially-historical and economic formations is unambiguously showing us that the liberally capitalistic doctrine prevailed, which in continuity with changes, is developing the capitalism into hyper capitalism for centuries. The most realistic critic and answer for the reasons

of the modern globalization is given by the Marxist theory and concepts which are developed on this basis. They are supplemented with the reasons for the globalization which the concepts of political realism and neo realism are pointing. Of course, the knowledge, ideas and structures of the identity play a big part. Their inter-active and mutual influence is undeniable. For example, the religion, among other things represents valuable form for human conduct. The religion penetrates the human life deeper than anything else, because it is not a short term science. When we speak of religion it is imminent to involve eschatology, receiving long term answers to our questions. However, in the classification of the philosophically-theological concepts of the seven most widespread religions (Buddhism, Islam, Hinduism, Protestantism, Catholicism and Christian Orthodox) according to the degree of their connection to the empirical reality (practice) the Orthodoxy is on last place, which results in division and lesser influence among the religious. The rigid conscience of the Orthodox dogma for ideal justice and the built fetish for immaterial goods did not produce some spectacular results in the countries where Orthodoxy is the religion of the majority, seen through the prism of the rationalistic epistemology. On the other hand, the protestant cultural form, whose motto for the material, from the reformation period henceforth, raised the capitalistic development; the West elevated it to the top civilized paradigm. It is undeniable the influence of the nationalism on capitalism, and vice versa.

In the frames of the subjective dimension of the political choice of strategy for the direction of the modern globalization, we should know the dominant factors which hold the globalization in exactly that direction of neo-liberal doctrine. The author does not have any dilemmas that they are definitely for the interest of increasing the profit or accumulation of surplus profit. If this is not correct, should we really dispute the knowledge of the reformists and transformists (socialist, social-democrats, ecologists etc) which cannot be rationally denied, and it's in the interest of most of the human kind. However, the powerful circles of the global capital are choosing and firmly standing behind the neo-liberal political strategy, rejecting the other reformist and transformist political options. If we are truthful, we should say that the global capital confronted with the pressures of the more present public, as a consequence of the trans-planetary communications, showed excellent adaptability for the reformists demands, all the while not losing any of the benefits of the neo-liberal dedication of the globalization (post Washington consensus). The neo-liberal strategy which is supported by the largest global capital is implemented trough the state institutions, and after trough a wide specter of sponsored non government organizations, as well as through the global organizations on multilateral level. This whole widespread normatively institutional structure, which is fantastically well

coordinated, does all that is necessary for the neo-liberal politic to be accepted with minimum changes in most of the world as an only option without other alternatives. (See chart no. 1 at the end of the work)

CONCLUSION

Of course, people do not engage in social relations and processes only for gaining material benefit. They also do it and for obtaining certain types of intangible benefits, such as acquiring and demonstrating power, reputation, prestige, and desire for domination of economic and military plan that builds political power on the global stage. Identity structures of the most powerful people on the planet that have real impact on the global political stage, often to show who they are and where they belong, not off to tend to impose forms of cultural behavior according to their values and beliefs and moral attitudes inspired by their religious-philosophical matrix. If you already analyzed above and came to certain conclusions about the reasons and how they mutually condition to bring development in society, the key question raised here is: what are the eschatological purposes, of the urge for domination, whether it is economic interests that are achieved through military and political domination, and all these three together instrumentalized suitable assets of achieving their own interests-such spread of a dominant religion and culture over territorial spaces of global neo-colonial imperialism. Or, economic, military and political power, are only funds to achieve religious and cultural purposes. Although certain intellectual circles have definite answers to these questions so that offer most painless answer in the style of eclectic synthesis, the author believes that the ontological-gnoseological sense, in not presented causal sequence occur many consequences, whereby some of them themselves become causes of retribution and also subsequently come in endless causality of phenomena, processes and relations of the planet, associated with the universe as a fine fraction. However, the author in epistemological-methodological sense maintains that science is even more successful, as you can hit deeper sequence in multilayer and complex causality of a particular phenomenon, process or relationship that is the subject of research. Taking into account the views of the dominant conceptions of globalization and (or) international relations, I think most optimal choice of political strategy for the future development of globalization, offering reformism (alter-globalist conceptions) and partly transformism (counter-globalist conceptions) versus neo liberal doctrinal dogmas. Moreover, not excluding other theories in general, but starting from the position closest to the reality of contemporary globalization, are the neo-Marxist and neo-realistic political theories of the causes of globalization, the

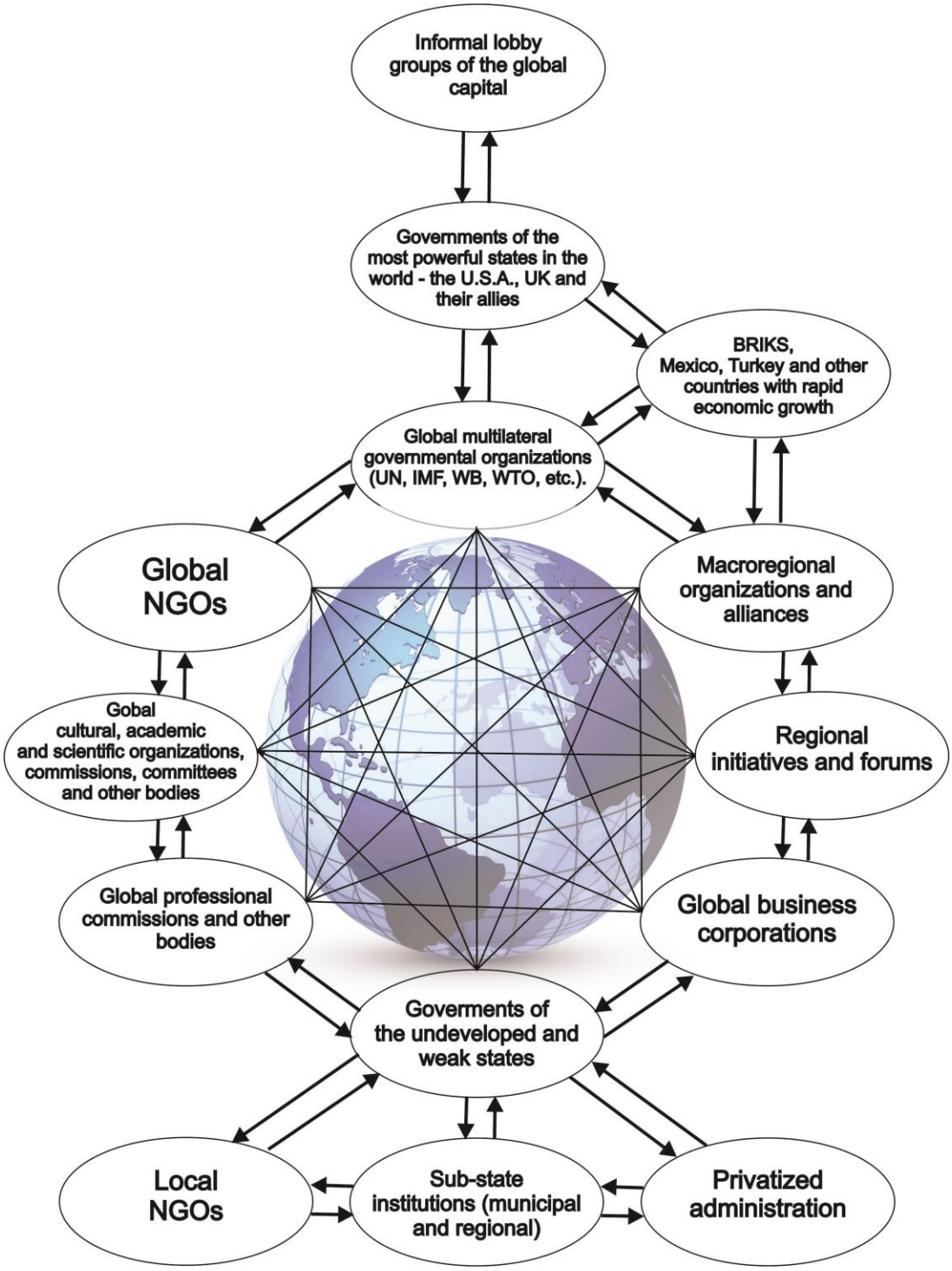
author as its modest contribution to reshaping the future possible development process of globalization, gives the following possible premises:

Not to be misunderstood in the context of anti-capitalist Marxist ideologies, certainly that not advocating a return to rigid and worn models of one-party autocratic and socialist-realistic modes. However, not eclecticism, but a real qualitative synthesis of the advantages of an advanced democratic socialism (which was at announcement, but in reality are not fully achieved) combined with the positive sides of pluralistic capitalist "welfare state" or "social-legal state" (which is in the developed world in long term recession and before impact of the global financial crisis of 2008) may be the right direction for essential solving of the challenges that it is faced with contemporary global society. Modern capitalism is today increasingly becoming state. It has become all too clear after the outbreak of the global financial crisis (2008) when something happens that is counter immanent to capitalism: state financial intervened and saved from bankruptcy private banks and corporations, and there, where it could not be saved, she nationalized through purchase of joint holdings. However, statist capitalism slowly shows symptoms of humanization "inside" and "outside."

Question that deserves an answer is whether state capitalism is the ultimate achievement of Western political thought, long faced with his inevitable crash. Maybe in the beginning, you should consider, to create a new concept. Unburdened by how you name called, in essence, it is a concept for an open, free and humane society in which, according to the principle of epistemological pluralism and relativism, all real human values can be equal in circulation. Pluralism and relativism of human values can only come to the true expression, when you create the conditions for existence of truly free, educated, well-informed and economically independent citizens. I think that in this way you can save neoliberal advantages of a market economy, by simultaneous developing of social and legal state, which should offset tendencies towards creating a market society. Just so, you can recover the non-market values: altruism, philanthropy, carefree, not conditional love, friendship and solidarity between the people and the true meaning of family - values that slowly but surely are lost from modern Western society. In terms of intensified globalization because of inevitably rapid technological development, there is a tendency - ultra liberal market values to infect almost all countries in the world, with the virus of market society. So far, the largest empires in history were not conquered and dilapidated primary outside. They broke up inside. Preserving fundamental human values internally, western civilization as the flagship of the world today, will reflect and humanism externally, which will relax and humanize international political and economic relations. This means that global pressures should not be performed only in the economic sphere, but also in

the sphere of social protection, protection of human rights and freedoms, environmental security, cultural security, traditional security from war and other non-military security threats and risks to human in all parts of the globe (Labovic, 2006).

Until now the technological development leads to a global interdependence which created the "global village". Thereby the consequences regardless whether they are positive or negative, will be felt globally, not protecting the most powerful and the most developed states. That is why the objective interconnection must find equality in the interdependence of the ecological, legal, social, political and cultural plan. On the contrary, the contra tendencies of the autarchic tribalism which put us back in the past. Therefore, more than necessary is more pronounced role of the international community in the real implementation of more balanced exchange between labor and capital. That means fully supporting of the market economy, but not and of the market society, in which all values measured through the prism of money.


Informal lobby groups of the global capital
Governments of the most powerful states in the world - the U.S.A., UK and their allies
BRIKS, Mexico, Turkey and other countries with rapid economic growth
Global multilateral governmental organizations (UN, IMF, WB, WTO, etc.).
Global NGOs
Macroregional organizations and alliances
Gobal cultural, academic and scientific organizations, commissions, committees and other bodies
Regional initiatives and forums
Global professional commissions and other bodies
Global business corporations
Goverments of the undeveloped and weak states
Local NGOs
Sub-state institutions (municipal and regional)
Privatized administration

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THE BALKANS: "A POWER KEG", AN OPEN WOUND OR THE THERMOMETER OF EUROPE?

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Abstract

The Balkans – unstable borders, contradictory territorial demands, long tradition of fratricidal wars, psychological traumas from the past, non-stable states and institutions, as well as the opening of the enormous "powder keg", that is what the Balkan Pandora's Box consists of. This box was closed during the Cold War, but now it has been opened yet again and has turned the Balkans into arena of bloody confrontations, i.e. into "the open wound of Europe" (Churchill). The geopolitical plans of the great forces have been re-launched, the geopolitical centralization of the Balkans has been made again and the Balkan "powder keg" has been re-opened at the end of the 20th century. Today, as the Balkans is no longer the "powder keg" of Europe, another metaphor can be attributed to it when attempting to define it: the Balkans is the thermometer of Europe. The crisis in the Balkans should warn the countries of Western Europe to take a closer look at the problems in their own countries: problems related to the future, their place in the world, solidarity and collectivity.

Key words: *Balkans, military-geographical characteristics, South-European front, security, geostrategic aspects.*

INTRODUSTION

MILITARY-GEOGRAPHICAL CHARACTERISTICS OF THE POSITION OF THE REPUBLIC OF MACEDONIA IN EUROPE

Republic of Macedonia represents an integral part of the possible European front. It is situated in the core of Europe, which from military point of view represents the most sensitive continent in the world. This condition has a direct impact on the position of Republic of Macedonia, assigning it with increased importance in the peacetime and in the military assessments and combinations. The best confirmations of these conclusions are the examples from the former, and particularly from the recent history of our country.

In Europe the area of the Republic of Macedonia is located in the South European front, that is, its area is located outside the area of the

Central European front, which according to the importance and concentration of the military potential takes the first place in the European front.

Republic of Macedonia is relatively distant from the main axis of the Central European front that passes from Berlin to east in direction of Warsaw, and to west in direction of Paris. Our country with its position is not located, that is, it is distanced from the zone of actions of the main forces of Europe in a possible military conflict of major scales.

Figure 1. Position of the Republic of Macedonia on the European front

The military events that would affect the Central European front to a certain extent, that is, to a smaller extent in a specific manner would also have an impact on the area in the Republic of Macedonia, although these reflections to a certain point would be mitigated by the existence of the orographic line Alps-Carpathians and by the orographic complexes south from this line in the area of the new countries created after the breakup of SFRY.

In a possible conflict of global proportions which would begin and in the initial period which would take place in the European front, the assumption that the use of the main forces would take place through our area as well, would not be real. The possibility for use of the main nuclear effectives with strategic importance through the area of the Republic of Macedonia is excluded to a great extent, and this area is entirely outside the maneuvering space of the Central European front.

Within Europe, the Republic of Macedonia is located in the area that is sensitive to local and regional wars. This represents the Southern and

peripheral part of this continent, which in its broadest sense gravitates, and partially belongs to the Mediterranean. The sensitivity of the Mediterranean to local and regional wars further increases the presence of the Near East area – the area of a chronic crisis hotspot – one of the most sensitive parts of the world with enormous influence on the international peace and security.

THE MILITARY-GEOGRAPHICAL CHARACTERISTICS OF THE POSITION OF THE REPUBLIC OF MACEDONIA IN THE SOUTH-EUROPEAN FRONT

The area of the Republic of Macedonia is located in the South European front, which according to its importance within the European front in the current military-political situation has almost identical importance as the area of the Central European front. This importantly impacts on the determination of the significant features of the military-geographical position of the area of our country.

The South European front extends from the crests of the Alps and the Carpathians and in south to the Mediterranean Sea. The area Asia Minor belongs to this front from Bosporus and the Dardanelles to the Kizilirmak River. The Adriatic, the Aegean and the Black Sea gravitate within its composition, which actually represent integral parts of the Mediterranean Sea front. Analyzed from geometric aspect, the South European front belongs to its core, with a large number of elements which give it importance as a central geostrategic position.

Its importance to a certain extent is modified by some internal modifiers – the relief, water, complexity of the mainland, etc. The South European front together with the Mediterranean front makes the south wing of the special front of the NATO pact, and previously of VD, with special military-strategic importance.

The large division and physical and geographical separateness of the South European front hinders the fast execution of major operations, that is, it affects on the isolation of several separate land and naval operating areas such as: Italy, the Pannonia Plain, the Balkan, the Adriatic, the Aegean and the Black Sea Basin.

According to the military importance, the South European front is next to the Central European front, with enormous sensitivity that arises from its relatedness to the Central European and the Mediterranean front. Within this front, what is of particular importance for the Balkans, and especially for the Republic of Macedonia, is the strategic object in the area Skopje-Sofia-Nish.

The penetration of one of the central strategic objects in part of the area of the Republic of Macedonia represents a significant indicator for the real

importance and assessment of its geostrategic position within the South European front.

The relation of the South European front to the vital parts of the European front is very favorable and its strategic role arises from this, as well as the great sensitivity for the security of this region where the Republic of Macedonia also gravitates in peace and in war.

The Republic of Macedonia according to its position takes an important position in the central part of this strategic entirety (figure). Its central position in the South European front determines the most important characteristics of its position within the most current European front in this time period.

The geostrategic position of the Republic of Macedonia has enormous importance for the preservation of peace in this neuralgic part of Europe and the world, which emphasizes the excessive sensitivity of its security.

The sensitivity of the complete security of the Republic of Macedonia arises also from its key position located between the Pannonia Plain (through SR Yugoslavia) and the Black Sea Basin and between the Black Sea and the Adriatic Basin (the Strait of Otranto).

It is characteristic to emphasize that the South East strategic route entirely passes through the territory of the Republic of Macedonia, and this route begins from the South East part of the Aegean geographic area and the Central Balkan (Balkan South Adriatic) strategic route.

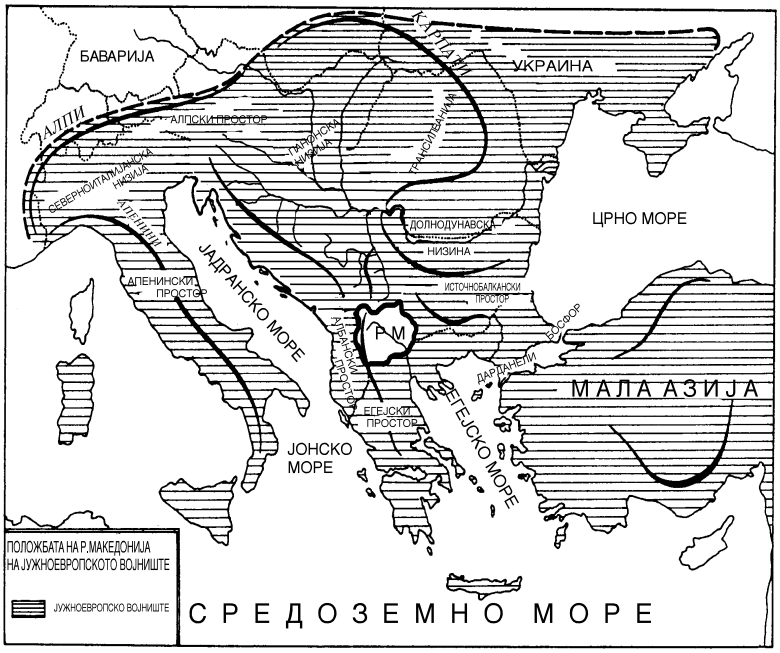


Figure 2. Position of the Republic of Macedonia on the South-European front

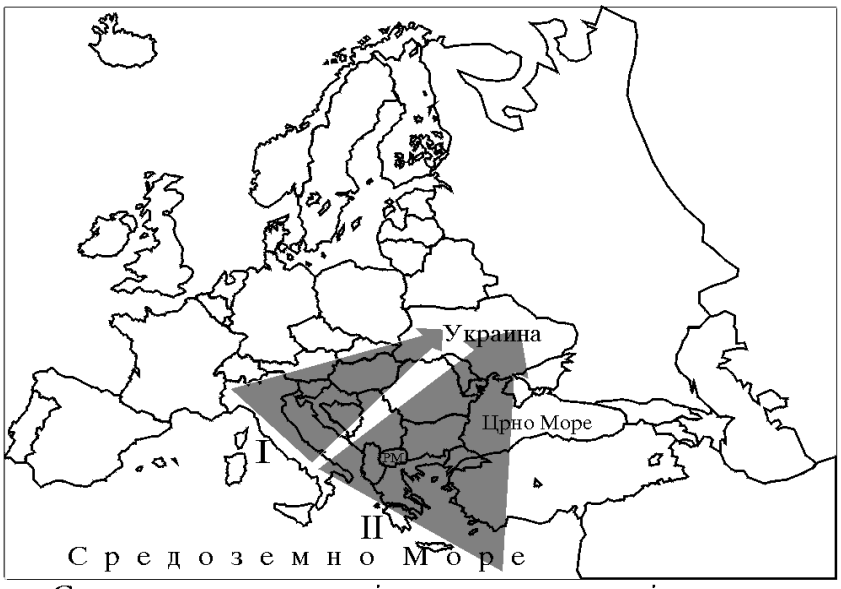
The Aegean - Ukrainian (the Ukrainian - Aegean) and the Pannonia - Asia Minor strategic route pass from the strategic routes of the South European front through the territory of the Republic of Macedonia. The enormous importance of these strategic routes to a great extent increases the strategic importance of the Macedonian area, but also emphasizes its strategic and security sensitivity.

On the basis of the undertaken military-geographic characteristics and on the basis of the specific military, political, economic and other stakeholders, one may conclude that in case of a military conflict of regional and world importance in the sensitive area of the South European front, the Republic of Macedonia will also be covered and important military effects may be directed through its area, especially in one regional Balkan conflict which would reach their hotspot and culmination in our area.

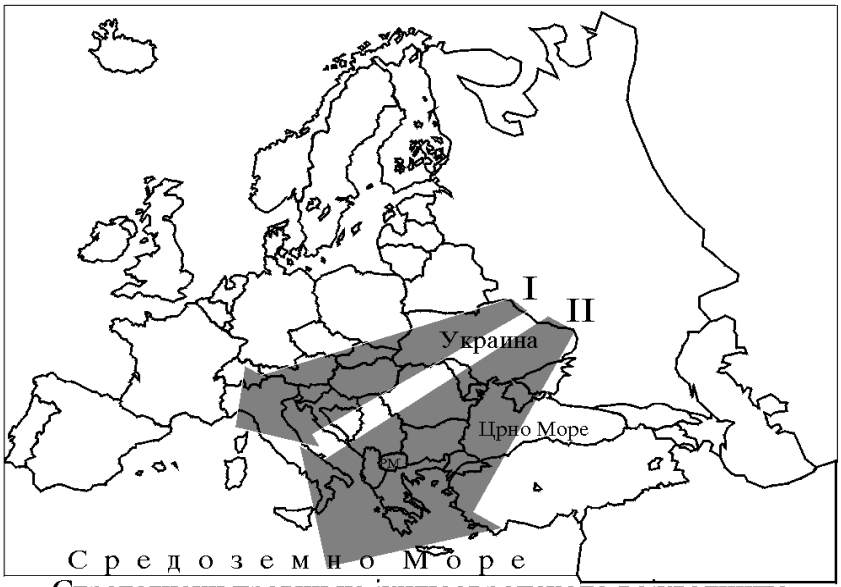
The excellent natural-geographic approaches in many operative-geographic units of the South European and the Adriatic front and vice versa, from these units to the area of the Republic of Macedonia, its position at the crossroad between four important Balkan countries, to a great extent increase the importance and the security sensitivity in the Macedonian area.

Малоазиско-панонски стратегиски правец

Панонско-малоазиски стратегиски правец



Стратегиски правци на јужноевропското војувалиште
I Падско-украински II Егејско-украински



Стратегиски правци на јужноевропското војувалиште
I Украинско-падски II Украинско-егејски

The geographic connection-roads to central Europe, towards the Black Sea Basin, through the Sofia-Maritsa passage towards the Turkish straits, through the Aegean Basin with the Near East, through the Albanian and the Adriatic-Ionian area with the Apennine Peninsula, the Strait of Sicily and North Africa, also pass through Macedonia.

All indicated characteristics of the geostrategic and military-geographic position of the Republic of Macedonia in the South European front indicate its geostrategic importance, its security sensitivity in the center of the Balkan whirlwind.

MILITARY-GEOGRAPHICAL CHARACTERISTICS OF THE POSITION OF REPUBLIC OF MACEDONIA IN THE BALKAN PENINSULA

The geostrategic position of the Republic of Macedonia in the Balkan to a great extent depends on the position of the Peninsula in Europe, in the South East front and the Mediterranean.

The Balkan Peninsula covers the South East part of Europe between the Black Sea, the Marmara Sea, the Aegean Sea, the Mediterranean Sea, the Ionian and the Adriatic Sea. Its north border towards the European mainland part is not explicitly naturally withdrawn. Most commonly the border line is from the rivers Danube-Sava-Kupa-the northern edge of the Gulf of Trieste,

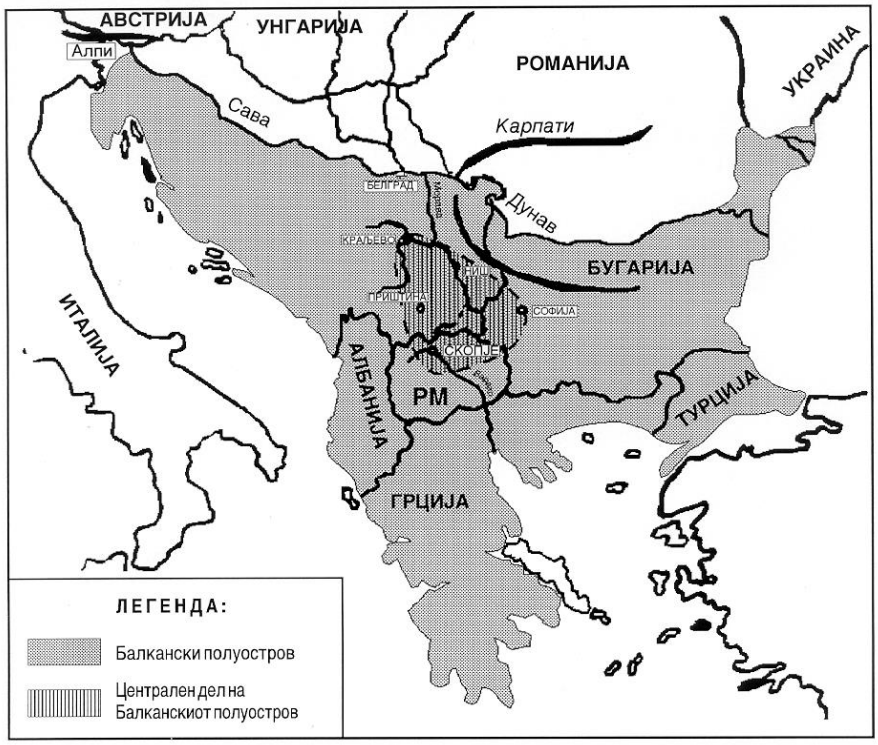
of which one may conclude that the Northern border is not entirely geological, nor ethnical.

Except the continental land, many islands of the coastal seas gravitate and belong to the Balkans, excluding a small number of islands near the adjacent mainland of the Apennine Peninsula and Asia Minor.

In professional literature, for the first time the title Balkan (Balkan Peninsula) was used by the German geographer Johann Zeune at the beginning of the XIX century, according to the name of the Haemus Mons which was called Balkan Mountain by Turks, believing that this mountain represents the main mountain range in the peninsula. The former name of the peninsula was: Illyrian, Roman, Byzantine, European Turkey, etc.

The Balkan Peninsula covers a surface of about 520.000 km2 or about 6% of the surface of Europe. Its width in the route Varna-Trieste is about 1.300 km, and the line Istanbul-Vlore is 800 km. Its length along the route Smederevo-Thessaloniki is 480km and in the route Belgrade-Cape Tainaron (Matapan) it is 950 km long.

With its geographical position, the Balkan connects Europe to Asia, which is separated with the straits of Dardanelles and Bosporus. It is at a distance of 200 km from the Apennine Peninsula in the route Herceg Novi, and it is at a distance of 350km from North Africa (Crete-Darna).



According to the shape, the relief and the physical-geographical peculiarities, the Balkan Peninsula is divided into two expressed parts divided along the line Thessaloniki - Corfu. The northern, continental part is larger and it is connected to compact mass, and the southern part is significantly smaller, it is mostly peninsular and insular, maritimus, especially south from the line Volos-Arta.

The Balkan Peninsula is most accessible from the Pannonian and the Vlach Plain to which it is directly connected, not only in the northern part of the border belt but also along the passable valleys and in depth. The most difficult accessibility is from North-West, from the field of the Alps and in the central part, in the penetration of Danube through the Carpathians.

Along the length of the entire Rhodope range, there are two typical natural slopes (strategic routes), the one of Vardar-Morava in the route Thessaloniki-Belgrade that is cutting the Balkan Peninsula into two equal parts and which is the point of gravitation of the entire central part of the Balkan and the Morava-Marica route in the route Belgrade-Istanbul which through the Sofia Valley connects the Pannonian lowland to Asia Minor.

The valley of the River Bosna is the most important in the western part of the Balkan connected to the valley of River Neretva and with the Adriatic Sea, and also the Valley of River Una is important, it connects Posavina and the Adriatic region through the gates of Knin.

The intercontinental railway and automobile road leads through the Balkan from Middle Europe-Belgrade-Nish-Sofia-Istanbul-Middle East, that is, Nish-Skopje-Thessaloniki-Athens, while the shortest connections from Middle Europe to the Adriatic Sea pass through the Western part of the Balkan.

According to its location, the Balkan takes an important position in the South European front which is, geometrically observed, located in the center of the European front and belongs to its core. Hence, the South European front has many elements of central geostrategic position, and in this context, the Balkan Peninsula as well. Together with the Adriatic front, the South European front consists of the southern wing of the separate fronts of NATO and previously of VD which gets enormous strategic attention by both entities.

The Balkan as an important region of Europe owns certain important, specific characteristics, particularly in the context of the analysis of the regionalization of the crises and the military conflicts in the modern world. Although Europe does not represent the current crisis area, it still represents a continent where both world wars started and took place, that is, a continent where not only all contradictions have been resolved, but also many new contradictions are open, which to a great extent had negative influence on the

European security and on the security of the other geostrategic important regions in the world.

Within these geostrategic frames, the Balkan was always in the center of the strategic options (variants) of the important political and military forces of Europe and the world. In the past historical period, all countries according to their power and influence on world events and processes often changed their geostrategic priorities, but always their vital interest in the Balkan wriggles like a constant. Regardless of the fact which one of those powerful forces is on the top of this strategic pyramid, in the past, and today as well, they do not stop observing and "desiring" the Balkan as a very important strategic area.

From geostrategic aspect, the Balkans is situated at the connection of the three continental masses – European-Asian-African, that is, it represents an area where the military-strategic and the geopolitical map of the world is reflected as in a mirror, with all its contradictions, that is, conflicts.

In the relatively small Balkan area (whose size is identical to the size of one spatially larger country) most people and particularly Macedonian people are minority parts in most countries (Balkan countries), they have always represented, and in near future most probably they will represent a source of many conflicts and accidents in these areas, despite all political phrases that they represents bridges of affiliation. The bridges of affiliation of these Balkan relations have been destroyed long time ago, and most of them are still being destroyed as part of the entire geopolitical, ethnical, traditional and social ambient.

The presented elements and most other important indicators destroy all misconceptions, they rank the Balkans as the most dangerous world crisis hotspot located in the heart of Europe. The current crises and possible future crisis conditions are primarily a product of the mutual relations between the Balkan countries and of the continuously present influence and interference by the large countries. The history of the Balkan abounds with a multitude of such examples, and most maleficent are the "great" and the "small" games with the history destiny of Macedonia. The strategic games of the Balkan neighbors or their mediation in the strategic games of the great forces have always been maleficent for the security and for the (non) preservation of the territorial entirety of Macedonia. What is important and typical from strategic aspect in the Balkan region and in Europe, this was often important and typical for Macedonia in the Balkans – Macedonia was at the top of the strategic pyramid.

The area of Macedonia many times in the history, and today as well, held the first place in the "top list" of the strategic interests of our neighbors and beyond. This speaks that Macedonia in its struggle for freedom did not have only one opponent – the interests confronted in its territory and all

interested parties “made war”, and Macedonia was bleeding the most as a result of this. The Balkan curse, mostly expressed in the change of borders between Balkan countries and of their political and geostrategic status and position, always, and mostly in Macedonia, brought new wars and divisions, new dangers and confrontations. The old and checked formula is also confirmed today, with all its vigor in the Balkans, the forcible change of borders makes the Balkans the most quaking area in Europe and beyond with a vast risk for new measurements of forces and fierce confrontations for settlements of old accounts of the Balkan “great forces”.

The latest wars that once again take place in the Balkans historically return it to the traditional frames of the fierce confrontations and clashes. The level of their “sensitivity” is the possibility for escalation of the conflict to the frames of direct military confrontation of the great forces, that is, one more extensive regional conflict with unperceivable consequences for the international peace and security. The past events are most illustratively speaking that this highest threshold of enormous risk was almost reached before the execution of the “Sarajevo operation”.

Today one more danger darkens the blue sky over the Balkans. In addition to the possibility (the tendency) for complete regionalization of the Balkan crisis, there is one more dangerous tendency - regionalization of the military power connected through the efforts of the local and the regional “Balkan forces” to establish military supremacy in the region in order to provide dominant influence, that is, hegemony. This process covers several Balkan countries, and this is a new serious danger – “Balkan bomb” which can quickly blow up the entire Balkan. The rivalry between the regional “large Balkan forces” is already current and serious, and the force is over-dimensioned, and more than sufficient for this frustrated Balkan mentality. Everyone with their military power is directed against everyone and a small sparkle is sufficient to see the Balkan in flame once again. In its history of centuries this very important geographically strategic area represented a large military polygon where the Balkan states collided, as well as the conquerors that conquer parts of the Balkan, or rumbled with their military expeditions through the Balkan. If the invading paths did not always lead to Macedonia, they often led through Macedonia which represents an important crossroad of this strategic crossroad. The strategic crossroad for the Balkan, and particularly for Macedonia, has always represents a strategic danger instead of strategic advantage.

The strategic paths, the strategic crossroad and the strategic danger are current today as well and they are in the center of all great world strategic combinations.

What further remains for the Balkans is for the old rule to reign, according to which the force is the only prerequisite for prestige, but also for

survival. The force (the military one) in future will not leave space to the mind and for this reason our "exclusive strategists" should say what is most reasonable for this unreasonable time and space.

In order to destroy part of these "misconceptions", we would quote a statement by the admiral Alfred Mehen (Mahan, Alfred Thayer, 1840 - 1914), which in the beginning of this century has foreseen two possible directions of development of events in the Mediterranean. Either the Mediterranean "(…) will belong only to one master or will fall over hegemony of one dominant force which will use its advantages in all directions (…)" or "(…) will be an arena of frequent collisions".

Today it is undisputable that his second prediction is being fulfilled. The Mediterranean became a closed arena of collisions which last for an eternity.

The difference between the Balkan and the Mediterranean is that one of them represents a connection of the three continental masses, and the other connection of the three oceans ("water masses"). But for the Balkan it is impossible to have only one master, many masters are too much, and the masters themselves (the great forces) would never agree with having no masters. The Balkan circle can hardly be closed, the independence remains, however it is certain that today, and in the following decades, a specific military conflict will exist in the Balkans.

And it is even more certain that all forms of modern Balkan terrorism will exist in the following century.

The Balkan countries are looking for an answer to these two current challenges, that is, they are forced to find a complex answer as soon as possible.

This represents only one insignificant segment that determines the geostrategic and the military-political position in the Balkans – the landscape of its cruel image.

CONCLUSION

The Balkan Peninsula within the South European front takes the central, the most sensitive and the most important position, significant for the determination of its typical characteristics.

The Balkans represents an important element of strategic traffic node between Europe, Asia and Africa in the intercontinental connection where they are closest to each other (connection of the continents of the old world – Europe, Asia and Africa).

This "specific" connection is very important due to its geographic position, and according to the important economic, traffic, political, military and other functions, realities, possibilities and perspectives. The Balkan

Peninsula and all countries that gravitate around it, gets more of its importance, simultaneously increasing their sensitivity to different military, political, economic and other pressures, but also of the possibility for making local wars with potential danger for their escalation in regional (Balkan) war.

On the basis of all presented relevant facts about the Balkan, we may conclude that the Balkan within the South European front takes the most important key position.

The Balkan is the place where the shortest and most comfortable access leads from the most developed part of the world – Western and Middle Europe to the Middle East – the richest region in the world with many strategic raw materials, especially with oil.

The planning of the military operations of the South European front cannot be realized without serious analysis of the area of the Balkan Peninsula and the influence of their total military potentials.

The Republic of Macedonia with its entire area belongs to the Balkan Peninsula, that is, to its central part that covers the area of Kraljevo-Pristina-Skopje-Sofia. This actually represents also the central Balkan maneuvering space with important communication nodes, where communications and transient zones are directed towards all parts of this peninsula. This part of the Balkans where the area of Macedonia is located, in the past, and today as well, has crucial influence on the spread of power, the influence and the successful conduct of the military operations of the Balkan and importantly beyond.

The Vardar Valley belongs to the Republic of Macedonia which through the valley of Morava has meridian direction of spread between the Pannonian and the Aegean area. The Vardar Valley represents the central and most important natural transient zone of the central part, that is, of the entire Balkan Peninsula, which also gravitates towards the biggest opening of the Balkans against Middle Europe – the southern part of the Pannonian Plain.

The parallel transient zone which leads from the valley of River Kolubara through the Ibar Gorge, Kosovo Filed, the Kacanik Canyon (SR Yugoslavia), Polog and the Kicevo Valley towards Pelagonia and further on continues towards Athens (R. Greece), strengthens the capacity of the central transient zone of the Balkan and to a great extent increases the importance of the position of the Republic of Macedonia.

When performing military actions from the Eastern-continental part of the European front for the purpose of acting and emergence in the most sensitive areas of the aquatorium of the Mediterranean Sea – the Strait of Otranto and the Strain of Sicily, the transversal route east-west, would entirely pass through the territory of the Republic of Macedonia. It is important to emphasize the role of the area of our country also during the

execution of the military actions from the Western part – the Adriatic Sea though Albania towards the eastern – continental part of the European front.

Of 12 most important entrances to the Balkans indirectly to our country, the Thessaloniki Plain and the Albanian coast gravitate and get close to a great extent.

The potential characteristics indicate that the area of the Republic of Macedonia has a very important and a very sensitive military-geographic position in the Balkan Peninsula in terms of security, military-political and geostrategic aspect.

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THE MACEDONIAN QUESTION AT THE PARIS PEACE CONFERENCE

(the influence of the exchange of population in the process of the national homogenization of the Kingdom of Greece and Bulgarian Empire, in the first decade of 20th century)

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Abstract

In this paper, the key attention is dedicated to the question of the agreements after the World War I, bounded on the Paris peace conference in 1919, i.e. to those agreements which refer to the eviction and exchange of compact national groups from the occupied territories on the sides of Greece and Bulgaria (Treaty of Neuilly, Treaty *of* Saint-Germain*, Treaty of Sevres, and the Treaty of Lausanne). In the paper is also given an estimation of the influence of the exchange of the populations in the process of the national homogenization of the state interests of the Kingdom of Greece and Bulgarian Empire, in the first decades of 20th century. This is an especially important moment in the history of Macedonian nation, because the effects of the exchange of minorities between these two Balkan states contributed to negation of the right of the Macedonian national individuality and the right of the Macedonian independent national development.*

Undeniable is the social importance of these processes, especially of the agreements for voluntary exchange of populations, of year 1919. This comes from the fact that with the sole negation of the Macedonian national question and the rough assimilation at the time of the exchange of the Macedonian population between Greece and Bulgaria, the question of the identity is opening, the question of the territorial pretensions and most of all, the question of the role of the big forces in the historical destiny of the Macedonian people through the whole interdependence of the balance of the forces on the Balkan peninsula in the 20th century.

Key words: *World War I, Paris peace conference 1919, Macedonian national question*

INTRODUCTION

At the Paris Peace Conference of 1919, ended officially the First World War. With the Versailles system decisions, some major changes have occurred in the Balkan Peninsula. The military superiority of the Entente forces and the associated countries in the war, as well as the military fortune, have created new Europe, or more commonly known as Versailles Europe. The five hundred years of the Ottoman rule, the Austro-Russian rivalry, the interference of Western Europe and the Balkan nationalism that dominated over the Balkan situation to the First World War have radically changed with the dissolution of the Habsburg[1], Romanov and the Ottoman Empire[2] during the war. For the first time in history, the Balkan borders were drawn based on the principle of self-determination of the nations, which was the ideological inspiration of the U.S. President Wilson.[3] The victory of this revolutionary principle provided the vacuum of power that was created in southeast Europe, and which directly affected the dissolution of the prewar imperial structures.[4] All this greatly advised the future geopolitical shocks that were tied to the possible rehabilitation of Germany and Russia, especially for their sinister influence over the Balkan states.

From the geostrategic aspect, it is very clear that the Balkan Peninsula constantly was a subject to the conflicting interests of the states before the First World War and its aftermath, and it was the same during the maintaining of the Paris Peace Conference in 1919. The interest of the forces which won the war was to support the already established countries in the Balkans, which directly clashed with the Wilson's 14-point program – the principle of self-determination of the peoples.[5] Therefore, the first peace agreement signed as a result of the Paris Peace Conference was the agreement with Germany of 28th of June, 1919. Further agreements were signed with Austria – Saint Zermen Peace Agreement of 10th of September, 1919, Bulgaria - Peace Agreement from Neii sur Sein of 27th of November 1919, Hungary - Trianon Peace Treaty of 4th of June 1920 in Turkey - Sevres

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[1] Todor Chepreganov, "*The Conflict of the British and the German interests of the Balkans during the Second World War", Skopje,* 2000 p. 27 and 28

[2] Ibid. (cit.). "With the peace… Turkey lost: 1. Eastern Thrace and many islands of the Aegean Sea and the Izmir and the were ceded to Greece, 2. Flows should be constantly open 3. Syria became the "mandate" of France 4. Palestine, Iraq and the Transjordanija became a British "mandate" ... p..28.

[3] Jovan, M. Jovanovic, *Diplomatic History of the New Europe* 1918 - 1938, I, Belgrade, 1938

[4] Leften Stavrijanos, *The Balkans after 1453*, EQUILIBRIUM, Belgrade, 2005. p. 699

[5] Ivanka Dodovska, *The Exchange of Minorities between the Kingdoms of Greece and Bulgaria and the process of formation of the National countries on the Balkans,* Faculty of Law "Justinian I" Skopje, 2009

Peace Treaty of 10th of August, 1920 year, which was later replaced with a peace treaty at Lausanne on 24th of July, 1923.

The Sevres Treaty was provided annexing Eastern Thrace and the Smyrn area to Greece , of which explicitly opposed the revolution led by Kemal Ataturk . Therefore the Greek - Turkish war broke-out , in March 1921. With the conclusion of the Treaty of Lausanne in 1923, the results were carried out by the war, which established the boarders of the new Turkish state. With regard to Bulgaria's peace agreement of Neii, Western Thrace was taken from her and was given to Greece. The only benefit of Bulgaria, a defeated side of the war, constituted ensuring economic output of the Aegean Sea. Greece received the desired Constantinople and Asia Minor, but was doubled in contrast to the time before the war. In fact , with the annexed 42. 945 km2 , which were awarded by the Paris Agreements and the Treaty of Lausanne, the national homogeneity within the Greek state was busted, because within its borders there were now ethnic groups of non-Greek origin. In terms of minority protection, even during the war, the warring parties promised that the future peace conference will bear in mind the principle of self-determination. In addition to this evidence and the statements from the letter to President Wilson of 22nd of January 1917, when speaking about the minimum rights that need to be happy every nation, which can not form their own state, or to be within a single state consistied of its nationality.

In this context, on the 1st of May 1919, just at the moment when the conference was in the middle of the toughest negotiations led by the forces of the Entente, the issue of making the Covenant of the League of Nations and the peace accords, a special committee was appointed, called the "Committee for the new member ". This committee served France, USA, Great Britain, and later also to Italy and Japan. Among other tasks this committee was required to develop rules for the protection of minorities.[1]

The incorporation of instruments for the protection of minorities within the Versailles system were determined by the principle of nationality. This principle in 1919 was still not completely formed, mainly because the results left the Ottoman and the Austro-Hungarian territorial heritage in the Balkans, and referred to the process of forming national states.

The only political act that has been publicly stated and related to the rights of national minorities by the League of Nations, constituted a Resolution that passed the General Assembly of the League of Nations at its third session, on 21st of September 1922. It was requested that those countries that were not bound by contracts to minorities on their territory to

[1] (AM) (F. 374/9) Commission des Nouveaux Etats et des minorities, Conference de la Paix 1919 – 1920. Recueil des Actes de la Conference, vol. 39

provide at least "the same level of fairness and the tolerance, as it is required by contract and regular action of the Council".[1]

Agreements that contain the established rules for the protection of minorities adopted by the Versailles system , were divided into several groups, differed in the same way as they were created. The first group of agreements were those which the Paris Peace Conference had ordered the vanquished countries with peace treaties themselves . The second group of contracts for minority protection which were signed under the instructions of the League of Nations, weren't connected with the peace agreements themselves, but were made in the form of declarations . The actual point that we explore in this paper, are the third set of agreements, signed at the Paris Peace Conference, and such contracts are considered reciprocal emigration of minorities.[2] This group includes: 1) the Convention between Greece and Bulgaria, signed at Neuilly on November 27, 1919 (simultaneously with Neii peace agreement) for mutual voluntary exchange of national minorities; 2) the Convention between Greece and Turkey signed at Lausanne on 30 January 1923, the exchange of Turkish subjects of Orthodox religion and the Greek subjects of the Muslim religion, with the exception of Constantinople Greeks, and the Muslims in Western Thrace. In that way, the responsibilities for the protection of minorities were awarded to the following countries: Poland, Czechoslovakia, the Kingdom of SHS, Romania, Greece, Armenia, Avrstrija, Bulgaria, Hungary, Turkey, Albania, Finland, Estonia, Latvia, Lithuania and Germany.

In its essence the Versailles system since 1919, minority rights not created any extraordinary privileges for minorities themselves. Consequently, the formal aspects have been taken to guarantee the protection of minorities, but in practice they did not have any application, mainly because of the lack of a control mechanism by the Council of the League of Nations.

According to the testimony of Miller, in the Committee for the new states, it was argued about the ethnic minorities which, as a result of the Balkan Wars and the First World War were found in the territorial borders of the Kingdom of SCS and the Kingdom of Greece. The 31st session of the Committee was held on 7th of July 1919, the Ministry of Foreign Affairs , in the presence of delegates from France, USA, Great Britain, Italy and Japan, was considered by the agreement with the Kingdom of SCS . On this occasion , according to Miller 's claim, it was agreed to be discussed only

[1] Miller, My Diary at the Conference of Paris, with Documents. New York, 1924, Vol. 1 – 22

[2] Stephen, P. Ladas, The exchange of minorities Bulgaria, Greece and Turkey, New York, 1932. p. 27

those minorities about which was possible to suggest that they require special treatment.

At this meeting the Macedonian question was discussed as well. The Italian delegation declared a contribution to the same, by suggesting that it was desirable to seek the introduction of special adminstrative system in Vardar Macedonia. This proposal clearly opposed France, which was considered a great defender of the Serbian interests. Furthermore, the 33rd session of the Committee of the new states , held on 15 July 1919, despite reviewing the contract with the Kingdom of SCS , the Italian proposal for granting autonomous status of Vardar Macedonia was reconsidered. With it, the Italian delegate put an emphasis on the importance to provide the necessary guarantees for the protection of the residents of Macedonia, "especially the Slavic population which is not Serbian." Following the tactics of the French delegate regarding this issue, it was determined to be written a report to the delegation of SCS , together with a copy of the minority clauses of the agreement with Poland, with a short explanation that they represent an indication of the general nature of clause with which the Serbian delegation was supposed to agree . At the same meeting it was agreed that a letter with the same content was to be sent to the Greek delegates at the conference.

At the 35th meeting at which sat the Committee for the new states, on 18th of July 1919, the Macedonian people were omitted from the preamble of the agreement with the Kingdom of SCS. Regarding the territory that belonged to the state authority of the Kingdom of SCS , was indicated in the Annex (A), in which Bertlo, in his capacity as president of the Committee for the new states and the protection of minorities, addressed the President of the Yugoslav delegation , Nikola Pasic, on 19 July 1919, stating that: ... undoubtedly it is necessary to review certain provisions relating to other ethnic minorities (such as Albanians, Macedonians and in a general way the Muslim population that exists in the State of Serbians, Croats and Slovenes) . In this connection, the Committee would like to know the points of view of the Yugoslav delegation about the existence of these minorities and their organization, and about provisions that already exist or are in consideration by the Serb - Croat - Slovene government with which should provide the necessary freedom and protection of these minorities.[1]

In the Annex (B), which was passed on the 35th session on July 18, 1919, and which Bertlo addressed to the President of the Greek delegation in Paris, the Kingdom of Greece was required to draft a contract that needed to be signed between the Entente and Greece, regarding the minority rights in this country. The Committee, however, did not recognize the Macedonian minority within the Greek state; hence Macedonian ethnicity was not listed

[1] Documents of Macedonia, Skopje, 2008 p. 265

along with the other minority groups about which Greece was instructed to pay attention according to the Annex.

Simultaneously with the developments within the Committee, by the Macedonian movement, which was embodied in the temporary office of the former United Internal Macedonian Revolutionary Organization, on the conference was sent Archimandrite Paul Christov, the general Vicar of Thrace, wherein his task was to speak for the opening of the Macedonian question.

Paul Christov, on April 10, 1919, has sent the Memorandum of autonomy of Macedonia to Georges Clemenceau and Lloyd George. He also asked these senior representatives to hear him out in order to "personally, in the name of Macedonia and the Macedonian people, to put forward their demands." But these efforts have remained unfulfilled due to the lack of interest by the side of the senior officials to listen to the Macedonian representative.[1] Along with these developments, the final draft agreement with the Kingdom of SCS, the new states' Committee had put forward a comprehensive report on 29th of August 1919. In regard to Macedonia, their advise was that there won't be a difference made between the old and the new provinces. Furthermore, the same report stated that from the side of the British and the Japanese delegation was given a due importance to the statement contained in the documents, that the Kingdom of SCS in its Constitution will proclam the granting of the local autonomy for Macedonia, with which clearly was recommended that "it is not desirable to impose a special regime to it" as was asked by the Italian delegation. In terms of this paragraph , the French delegation was decidedly against any regulation of autonomous Macedonia within the boarders of the Kingdom of SCS, as it felt that this region was subject to the old disputes between Bulgaria, Greece and Serbia, and such regulation could encourage the old rivalries between the Balkan countries and the old military conflicts between the same countries will be repeated. After all , France considered that in Macedonia there wasn't a clearly defined nationality, and its residents were divided accordingly to which parties they belonged, and they changed their characteristics according the change of events. In this regards, according to the findings of Miller, the new states' Committe on many occasions thought that it was necessary to investigate whether there was a need of application of some special clauses. About this context, every member of the delegations agreed, except for members of the French delegation.

Regarding the Bulgaria, the 36th special session of the new states' Committee, held on 22 July 1919, as ordered by the Council of the five, an

[1] See details in the letter of Paul Christov to Georges Clemenceau, and the letter with similar content to Lloyd George, published in Poljanski, op .... p. 92

agreement with Bulgaria was prepared. In their main instruction was ordered that "in the peace agreement, it is decided by the side of the new states' Committee, to be inserted provisions relating to the protection of minorities in this country." This recommendation was significant because of the amendments that have been made in the Articles 3 and 6 of the contract. With them Bulgaria was required that: "Bulgaria accepts and declares that a Bulgarian citizen ipso facto and without any formalities, will become every person that has a permanent residence on the Bulgarian territory on the date of the entry into force of this Agreement, and who is not a citizen of any other state." In addition to the aforementioned, speek also the decisions of the Committee of the 56th meeting, where this decision was confirmed by the Council of the five, that the pact with Bulgaria won't be signed if Bulgaria, first, doesn't sign the minorities agreement.[1]

The High Council, also entitled the new state's Committee with the prevention of minorities in the Kingdom of Greece. In response to the above mentioned letter that was addressed to the Greek delegates on 19th of July 1919, the Greek representative Elefteros Venizelos, to the Committee Chairman, Bertlo, on July 31, 1919, sent a Memorandum of the rights of the minorities in Greece. In this Act submitted to the Commission, the Greek delegate Venizelos stated that the protection of minorities is ensured in the newly gained Greek territories, thusly he did not perceived as necessary an official guarantee by the victorious powers. However, he initially agreed to sign a general announcement that Greece would be obliged to protect its minorities.

On 28th of August 1919, Greece was ordered to take account of the educational process on the local level, and to introduce the language of the majority of the population. Venizelos reacted sharply to this, so the Committee expressly requested that this necessarily had to be respected by Greece. After several months of compliance with the Greek delegation, with the decision of November 3, 1919, it was decided the agreement with the Kingdom of Greece to be confirmed.

Greece, inspite of the minority agreement, succeeded before the The High Council to impose its plan of reciprocity population exchange between her and the Kingdom of Bulgaria. Greece was troubled by the Slavic ethnic population that she didn't identify as Macedonian, but was the most dominant in numbers on the annexed area during the time of the Bucharest peace treaty. Greece succeeded to push through its idea in front of the Committee, thinking that it would break the compactness of the Macedonian ethnicity, and will paralyze the possibility of any future annexation of the territory of ethnic Macedonia. In this regard, by the special Committee was

[1] See Annex (A) of the fifty-sixth session, Abs. Documents of Macedonia, p. 425

formed a subcommittee, assembled specifically for this issue. The main clause in the preparation of this agreement of "voluntary exchange of population" was planned an emigration of the population of the coastal parts of Macedonia and Thrace in the Kingdom of Bulgaria, performed on its own free will, within four years of the entry into force of the Treaty.

The Committee considered that the problem of the population exchange should be extended to all Balkan countries. It was agreed to incorporate these clauses in the agreement with Turkey, and that has related to special agreements that should have be signed with Serbia and Greece. With this solution a legal basis has been found on which the people of Serbia, Greece, Bulgaria and Turkey, could declare their desire for emigration in any of these countries. Besides, it was guaranteed that any such choice is allowed tobe performed on one's own free will.

These proposals were officially set out by the Committee, and by The High Council were adopted on 4th of September 1919. The Greek's representative Venizelos submitted a draft agreement that regulated the exchange, in which was explicitly stated that whoever emigrates loses the citizenship of the country that he left and gets the citizenship of the country in which he chose to live. At the 52nd session of the new states' Committee, held on 15th of September 1919, it was decided that all the issues around the ownership and the nationality, are to be regulated in the Annex (C), and thusly it will be embedded in the Article 56 of the General Peace Treaty with Bulgaria.

However, a problem emerged around the participation of the Kingdom of SCS in the Agreement of exchange of populations, which brought into question the the signing of the voluntary exchange of populations between the Kingdom of Greece and the Kingdom of Bulgaria. Therefore, the work of the subcommittee was dispersed, and therefore the 61st session of the Committee on 17th November 1919, was the session on which again this subject was discussed, after which a report was submitted to the High Council.

On 19th November 1919, The High Council responded positively to the Agreement, and the same was forwarded to the delegations of Greece and Bulgaria, with a remark that they have 48 hours to sign it mutually. The victorious powers decided that the ratification of this Agreement should be left for a latter time.

The Bulgarian delegation made a remark regarding the citizenship, which provided for the freedom of choice. It was stated that at that point in the Kingdom Bulgaria there were more than 400,000 refugees from Macedonia, seeking their return to their native homes. These people still had the status of Ottoman subjects. Therefore, Bulgaria primarily sought to resolve their status. In this matter, the Committee thought that it is proper not

to make a new clause for these refugee groups within the general Agreement with the Kingdom of Bulgaria, but after the intervention of the British delegation it was proposed that these ethnic groups are to enter into the composition of the credentials of the Agreement for voluntary exchange of populations.

This issue was again discussed on the 55th session of the new states' Committee, on 28th of October 1919. It was questionable how to resolve the problem of the citizenship. Therefore, the 59th session of the Committee, held on 13th of November 1919, due to the refusal of the Kingdom of SCS to sign exchange of population, it was decided that the Agreement of voluntary exchange of population should only be signed between the Kingdom of Greece and the Kingdom of Bulgaria. Therefore, on the 62nd session of the Committee on 24th of November 1919, it was confirmed the signing of a voluntary exchange of populations between the Kingdom of Greece and the Kingdom of Bulgaria.

With this, by the side of the Balkan states, as well as the side of the victorious powers, it was given legitimacy to the dissolution, denationalization and the assimilation of the Macedonian people. Through the treatment of the Macedonian question in the context of the national aspirations of the neighboring countries, the right of Macedonian self-determination was delegitimized, and this question was actually the basic proclamation of the Versailles system.

In 1919 it became clear that the solution of the Macedonian question had no serious outcome on this international Conference. The struggle to create a country in this period has ended in failure due to the expansionism of its Balkan neighbors.

As a conclusion, we can sum-up that the newly emerged conditions, reflected in the aggressive nationalism, and the desire for economic development, as well as other minor reasons, have led the former Ottoman and Austro-Hungarian citizens to the difficult dispute for territory and influence in the Balkans. Because all of this, as well as the influence of the Versailles peace treaties, after the World War I, the ratio of the correlating powers in the region of the South Eastern Europe completely changed. In such constellation of relations, Macedonia represented a disputable region on the Balkan. Regarding the Macedonian question in the respected period of our research, we already saw that the same fell into the abyss of oblivion by the side of the great European powers, which were the creators and signing parties of the international agreements. In fact, with the Versailles system, for the second time in just one decade, the Macedonian people were divided and disunited. The very act of signing of the Paris' peace treaties had two meanings regarding the Macedonian question. The first meaning was contained in the fact that, with the Paris' peace treaties, beside the other

decisions, it was made a revision of the Bucharest Peace Treaty of 1913, and with their decisions the territorial gain of the Balkan states was fixed, on the expense of the formation of the Macedonian state. The second meaning was that, the nominally and legally, the Macedonian national minority, with the Versailles decisions, was not recognized, mainly because of the fact that the great powers did not take into consideration the forming of the Macedonian states, to ensure the prevalent neighboring monarchies, i.e. in favour of Greece, Serbia, Bulgaria and Albania. The dismemberment of Macedonia also brought up the displacement of the Macedonian national-revolutionary movement. Such unnatural dividing contributed to the separation in the ideological matrix of the autonomous Macedonian movement, and the same was dissolved on the two ideologically opposing sides. It is well known that, the first one joined the ideological and political aims of the Bulgarian society, and the second one remained fighting for the autonomous idea, but in some very adverse circumstances.

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LATENT IMPACT OF THE CONCEPT OF EXCLUSIVE SLAVIC ETHNO GENESIS OF MODERN MACEDONIAN NATIONAL IDENTITY ON INTEGRITY

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Abstract

Modern Macedonian identity is a conception neither ancient nor Slavic but Macedonian, and in this respect, Macedonian national conception has never been in divergence within the intellectual and the ideological - political public. The differences occur in relation to the concept of ethno genesis of the Macedonian national identity - exclusively Slavic starting from 6 CE or ethno genesis that include ancient - Macedonian historical - civilization / cultural - civilization identity and heritage. Of course, in terms of the modern Macedonian national identity these two ethno genetic pillars do not have equal contribution and heritage. If anything, then Slavic - Macedonian ethno genetic contribution and heritage has a very clear and strong recognition because of the undeniable character of the modern Slavic Macedonian language, together with its codification as literary Macedonian language. But at the same time, these two ethnic genetic heritages must not imperatively be excluded when defining the concept of ethno genesis of the modern Macedonian national identity, and objectively observing, historical - civilization / cultural - civilization are not conflict and not mutually exclusive. Especially in the context and the framework of the negotiations between the Republic of Macedonia and the Republic of Greece, eventual insistence on exclusively Slavic ethno genesis of the modern Macedonian national identity with complete rejection of the ancient Macedonian ethno genetic line, flagrant, dramatic and traumatic opens major political (mostly international - political) space to attack modern Macedonian national identity. This attack is very clear and obvious, and probably in the future it will be essentially strengthened through its framework for streamlining which provides and requires equalization of the essential of the concept of

Slavic ethno genesis with the essential of the concept of the modern Macedonian national identity. This necessarily implies to political / international - political push to revise the modern Macedonian national identity as Slavic Macedonian national identity, something that would be extremely simple and reasonable, because in that way the modern Macedonian national identity cannot be lost, but only become more precise and more clarified. If we do this first step, political / international - political completely logical and normal framework is inevitable and necessary to impose for the making of the second step, which contains, as fully and absolutely natural and "spontaneous" extension of the first step, acceptance and implementation of the request / "red line" and the second factor - Albanian. The Albanian factor would successfully impose rejection of the new name of the state which would be in accordance with the nature of the concept of the new Slavic Macedonian identity – Republic of Slavic Macedonia, because that name would not be in accordance with the binational nature of the state, in accordance with the "spirit" of the framework agreement. This means that it is required that the name of the state is changed as name of a strictly binational Slavic Macedonian - Albanian state. There also comes the name "Slavic - Albanian Republic of Macedonia".

Key Words: *Slavic ethno genesis; the* ethnogenesis of the Ancient Macedonians; *contemporary Macedonian national identity; talks on the name of Republic of Macedonia.*

INTRODUCTION

The latent impact of an exclusive Slavic ethno genesis of the modern Macedonian identity on its integrity shows exactly how such identity - as Macedonian identity, not as Slavic – Macedonian or Ancient - Macedonian national identity, gets a special importance within the negotiations between the Republic of Macedonia and the Republic of Greece about their differences for the country's constitutional name – the Republic of Macedonia. These differences were especially apparent in the process of accession of the Republic of Macedonia in the United Nations in 1993. Then, only one UN member state - Greece, opposed the accession of the Republic of Macedonia to the United Nations with its constitutional name - Republic of Macedonia. This conclusion for the denial of the state constitutional name Republic of Macedonia is of special importance for the issue of the paper. Namely, it is a bilateral dispute between the two countries Macedonia and Greece, and is not a wider international dispute, for which negotiations are conducted only between these two states, with appropriate mediation of the mediator appointed by the Security Council of the UN. The other member

states of the UN had no objections in terms of meeting the conditions for accession and they were not involved as parties in this dispute of the denial of the state constitutional name – the Republic of Macedonia.

This is important to know so that we could later analyze the contents of the two resolutions of the Security Council of the UN, the most direct connection with the dispute - Resolutions 817 / 93 and 845 / 93, because its mediation led to clearly detect the real reason for denying the constitutional name of the Republic of Macedonia by the Republic of Greece. Namely, it is obvious that the real problem is the identity and the existence of the modern Macedonian identity, the existence of the idea, the concept and policies of Macedonianism, and not the state security of the Republic of Greece and its need for geographical distinction of the historic territory of ancient Macedonia, whose territories exist in both states - in the Republic of Macedonia and the Republic of Greece.

It is not a coincidence that as geographic distinction Greece implies only to intervention in the constitutional name of our country. Intervention by a geographical determinant, the Republic of North / Upper Macedonia, that becomes meaningless as a geographical determinant when there is no state the Republic of South / Lower Macedonia. It is obvious that the request of the Republic of Greece for a geographical determinant in the state constitutional name of the Republic of Macedonia, and how erga omnes, without precisely defining the structure of the content of the erga omnes determinant, including the fact that the Republic of Greece requires a geographic determinant where the first word in the name of the state (before the word republic) ahead of the national name (Macedonia), is essentially a request to intervene in the ontological structure and uniqueness of the modern Macedonian national identity.

RESOLUTIONS 817 / 93 AND 845 / 93 OF THE SECURITY COUNCIL OF THE UN

The Resolution 817 / 93 was adopted on 7 April 1993 and it generally refers to the accession of the Republic of Macedonia in the UN. In this resolution ascertain differences regarding the name of the state, while not naming the subject with which the Republic of Macedonia has differences regarding its constitutional name. In paragraph 2 of the Resolution was established that the new application state will provisionally be referred to in all uses in the UN as "the former Yugoslav Republic of Macedonia", until differences are overcome, i.e. the dispute over the name.

At this point we strongly emphasize the fact of the content of the resolution that the construction "the former Yugoslav Republic of Macedonia" is not the new name of the state - it is only a provisional

reference (Security Council did not alter the constitutional name of the country), and that the provisional reference, time of use did not resolve the dispute over the name of the state of the Republic of Macedonia, is exclusively to use for all purposes of the UN. This clearly implies that the Security Council provisional reference, without specifying any shortcut of this construct - provisional reference, does not provide and does not impose the use outside the UN system.

Resolution 845 / 93 was adopted on June 18, 1993 and it calls on both sides in the name dispute to speed up efforts to resolve it. So, this resolution does not intervene in the constitutional name of the Republic of Macedonia, and provisional reference in reality is - provisional reference and is for use only for all purposes within the United Nations, and not a new name to the state.

These are the resolutions of the UN Security Council concerning the differences / dispute regarding the constitutional name of the state of Republic of Macedonia. In none of these resolutions is present, explicitly or implicitly, any content which can refer to the issue of the modern Macedonian national identity (more on the modern nation identity in Smith 1991, Tomlinson 2003).

The same is true even for the Interim Agreement signed in New York on 13 September 1995, in which the two states are not even named by their constitutional state names. So, not only the Republic of Macedonia, but also the Republic of Greece is not named by its constitutional name. With this agreement was introduced the UN mediation in the dispute. So, with the Interim Accord were not determined the identity contents as topics and issues that should be talked within the negotiations for the differences between the two states about the constitutional name of the Republic of Macedonia.

The analysis of these two, quite short resolutions, and the agreement, completely clearly and precisely show and argue that topic and issue around which should be the talks between the two countries is not the modern Macedonian national identity (more on this in Brown 2003).

But it is precisely the essence of the dispute and differences between the two countries - it is obvious that the Republic of Greece has a problem with the modern Macedonian national identity, it has a problem with the modern Macedonianism. The strongest argument and the best evidence of this is the first Greek approach to this problem contained in the Lisbon declaration of the European Community / European Union in 1992, in which European union requires from the Republic of Macedonia to eliminate modern Macedonian national identity in the name of the state, clear by renaming the state of the Republic Macedonia in a new name which will not contain the noun Macedonia or some derivative thereof. After the failure of

this attempt switched on the Greek "Plan B" – an identification and ethno genetic separation of modern Macedonia regarding the ancient Macedonian identity and its historical - civilization / cultural – civilization heritage (more on this in Gandeto 2002).

The bottom line for Greece is not too big a problem the existence of modern Macedonian national identity as exclusively Slavic identity, i.e. with exclusively Slavic ethno genesis (more on this in Curta 2008), and defining the state of the Republic of Macedonia, i.e. its constitutional name in accordance with its Slavic identity, for example, Slavic Republic of Macedonia. But in such a problem also occurs the opposition of the ethnic Albanians living in the Republic of Macedonia, who are not Slavs and who cannot accept such a name of the state, which they viewed and defined as a bi-Macedonian - Albanian state, in accordance with their understanding of the "spirit" of the Agreement. Since the Republic of Greece insists on a geographical determinant before the name of Macedonia, the erga omnes use which openly includes the treatment and the purpose of that name as a generator / source of a new national identity – for example, North Macedonia / Upper Macedonia.

The latest, really unofficial but strongly indicative, political / international - political circulation and diffusion of the name "Slavic - Albanian Republic of Macedonia", among other things, casts a bright light on the latent danger to the integrity of the modern Macedonian national identity, which completely realistic and objective comes from the side of the making of the concept of its ethno genesis as exclusively Slavic (more on this in Tziampiris 2011).

ADJUSTMENT TO EXCLUSIVELY SLAVIC ETHNO GENESIS

Modern Macedonian identity is not conception nor as ancient nor as Slavic but as Macedonian, and in this respect Macedonian national conception never been divergences within the intellectual and ideological - political public.

The differences occur in relation to the concept of ethno genesis of the Macedonian national identity - exclusively Slavic starting from 6 CE or ethno genesis that includes ancient - Macedonian historical - civilization / cultural - civilization identity and heritage. Of course, how is it meaningless, even a bizarre, be measured weight of certain historical – civilization / cultural - civilization heritage in ethno genesis entity, the fact is that in terms of modern Macedonian national identity these two ethno genesis pillars (ancient - Macedonian and Slavic – Macedonian) do not have equal contribution of heritage. It is something that is completely natural and

normal, it is something that a reality for any particular ethnic genetic concept. If nothing else, Slavic - Macedonian ethnic genetic contribution and heritage has a very clear and strong recognition for undeniable Slavic character of the modern Macedonian language (the language of modern Macedonian national identity along with its codification as literary Macedonian language). The modern Macedonian language with its codification as a literary Macedonian language represents the importance of the key and crucial identity recognizable of the modern Macedonian national integrity (more on this in Friedman 2000).

The modern Macedonian language together with its codification as a literary language, is the strongest and most recognizable landmark and crucial differentia specifica of modern Macedonian national identity (more on this in Greenberg 1996). Based on of the modern Macedonian literary language and through it, the modern Macedonian national identity is differentiated from other modern national identities, primarily different from the neighboring national identities, which is inevitable in relationships of acculturation. They are the neighboring modern national identities, whit their established state - politically, ideological - political and cultural - political platforms and entities, that its national - modern cause have conceptualized and state - politically constructed and implemented through open expansionist and hegemonic aspirations regarding the integrity and interest of the idea, concept and state - political cause of modern Macedonian national identity. Few other words, modern Macedonian literature – language codification is also (as identity organic unity) the fundament, amalgam, and cohesive - integrative substance of the specific last line of defense of the integrity of modern Macedonian national identity and its historical - civilization, cultural - civilization and national - political cause (more on this in Detrez and Plas 2005).

In the same time, this undeniable historical - civilization / cultural – civilization fact does not exclude the side and pole of ancient – Macedonian ethno genetic heritage (more on this in Skokljev, Nikolovski and Stefov 2010). Namely, these two ethno genetic heritage must not imperative to exclude when defining the concept of ethno genesis of the modern Macedonian national identity, and when most real and most objective will look and will build concept, historical - civilization / cultural - civilization not conflict and are not mutually exclusive. In this regard, among other things, completely is clear that ancient - Macedonian ethno genetic side general not reduce or devalue the importance of the undeniable Slavic language landmark as a key and crucial determinant of modern Macedonian national identity. As well as, from other side, the reality and importance of the Slavic nature of the language landmark and code of the modern

Macedonian national identity general no need from exclusion of ancient - Macedonian ethno genetic line.

But especially in the context and framework of the talks between the Republic of Macedonia and Republic of Greece eventual insistence on exclusively Slavic ethno genesis of modern Macedonian national identity, means a complete reversal of ancient - Macedonian ethno genetic component, flagrant, dramatic and traumatic opens big political (primarily international - political) space to attack the modern Macedonian national identity. This attack very clear and obvious move, in future maybe or probably will be essential stronger trough framework for rationalization which will provides and will require equalization and universalization of the nature of the concept of exclusive Slavic ethno genesis and the nature of the concept of modern Macedonian national identity. This necessarily assumed and mean political / international - political pressing for revising the modern Macedonian national identity as a Slavic Macedonian national identity, something that would be extremely simple and in accordance with common sense, because of the way the modern Macedonian national identity nothing not be lost, but more would be precise end clearer. Identity Slavic Macedonian which completely real and completely objectively is not acceptable by relatively large majority of members of the modern Macedonian national identity and that identity, completely clear and completely predictably, if a make the experience of its political / international - political imposition will cause deeply serious divergences and started conflicts in and across the tissue of the modern Macedonian national identity, i.e. the state of the Republic of Macedonia, and thus fundamentally will be destroyed their integrative - cohesive substance.

Also, this way - through "specifying" of modern Macedonian identity as Slavic Macedonian, will be given a privileged position of Republic of Greece in talks and with it will would be appreciated its red line in these talks, would have to be met and would be accept Greek red line in the talks, which even the a level of complete obviousness, has identity nature and essence (more on this in Sasajkovski and Micanovska 2011). Greek red line essentially connotes the recognition and the acceptance from the side of the Republic. Macedonia, i.e. from the side of the modern Macedonian nation, the ancient - Macedonian historical - civilization / cultural - civilization heritage as an exclusive heritage of modern Greek national identity, i.e. the modern Greek nation state (more on this in Denying Ethnic Identity 1994). That would be completely clear and completely precise separating the Slavic Macedonian national identity in relation to the ancient - Macedonian ethnic identity, without pounding their historical - civilization / cultural - civilization continuous, interbreeding and recharge (more on this in Agelopoulos 1995, Bozatzis 1999).

ADJUSTING TO THE "SPIRIT" OF THE FRAMEWORK AGREEMENT

When the first step was made in this context, political / international - political completely logical and completely normal is inevitably and necessarily to be imposed the necessity of making the second step.

The second step includes, as fully and absolutely naturally and "spontaneously" extension of the first step - after the acceptance and the implementation of the request / the "red line" of the "Greek factor" during that first step, the acceptance and the implementation of the request / the "red line" of the second factor - Albanian. Namely, accordance with to the political / international - political accepted, i. e. imposed, interpretation of, more of the "spirit" rather than the "word" of the framework agreement from 2001 in relation to the constitutional nature of the state Republic of Macedonia as factual and essentially a bi - national Macedonian - Albanian state (in this context extremely indicative and even a paradigmatic is the superimposition by the Albanian political parties in Macedonia and by i. e. international community on seeing and the understanding of parliamentary elections as bi - national, Macedonian and Albanian elections with two winners - Macedonian and Albanian, which then form a national dual Macedonian - Albanian government), normal and logically we will the "Albanian factor" in the Republic of Macedonia to successfully impose acceptance of the new name of the state - which would be in full accordance with the Greek "red line" and in accordance with the nature of the concept of the new Slavic Macedonian identity - Republic of Slavic Macedonia. This name of the state in no case can be acceptable to "the Albanian factor" and she inadmissibility has already been many times, in many different situations and many loudly a declared, because it name (Republic of Slavic Macedonia) will indicate the national nature of the state, rather than of it bi-national nature - meaning not only Slavic Macedonian, but Albanian as well together with the Slavic Macedonian.

Therefore, in this case it should necessarily be done and mentioned the "second step", i.e. to accept the second "red line" – the Albanian. All this means the in reality the name of the state to change as the name of strictly bi – national Slavic Macedonian - Albanian state, for example, "Slavic - Albanian Republic of Macedonia". Of course, as a state of two national identities – Slavic Macedonian and Albanian. It is a political / national - political genesis, purpose and idea for the new name of the state, which have not officially began to circulate, yet.

Here, briefly and essentially, seem the political / international - political scenario, which by the positioning and the commitment for

exclusive Slavic ethno genesis of the modern Macedonian national identity, leads to its revising as Slavic Macedonian national identity and leads to change the name of the state Republic of Macedonia as "Slavic - Albanian Republic of Macedonia". This, unfortunately, is in some of its already accomplished segments and phases, if nothing more, then at least as officially and unofficially political / international - political positioning, commitment and acting.

Conclusion

In circumstances of unfavorable regional and to wider international - political the structuring and relationships of force and power, completely realistically and objectively possible is taking of various measures towards Republic of Macedonia for solving / closing the still open issues in which she is involved. In that context, certain that the problem with the differences between it and Republic of Greece in terms of its constitutional name, as and real not closed problem with Albanian ethnical community in Republic of Macedonia, despite the framework agreement, in terms of its constitution (ideologically and politically preferred by ethnic – Albanian side as bi – national Macedonian - Albanian state), remains the and further the most large, the most complex and the most crucial problem for the Republic of Macedonia and the Macedonian people. But, the acceptance, the conceptualizing and the defining of the modern Macedonian national identity as genetic exclusively Slavic ethnic identity, opens very wide area for strong and from more sides pressures and requests, which if are successful, can ultimately to the change / revision of the modern Macedonian national identity as Slavic Macedonian and to the change / revision of the name of the state as Slavic - Albanian Republic of Macedonia. Name which, although not officially and unofficially, already begun to circulate across the corridors of international structures and constellations of political and every other kind of power.

Essentially the request of Republic of Greece is request for change / revision of the concept of modern Macedonian national identity as northern Macedonian national identity or as upper Macedonian national identity. In that way, that identity should be distinguished from the Macedonian national identity, he ancient, which Republic of Greece he appropriates as exclusive own historical – civilization / cultural – civilization heritage.

In this context thus analyzing, we have to underline that for the Republic of Greece and for the concept of the modern Greek national identity - the identity of the modern Greek nation - state, when you already cannot completely deny the real existence of the modern Macedonian national identity, for it is vital at any cost to impose the modern Macedonian

national identity to be conceived and to defines how exclusively Slavic / Slavic - Macedonian national identity, with ethno genesis which begins in the 6th century, and that identity no is any historical - civilization / cultural - civilization connection with ancient Macedonian historical - civilization / cultural - civilization identity and heritage.

But, if in certain home Macedonian – political circumstances and especially in favorable international - political circumstances be realized Greek request, then the inevitably you will have to be considered with very strong Albanian internally - Macedonian and international - political pressure for satisfying Albanian national interest in Republic of Macedonia – a confirmation of the bi – national Macedonian - Albanian nature of the state Republic of Macedonia and through appropriate adjustment of its constitutional name.

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MACEDONIA IN THE NEW INTERNATIONAL SECURITY SURROUNDINGS: LESSONS LEARNED FROM THE CONFLICT IN 2001

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Abstract

A decade after the breakup of Yugoslavia, Macedonia was considered a model of relatively harmonious coexistence of the two communities, the Macedonian and the Albanian, and the only country that gained its independence from the former Yugoslavia without an armed conflict. However, many circumstances led to transformation of the ethnic tensions in 2001 into any armed conflicts between the Macedonian security forces and ethnic Albanian armed extremist groups. This text presents an analysis of the circumstances that led to armed conflict, how the conflict was resolved and the post-conflict solution of the problem in light of the international security environment that was emerging and where Macedonia found itself as well.

Key words: *armed conflict, Macedonia, management.*

INTRODUCTION

For Macedonia and the broader Western Balkan region, according to some sources, Kosovo's declaration of independence and the creation of the new state on February 17, 2008 signified the final step in the disintegration of the FRY, and a new chapter for this region and the international community. This final phase in the political history of the FRY confirms a theory proposed by Adam Michnik that nationalism is the final stage of communism. With the realization of the political, ideological and historical goal of the Kosovo Albanians, the questions of what influence the creation of the newly-formed country would have of the security and political situation in Macedonia in the immediate vicinity with its ethnic Albanian population (southern Serbia, Montenegro, and Greece) re-emerged in Macedonia, which borders Kosovo. The notion that an independent Kosovo is not the final goal of ethnic Albanians (of the final act of the Yugoslav crisis), and they ultimately strive to unite all territories occupied by ethnic Albanians (i.e. a move towards a so-called Greater Albania), is a popular one, particularly in

countries that have shown restraint or opposition towards the independence of Kosovo (Mitrevska, 2009:177).

This issue has been particularly topical in Macedonia in the recent years because of the Albanian minority. Even though Macedonia is still considered an "oasis of peace" vis-à-vis the former Yugoslavia despite the eruption of violence in the first half of 2001, the root cause of conflict between the two ethnic groups has not nearly been removed. This was most recently seen in March and April 2008, when the Macedonian government suffered a major political crisis, which was only resolved after early parliamentary elections were called. The explanation for leaving the ruling coalition, offered by the DPA, was primarily, the supposed, failure to respect ethnic minority rights, which has been a common complaint of Albanian parties against the state. And additional hindrance to the stability of the country and its integration into the Euro-Atlantic "security community"[1] is the fact that the NATO Summit in Bucharest in April 2008 did not invite Macedonia to join the organization, which could have a negative effect on efforts to stabilize political conditions and post-conflict resolution of open issues within the context of the Ohrid Framework Agreement.[2]

Macedonia's geopolitics in the Western Balkans is characterized by difficult relations with its neighbors. Relations with Greece have been tense since Macedonia declared its independence, and continue to be so up to 2008 when Macedonian's application for NATO membership was rejected because of Greek demands. Greece has consistently rejected Macedonian's use of the name Macedonia, on the basis of the arguments that the name implies expansionist tendencies since Macedonia is also the name of Greece's Northern Province, which Macedonia allegedly wishes to annex. Under pressure from Greece, Macedonia enacted two amendments to its constitution: Amendment I states that the Republic of Macedonia rejects any and all territorial pretension against any neighboring country while Amendment II states that Macedonia, which is constitutionally bound to assist its kinsmen in other countries, will not interfere with the internal affairs or rights of sovereign countries (Grizold et al.2007).

[1] A security community, according to Karl Deutsch, is a community whose members no longer resort to physical violence for the resolution of common disputes; a security community evolves from a state of common interest, is strengthened by increasing mutual transactions, and results in the process of mutual responsiveness (Deutsch, 1978).

[2] The official reason why Macedonia was not invited to join the NATO alliance was the unresolved dispute whit Greece regarding the use of the name Macedonia. Greece maintains that the name implies expansionist territorial ambitions in northern Greece, which Macedonia has consistently denied. After Macedonian representatives left the NATO summit prematurely, the Macedonian foreign minister, Antonio Milososki warned that the rejection of Macedonia could reignite the conflicts in the Balkans (Tuhina, 2008).

Greece first closed its borders with Macedonia and imposed sanction for several months in August 1992, than again in 1994 for one and a half years (the embargo ended in 1995, when Greece recognized Macedonia as the Former Yugoslav Republic of Macedonia). The economic sanctions imposed by Greece, as well as the international embargo on RFY, had a devastating effect on the Macedonian economy, which saw its GDP fall by two-thirds in comparison to its pre-independence level (Greco 1999).

Relations with Macedonian's eastern neighbor, Bulgaria, were no better, even though Bulgaria was the first country to recognize Macedonians are an ethnically distinct nationality and that Macedonian is a distinct language. Bulgaria's rejection of the above is based on two main arguments: a) the denial of the existence of a Macedonian ethnic community in Bulgaria, and b) territorial claims against Macedonia on the basis of claims that the population of Macedonia is Bulgarian rather than Macedonian (Tatalovic 1999, 1048).

The Macedonian political system suffers from a lack of transparency, and corruption is endemic, particularly among the country's political elite. Corruption has acquired the capacity not only to retard economic progress but also to feed organized crime. It should be noted than both ethnic Macedonian and ethnic Albanian political parties, i.e. the very parties that frequently confront each other in public, are both involved in profiteering (International Crisis Group 2002). One of the most high-profile scandals of that time, which has been highly damaging to Macedonia's international reputation and stability, was the so-called "sugar scandal".[1] It was, however, not the only scandal to shake the country's reputation.[2] Organized crime, which coexists with corruption, has had an adverse effect on the security situation in the country. Macedonia, which lies at the hearts of the Balkan Peninsula, serves as a transit point for illicit drugs, human trafficking,

[1] The "sugar scandal" involved the sale of Macedonian's only sugar refinery in Bitola. This led to a sugar shortage, which had an adverse effect on the food and non-alcoholic beverages industries. The government intervened by allowing limited quantities of duty-free sugar to be imported, however, the contracts were awarded to companies closely associated with the VMRO-DPMNE and the Democratic Party of Albanians; this allowed certain individuals within these parties to earn large sums of money illegally (International Crisis Group 2001, 13).

[2] Corruption infected the customs service , where the director Dragan Daravelski indirectly coerced businesses to contract transportation companies in which he had significant interests to move their goods across the border. Using other transportation companies usually meant trouble. Another corruption scandal involved the management of assets belonging to the national health fund (the director of the institution was Vojo Mihajlovski, the General Secretary of the then ruling party VMRO-DPMNE)-suppliers of medical devices were required to pay a kickback of 5% of the value of the equipment. This figure gradually rose to 30%. There are several other examples of corruption involving from the highest levels of government.

smuggling in weapons, cigarettes, and petrol. During the trade embargo against the FRY in the 1990s, large quantities of contraband passed through Macedonia and even reputable Macedonian companies got involved in illegal trafficking.[1] Smuggling, which was tolerated by the country's of hostilities. Because of corruption, goods were smuggled across official border crossing points, from which many officials (both Macedonian an Albania) made handsome profits (International Crisis Group 2001, 13).

GENESIS OF THE CONFLICT LEADING TO THE OUTBREAK OF HOSTILITIES (2001)

Ethnic conflict in Macedonia did not begin with the country's independence. Its roots reach far into history and it is in this light that that we should understand the words of former UN Secretary-General Kofi Anan and the conflicts between the Macedonian and Albanian ethnic communities, which is, as with the most contemporary internal conflicts, of a structural nature.[2]

The Assembly of the Republic of Macedonia declared independence on September 17, 1991 following a referendum on independence held on September 8 of the same year. Independence was supported by 95.32% of the votes cast, but its legitimacy was undermined by the fact that the referendum was boycotted the majority of ethnic Albanians. A new legal and political order was enacted with the adoption of the Constitution on November 17, 1991. An early development in independent Macedonia was the constitutional act of January 1992, which declared that Macedonia would no longer cooperate with Yugoslav federal institutions and authorizes, which abolished the mandate of all federal representatives in Macedonia. Macedonia was admitted to the United Nations on April 8, 1993 as the Former Yugoslav Republic of Macedonia FYROM, and soon became a member of other international organizations as well (Danforth 1995, 98, 145).

[1] Macedonian Prime Minister Georgievski declared that 27 Macedonian companies dealing in tobacco, alcohol, petroleum, steel and chemical had close relations with the Milosevic regime and that they were also involved in money laundering. Georgievski also admitted that Serbian citizens opened accounts at Macedonian banks which they used to transact with third countries (International Crisis Group 2001, 12).

[2] The conflict existed before the disintegration of the SFRY, however, it was perceived primarily as a struggle by Albanians for their national rights in a broader sense, namely, within the framework of the SFRY, rather than being limited to Macedonia; Albanians living in the SFRY were divided by internal borders – these did not hinder movement nor Albanian political activity. An important reason why the conflicts did not erupt earlier lies in the policies of Tito's Yugoslavia, which, as a rule, oppressed nationalist tendencies through the use of force.

With the disintegration of the FRY and the creation of new states, the ethnic Albanian population, which had lived in the FRY up until the early 1990s, found itself in the new political reality that was taking shape on the territory of the former Yugoslavia. New international borders meant that ethnic Albanians from the SFRY now lived in two separate countries: within the Federal Republic of Yugoslavia, in the province of Kosovo, parts of southern Serbia (Presevo, Medveda and, Bujanovac) and eastern Montenegro, and,[1] in western Macedonia.[2]

Throughout modern history, there has always been an ethnic Albanian population in Macedonia, which has a total population of slightly more than two million. The relative number of the ethnic Albanians has been increasing since the first census 1948, with exception of the census of 1953, when they accounted for 12.5% of the population.[3] From the next census in 1961 and up to the most recent one in 2002, the ethnic Albanian population has been constantly increasing. At the last census, 25.17% of the population (509,083 individuals) declared ethnically Albanian, while 64.17% (1,297,981 individuals) declared themselves ethnically Macedonian. It should be noted that the percentage of Macedonians has been falling consistently since the census of 1961.[4]

Because of the fragile peace in Macedonian's neighborhood following the dissolution of the FRY (Serbia, particularly Kosovo, Albania and finally Bosnia-Herzegovina), UN troops were sent to Macedonia as a preventive measure-the UNPROFOR mission, which in 1995 became the UNPREDEP mission. The mission's mandate was threefold:

I. To monitor any developments in the border areas between Serbia and Albania. which threaten the territory of Macedonia.
II. To deter any developments which could pose a threat to the security of the country.

[1] Following Montenegro's declaration of independence on June 3, 2006, the Albanians found themselves in another new country, Montenegro. Kosovo's declaration of independence from Serbia in 2008 had the same impact in this regard.

[2] Until the dissolution of the SFRY and the rise of Milosevic's nationalist regime, Albanians living in Macedonia had close contacts with Pristina, the administrative centre of Kosovo. The city was, inter alia, the centre of university education in the Albanian language, and after the dissolution of the SFRY, Albanians who did not live in Kosovo were cut off from Pristina. The question of higher education in the Albanian language later proved to be one of the most problematic areas in the relations between the Macedonian authorities and the Albanian community.

[3] The main reason for the drop in the Albanian population was that Turks, Macedonian Muslims and the Roma, who had been considered as Albanians in the 1948 census, were registered as Turks in the new census.

[4] Another important fact is that many Albanians, who were separated after the dissolution of the SFRY, live in areas bordering Macedonia (Albania, Kosovo, Montenegro, Serbia and Greece).

III. To ensure peace and stability through good practice and governance methods with Macedonian authorities.

In addition to the preventive presence, good practices and confidence building, early-warning systems, supervision, reporting and specific social projects, the mission was also tasked with analyzing developments than could de-stabilize the country or lead to a new crisis. It was in the interests of UNPROFOR to see the implementation of institutional reforms, enhancing the police and judicial system, and promoting the social and economic development of Macedonia. As such, UNPROFOR was a very broad mission of preventive diplomacy and preventive military deployment with a multifunctional strategy in which preventive action was holistically planned and implemented.

As a result of events in Macedonia and Western Balkans, The Security Council of United Nations adopted resolution 1110, which resulted in a phased reduction of the military component by 300 troops to a total of 750, and the number of international observers from 19 to 8. In the same year, the Security Council extended the mandate of UNDPREPED until August 31, 1998, after which date it anticipated the withdrawal of the military component. Because of increased tensions in the region (events in Albania, the slow and difficult implementation of the Dayton Agreement in Bosnia-Herzegovina, problems in Kosovo, and the failure to determine the border between Macedonia and the FRU), the decision was later changed and the mandate of the military component was extended (Grizolt et al. 2007).The UNDPRED mission can be assessed as a successful paradigm of preventive peace keeping and an important achievement by the international community.[1] Had events developed and the international community acted differently, the scenario common to this restless region may very well have been repeated: ethnic cleansing, refugees, massacres and wanton destruction. Nevertheless, UNDPREDEP was not a panacea for the most fundamental problems afflicting the Macedonian society.

The UNDPREDEP mission ended in 1999 and was replaced by NATO troops.[2] This was a difficult year for Macedonia as it accepted almost

[1] Alice Ackermann (in Vayrynen 2003, 66) assigns a particularly constructive role in conflict management in Macedonia to UNDPREDEP. An opinion poll conducted in 1997 showed That the majority of Macedonians viewed the role of the mission as positive even though a large number of those polled did not have a particular opinion (Georgieva in Vayrynen 2003,66). Jentleson (2003, 39) believes that one of the main reasons for the success of the UNPREDEPD missions lies in the fact that the missions was credible, namely the force was sufficiently strong and well armed and trained.

[2] The mandate of UNDPREDEP ended in 1999, when the Security Council did not renew the mandate as a result of the veto of China. The reason for this was Macedonian's recognition of Taiwan, which caused a harsh reaction from mainland China. According to

300,000 refugees fleeing from Serbian persecution in Kosovo and threatening the stability of the country. This swelled the number of people in Macedonia by 14.77% and enhanced the sense among the Macedonian ethnic community that their identity was being threatened in their own country.[1] After the NATO attack on the FRY in the spring of 1999 and the withdrawal of Serbian troops from Kosovo in compliance with the UN Security Council resolution, a majority of the Kosovo refugees returned to their homes. The Kosovo crisis resulted in the re-emergence of the question of ethnic identity in an already fragile and non-cohesive society: Macedonian Albanians accused ethnic Macedonians of lacking sympathy for their brothers from Kosovo, while the Macedonians saw in the refugees' potential combatants for the Kosovo Liberation Army (KLA).[2]

At the same time, the Macedonian police conducted several raids in northern Macedonia, in village predominantly occupied by ethnic Albanians, and seized large quantities of arms and ammunition.[3] There were reasonable grounds to believe than northern Macedonia served as a base and recruitment centre for KLA combatants, who were fighting the army of the FRY in Kosovo.

The new Macedonian Constitution did not define the ethnic Albanian minority as a constitutive nationality, which meant that the rights of the ethnic Albanians in Macedonia were de jure less than those guaranteed to them by the Yugoslav Constitution of 1974. The dissatisfaction of the ethnic Albanian community was fanned by the fact that they were denied certain minority rights, such as the right to higher education in their native language. In the FRY, the Macedonian and Albanian communities developed an elementary level of (peaceful) coexistence; however their relationship never went beyond avoiding conflict and segregation. In 1992, the Macedonian

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some interpretations, Macedonia recognized Taiwan in order to ensure that the UNPREDEP mandate was not renewed because it hoped to again the protection of NATO, which later happened; order view the recognition of Taiwan as a very short-sighted political decision as a result of manipulation of a group of influential people. Taiwan responded to the recognition with a "reward" of USD 1.8 billion, much of which was misappropriated by certain individuals.

[1] Some authors, such as Zagar (in Gabric, 20060, claim that the refugee crisis had a positive effect on inter-ethnic relations because Macedonia offered refuge to Albanians fleeing from Kosovo, which strengthened the identification of Macedonian Albanians with the State of Macedonia.

[2] The question of identity and its protection by the state became particularly relevant after the end of the Cold War, when the number of internal conflicts based on the issues of ethnic identity increased significantly. The concept of societal security as development buy the Copenhagen school, which is inherently, is defined as one of the elements comprising the general concept of security. See: Buzan et al (1998).

[3] The confiscation of weapons in areas predominantly occupied by ethnic Albanians continued even after the outbreak of hostilities in 2001.

Albanians held a referendum in which a large majority supported the territorial autonomy of areas occupied by ethnic Albanians.[1] The pro-Albanian protests that followed indicated the tendencies of the Albanian community to actively realize their minority rights (Grizold et al. 2007).[2]

Some Macedonian Albanians were dissatisfied with the level of their representation in government; they claimed that their representation was symbolical-at least until the general elections of 1998, when the victorious VMRO-DPMNE party entered into a coalition with the DPA. The common goal of all ethnic Albanian political parties was to improve the political and cultural rights of the ethnic Albanians. In the reality however, the implementation of the rights was viewed by many as being unsatisfactory and to slow. It is this very discontent that served as the basic for the mobilization of ethnic Albanians in February 2001 and the armed insurgency against Macedonian authorities.

OUTBREAK OF HOSTILITIES AND THE USE OF FORCE

The conflict escalated in January 2001 with an attack on a police vehicle in the village of Tanusevci, in the immediate vicinity of the border with Kosovo. One police officer was killed and three were injured. Tension had been growing over a number of years before the Tanusevci incident.[3]

[1]More than 90% of the voters at the referendum supported autonomy. Several municipalities in western Macedonia went as far as declaring autonomy, e.g. the so-called Republika Vevcani and the Albanian Autonomous Republic of Ilirida, which declared autonomy in April 1992

[2] The protests were directed against a ban on the use of the Albanian language in schools of higher education and a ban on the use of Albanian national symbols. The demonstration eventually transformed into violent clashes between ethnic Albanian protesters and the Macedonian police, e.g. in Tetovo in 1995, when the Macedonian authorities attempted to close the so-called University of Tetovo, where classes were taught in Albanian. In 1996, pro-Albanian protesters demanded the legalization of the university and its integration into the Macedonian education system. There were several clashes and arrests in 1997 over the displaying of the Albanian flag; legislation was passed in May of the same year allowing ethnic minorities to use symbols of their own choosing.

[3] At the outbreak of the conflict , Tanusevci had a population of between 350 and 700, mostly ethnic Albanian. The village lies in the vicinity of the Preseva valley, which served as a training ground for ethnic Albanian insurgents fighting in Kosovo. The local ethnic Albanian population considers the border to be an artificial creation which divided them and intruded on their way of life. Tensions between the Macedonian and Albanian communities had been escalating in the months leading to the events in Tanusevci; In April 2000 four Macedonian soldiers were kidnapped in the vicinity of the village. In return for their release kidnapers demanded that the Macedonian authorities release Xhavit Hasani, a controversial personality who was being held in prison for the attempted murder of Macedonian government officials. According to some reports, Hasani was a former

The attack was strongly condemned by the leader of the DPA, Arben Haferi, who described it as an act of violence against the Macedonian authorities and detrimental to the interest of ethnic Albanians in Macedonia. Responsibility for the attack was assumed by the National Liberation Army (NLA), which sent a letter to the Macedonian newspaper Dnevnik explaining that the attack was limited in extent and directed at Macedonian invaders and their Albanian collaborators. The message the hitherto unknown group caused alarm among the Macedonian public and the information being disseminated by the NLA was contradictory.[1]

Another important incident took place in February of the same year, when a television crew from the independent television station A1 was taken by ethnic Albanian gunmen in Tanusevci, and several shooting incidents between Macedonian security forces and armed insurgents were reported in the vicinity of the village in the same month; several members of the Macedonian security forces and ethnic Albanian insurgents were killed (International crisis Group 2001, 3 - 5).

The arrival of the Macedonian Army Special Forces in Tanusevci prompted a military action by ethnic Albanian insurgents, including former KLA fighters, primarily to defend ethnic Albanian villages. The violence spread from Tanusevci to Tetovo, the second largest town in Macedonia, which is considered the unofficial capital and political and cultural centre of the ethnic Albanians and Macedonia it emerged that ethnic Albanian political parties in Macedonia had little influence and even less control over the armed insurgents. The party leaders were aware of the growing thread and realized that the insurgents could take matters in to their own hands. After the insurgents rejected an offer to lay down their arms and leave the country, Macedonian government authorized a military offensive, which began on March 25, 2001. The Macedonian security forces made rapid progress against the insurgents who, according to Macedonian government sources, did not put up much resistance. The next day Macedonian government reported that their security forces had flushed the insurgents from the village surrounding Tetovo. On March 29, the military command of the Macedonian armed forces declared the operation a success and that all the 'terrorists' (as the insurgents were branded) were fleeing across the Kosovo border. The commanders of the insurgents announced that they were merely withdrawing

commander of the KLA. In 2000, the area witnessed several shooting incidents between Macedonian security forces and smugglers (international Crisis Group 2001, 1 - 3).

[1] Dosta Dimovska, Minister for internal Affairs, denied having any information about the NLA while the former Macedonian intelligence chief Aleksa Stamenkovski claimed that his agency had been in possession of information about the organization for more than a year (international Crisis Group 2001, 3).

order to regroup (Jane's information Group in International Crisis Group 2001 7 - 8).

At the outbreak of hostilities, it was estimated that there were only a few hundred ethnic Albanian rebels, however, when the Ohrid Agreement was signed in August of the same year, it emerged that the NLA had over 1,200 fighters and according to some estimates as many as 2,000. At the height of the crisis, the NLA was in control of one – fifth of Macedonian territory (International Crisis Group 2001, 1). The rapid constitution of the NLA was abetted by the distinct lines of separation between the ethnic Albanian and Macedonian communities. This meant that there were only few ethnic Macedonians in areas were the NLA was constituted and their presence did not hinder mobilization of the rebels.[1] The porous border between Macedonia on the one side and Kosovo and Serbia on the other meant that ethnic Albanian rebels could cross the border with relative ease. Ethnic Albanian rebels from the liberation Army of Presevo, Medveda and Bujanovac (UCPMB) who were trained in southern Serbia and the remnants of the (disbanded) KLA joined the forces of the NLA. According to its leaders, the NLA was seeking to institute political reforms in Macedonia, which was also the goal of the ethnic Albanian political parties. The NLA made several contradictory statements, causing much alarm in Macedonia and the international community. For example in February 2001 the NLA stated that its primary goal was the creation of an Albanian state in the Balkans. Only a few days later, they claimed to be seeking to improve the rights of ethnic Albanians in Macedonia. The NLA later constantly rejected charges that their ultimate goal was federalization of Macedonia with the aim of partitioning Macedonia and eventually realizing the idea of Greater Kosovo (or Greater Albania).

Targets of the main casus belly for the conflict which escalated into an armed fighting are the disproportionately low representation of ethnic Albanians vis-a-vis the ethnic Macedonians in the state institutions, and the barriers to obtaining Macedonian citizenship erected by the government.[2] The secessionist aspiration of a section of the ethnic Albanians also contributed to the escalation of the conflict. Further, a very important reason for the outbreak of hostilities was the determination with which the

[1] In general political mobilization in Macedonia on the basis of ethnic premises, and consequently "ethnification" is problematic in itself as it renders the country`s political system deficient potentially unstable (Vankovska 2006, 233)

[2] International Crisis Group (2001, 10) claims that between 110 and 117 thousand ethnic Albanians in Macedonia did not have citizenship, ten times greater than the figures provided by the Macedonian Ministry of the interior (11, 151). The requirements for acquiring citizenship were as follows: 15 years resident in Macedonia, proof of income and fluency in Macedonian.

government tackled criminal groups smuggling contrabands between Macedonia and Kosovo. [1] It is futile to expect a reduction in organized crime unless the poorest classes of Macedonians are provided whit a suitable economic alternative. Despite the broad reasons given above, the mobilization resulted in a disorderly situation for the ethnic Albanian minority at the outbreak of the conflict.

Although we might accept the hypothesis that ethnic Albanians on both sides of the Macedonian-Kosovo border took up arms because of economic interests, the conflict became a border internal conflict because of the reasons mentioned above, the common denominator being the issue of identity and the status of the ethnic Albanian community in the state of Macedonia. Because of their exclusion from the political institutions of Macedonian state, ethnic Albanians had been staging different types of protests from the very independence of Macedonia. The failure by ethnic Albanian political parties (or the uncompromising position of the ethnic Macedonian side) to implement political, economic, and cultural reforms - resulted in armed insurgency. Although Macedonian government began eliminating deficiencies and implementing reforms regarding the use of Albanian language in the state institutions, the ethnic composition of the police the establishment of Albanian-language universities and the administrative decentralization, the insurgency broke out before the reforms were enacted.

Reforms require a certain amount of time before they achieve their full effects more so in less – developed countries, and sections of the ethnic Albanian population were evidently dissatisfied with the pace at which their status was improving (Gabric 2006). Although the ethnic Albanian insurgents claimed that their goal was to improve the status of the ethnic Albanians and not federalization of the country a large number of ethnic Macedonians were afraid that their true goal was the partitioning of the country and the creation of a Greater Albania or Greater Kosovo; these fears were based on a number of factors. In 1992, the ethnic Albanians in Macedonia held a referendum in which they strongly supported the autonomy of the areas with a majority Albanian population. Some regions

[1] According to the Macedonian government, the main reason for the outbreak of the conflict were in Kosovo, where the insurgents planned the rebellion against Macedonian authorities. The Macedonia government offered the explanation that the insurgents were from Kosovo and Lacked the support of the ethnic Albanian in Macedonia. This is a questionable statement as many of the insurgents claimed to be from Macedonia (International Crisis Group 2001,9) in an interview whit Melita Gabric (2006, 143) in 2003 i.e. two years after the conflict, Macedonia president Boris Trajkovski said that he believed that the insurgency began for reasons related to crime.

went as far as to declare autonomy - the so - called republic of Vevcani and the Albanian autonomous republic of llirida declared their autonomy 1992.[1]

The resistance of the ethnic Albanians against Serbian hegemony in Kosovo resulted in the de facto secession of the province from the FRY; the transitional status of Kosovo as an international protectorate and the possibility of independence (as it eventually happened in February 2008) contributed to the revival of the idea of a Greater Albania or at least a Greater Kosovo in certain ethnic Albanian circles. Pressure from the West caused the Kosovo leadership and Albanian government to reject such expansion of its ideas.

The NLA in Macedonia received support from ethnic Albanian insurgent groups in neighboring countries: the KLA and UCPMB from bases in southern Serbia. The declared goal of the UCPMB was to annex the southern Serbian municipalities of Presevo, Medveda, and Bujanovac to Kosovo, and perhaps to unite Kosovo with territories of northern Macedonia; these links between the NLA and the KLA and UCPMB aroused suspicions among the ethnic Macedonians that the goal of the NLA was to create a new Albanian entity.

There is concrete evidence that by driving out ethnic Macedonians from north-western Macedonia, the NLA was involved in ethnic pleasing; the formation of an ethnic homogenous (Albanian) territory in Macedonia, which was separated from Albanians in Kosovo and Albania by an unguarded border, was reason enough for ethnic Macedonians to suspect that the Albanians were getting ready for unification.

Analyses of the socio-economic factors in Macedonia after its independence are not encouraging for the country's stabilization and welfare. Changes brought about by the transition signified negative development trends e.g. the asymmetrical development of regions and the increasing inequality within Macedonian society. Inefficient privatization and economic restructuring negatively affected the country's economic strength; this resulted in retrenchment, increasing poverty levels, and a lower standard of living. These factors hampered economic and social security, which were expected to improve with the transition to a market economy and

[1] Despite the result of the referendum, the question remains as to whether the Greater Albania project had actual support in Kosovo, Albania and Macedonia. Such moves did not have the support of the majority of the ethnic Albanians in Macedonia and some leaders rejected any attempts to partition of the country; another question is whether the concept of a Greater Albania is supported by ethnic Albanians in the neighboring countries. According to a United Nations Development Programme study (UNDP, 2006: 16), the concept of a Greater Albania or Greater Kosovo is only supported by a handful of Albanians.

democracy.[1] On the other hand it was also expected that civil society, democratic institutions, political pluralism and market reforms would thrive before long and these developments have not been realized. Meanwhile the relative numbers of ethnic Albanians and ethnic Macedonians increased and decreased respectively which caused uncertainty and mistrust between the two ethnic communities.

RESOLUTION OF THE CONFLICT (THE OHRID FRAMEWORK AGREEMENT)

When the armed conflict broke out in Macedonia, the country was in the process of being admitted to various international organizations and institutions, and the newly – emerging political class made clear their aim that Macedonia should become a full member of the European Union (EU) and NATO. Such foreign policy goals helped establish constructive relations with international mediators, particularly with NATO, EU and OSCE representatives. International mediators facilitated the Ohrid Agreement, which represents the broadest base for the improvement of the political, cultural, social, and economic status of ethnic Albanians and Macedonians. The Ohrid Agreement (see Chapter 8) anticipated that parliamentary elections were to be held no later than January 27, 2002, but these were postponed until September when a list of parties headed by the Social Democratic Union of Macedonia (SDSM) claimed victory. A coalition government was formed with an ethnic-Albanian party, the democratic Union for integration (DUI), while the nationalist VMRO- DPMNE, which opposed the implementation of the Ohrid Agreement, was relegated to the opposition.[2] After the tragic death of the President Boris Trajkovski in a plane crash in Bosnia and Herzegovina, the Macedonian presidential elections were won by Branko Crvenkovski from the SDSM, which was seen by the public as support for the implementation of the Ohrid Agreement (Gabric 2006, 138), even though many Macedonians were strongly opposed to the Agreement.

Administrative decentralization as it was anticipated in the Ohrid Agreement was crucial to progress, guaranteeing the rights of ethnic minorities and, consequently, the implementation of the peace agreement as

[1] Economic and social security are two elements a multidimensional approach towards the modern concept of security as developed by the Copenhagen school. See Buzan et al (1998).

[2] Dissatisfaction with the implementation of the Ohrid agreement us also indicated in the study by the US State *Department (office of research –Department of State in International Crisis Group 2002, 1) in 2002, two-thirds of* ethnic Macedonians where dissatisfied with the agreement while 90% of the ethnic Albanians supported.

a whole, as it provided a framework for the establishment of local self-government. Greater powers of the Albanians at the local level caused much dissatisfaction among some sections of the Macedonian society, which promptly exploited (certain Macedonians believe that the government yielded to Albanian demands at the expense of Macedonian national sovereignty; they went so far as to claim that the government sacrificed western Macedonia to its Albanian coalition partners) opposition parties demanded a new referendum that would grand Albanians greater self-government (until the introduction of parliamentary democracy, political mobilization along ethnic lines was the simplest and most dangerous way of garnering support). The international community and ruling coalition called for a boycott of the referendum because a victory for the nationalist option at the referendum would likely obstruct Macedonian alignment with the EU and NATO.

Due to the proof voter turnout which was also the result of moves by the international community, the referendum failed.[1] An additional incentive for choosing the 'European path' was the 2004 declaration, with which the parliamentary parties symbolically concluded the post-conflict period. The decision of the European Council to grand candidate status for full EU membership to the Former Yugoslav Republic of Macedonia on December 16, 2005 was another step towards a long-term de-polarization (Gabric 2006, 139).

Regarding the criticism that the Ohrid Agreement is merely ink on paper, Atanasov (2006, 183) points out that the Agreement is an important achievement which stopped the bloodshed and possible outbreak of civil war. A positive outcome of the Ohrid Agreement is the political transformation of the NLA into a political party (the DUI), which won the majority of the Albanian vote in the 2002 elections.[2] In terms of security, the Ohrid Agreement facilitated the entry of a large number of ethnic Albanians into the police and military (this process is lacking with regards to quality but is an achievement in terms of quantity), and has encouraged the process of disarmament.[3]

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[1] It should be mentioned that a few days before the referendum, the USA recognized Macedonia under the name Republic of Macedonia , which kept many votes from the referendum. The Macedonians - among whom many were convinced that the USA was un-discriminatorily supporting the Albanians – viewed the US support at a crucial time as support for the integrity of Macedonia.

[2] This was a cause of frustration among ethnic Macedonians because many important politicians of the party that was entering into a coalition government had taken up arms against the Macedonian state (Atanasov 2006, 186).

[3] The first stage of disarmament was organized by NATO through operation 'Essential Harvest', while the next stage confiscated 3,875 light weapons and the second stage confiscated 7,571. This, according to some esteems, was not a significant achievement as

The Ohrid Agreement gave Albanian political activities new impetus; however, the provisions were implemented slowly and interpreted primarily in the interests of the political parties rather than in the interest of the Albanian community. The issue of culture is also a constituent part of the Ohrid Agreement; in this respect, Atanasov (2006, 183) points out that Macedonia was more advanced than many European countries, particularly regarding education and the nurturing of Albanian traditions and practices. Whatever the case, Albanian became the co-official language in areas where it is spoken by over 20% of the population and is now also spoken in parliament. Official personal documents for Macedonian Albanian-speaking citizens can now also be issued in the Albanian language.

On the basis of the analysis of the armed ethnic conflict in Macedonia, which took place in the spring of 2001 and which can be classified as the type of internal conflict that emerged after the Cold War, we can conclude the following:

- An important consequence of the radical strategic, geo-political, and geo-economic changes that took place after 1990 in the shift from international to internal conflict, this has been the case in Macedonia.
- The study shows that the 'hot' phase of armed conflict in Macedonia was curbed in a relatively short time. One of the main reasons for this was the uncompromising support by the international community and its main agents in the region (the UN< EU< OSCE< NATO< USA< and other).
- The conflict reached a latent phase and the signing of a formal and legal framework (the Ohrid Agreement), which anticipates an improvement of the overall status of the Albanian population in Macedonia. Tensions were reduced, but the basic contradictions and causes for the outbreak of the conflict were not eliminated. In view of this, it can be concluded that, for some ethnic Macedonians, the Ohrid Agreement widened the rift between the two ethnic communities as it has been interpreted as being too concessionary to the Albanians.
- Under certain conditions, the conflict in Macedonia, which is now in a latent phase, can again become acute and manifested. An important argument in the support of the assertion that Macedonia is still far from resolving the fundamental differences between the two ethnic communities is the fact that Macedonia underwent a serious political crisis in early 2008, which arose from accusation by the Albanian coalition partners that the Ohrid Agreement is being implemented too slowly.
- It follows from the analysis that corruption and organized crime are important factors hindering the stabilization of the country and contributing towards the sense of ethnic inequality. These two phenomena are common to Macedonia and the wider region (Kosovo).
- Recent political changes in the immediate vicinity (e.g. the declaration of independence by Kosovo) render the stabilization of Macedonia more difficult. In this regard, there are two issues that represent possible future problems: firstly, at the NATO summit in Bucharest in the spring of 2008, Macedonia was not invited to join the organization, whose mechanisms and policies could make a significant

there are estimated to be as many as 100 thousand light weapons in Macedonia (Atanasov 2006, 186).

contribution to the stabilization of Macedonia and other countries of the western Balkans; and secondly the unresolved dispute with Greece renders the stabilization of Macedonia more difficult.

- Recent topical literature on conflict prevention and management (e.g. Kaldor, 1998; Vayrynen, 2003, and other) emphasizes that post-Cold War internal conflict often create new rules, redefine borders and expose problems associated with ethnic identification.
- One can generally conclude that in order to find an overall solution to this complex ethnic conflict (with its linguistic, political, identity, socioeconomic, and other dimensions) it would be necessary to ensure two things:
- The will and consensus of all section of the political class (both Macedonian and Albanian) as well as other parts of society, to establish a cultural and civilization framework that would enable the further development of multiculturalism.
- The readiness of the neighboring countries and the entire international community, including international government and non-governmental organizations (the EU,UN, NATO, OSCE, etc.) and other interested in stabilizing the region, to ensure immediate political, economic and other support that would facilitate stabilization, mutual accommodation and compromise, and the creation of the highest possible common denominator arrangements between the ethnic communities for a continued cohabitation in a single country.

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CONSEQUENCES OF WORLD WAR I REGARDING THE STATUS OF MACEDONIA AND MACEDONIAN PEOPLE

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Abstract

The base of the First World War is war with its characteristics like the other wars. The differences, or the distinctiveness of this war, are that this war can be included in the big or long wars typology. This is mostly because of the length of territory covered with the battle actions, the large number of actors-states and the large number of casualties, which are incomparable with any other previous wars. The main perpetrator for this is the industrial technologies that have a significant impact over the adoption and application of the industrial approach in the application of force. The main instrument in war is the armed forces, which make the conflict environment bipolar, while everything else is ignored. This can lead to the fact that the territory and the nations that do not have their own states, will feel the consequences from the big war in their most severe form.

This paper, relying on the analyses of the research material from World War I, makes an attempt to give a short answer to the question regarding the consequences of war over the Macedonian people and the territory which is under governance of the neighbor countries.

Key words: War, nations, conflict environment, consequences, state, territory, force.

INTRODUCTION

The question regarding the consequences of war is only one part of an entire corpus of significant questions. From the answers of these questions we can form the basic and the specific characteristics of every war, and in that context also of the First World War Basically in the core of the First World War is war, whose characteristics are similar or identical to the other world wars. With the affix World War, we separate the specifics by which we can differentiate this war from any other wars, that weren't world wars. This will create space for molding a new generation of wars, and that will take a certain time period. This is something that we can confirm today, 100 years after the end of World War I. This was a period where three more generations of big or long wars occurred. War in its basic form is a

disjunctive societal process in which there is a massive and organized violence that is applied collectively and individually. First World War is an striking example of war in which the army is the most important instrument that practices the collective and organized violence. As a product of that violence we have consequences, expressed thru human losses or destroyed and disabled material goods and other values. This was especially regarding the larger states, which were the main actors in the international relations. This was represented as an integral part of the contents of the overall historic experience. This experience pays little attention of the consequences of war over the population and nations that didn't have their own states. Of course this is not a case with the national historic experience, which according to the observations and the analyses of the basic historic experience, analyses the consequences regarding the domiciled space. Besides, all of this can be strengthened with the actual aspect thru synthesis of the previous analyses and the observations of the consequences, or go even further to the phenomena of armed conflicts in a historic overview thru history.

In this manner we shape the contents which are covered by the analyses of World War I, from an aspect of the consequences with a special accent of the Macedonian people and its territory.

CONSEQUENCES OF WORLD WAR ONE THROUGH THE PRISM OF THE BASIC AND NATIONAL HISTORIC EXPERIENCE

Every war, and in that respect also World War I, the context of analyses begins and contains the occasion and the reason for its exposure, that there is the preparation for war, including the military and political grouping. Alliances are formed, because of the notion that in that manner they will respond more appropriately to the challenge and the risk from both sides in the conflict. Then there are questions for the conflict itself and that goes usually thru three periods – beginning, development and ending period, all related to the military operations. An integral part of the military conflict is truce, or the so called temporary cease of military actions. This can be a significant signal for the entering of the war in the ending period when there is usually signing of a peace treaty. In peace negotiations, the terms are dictated by the side that is the winner in the conflict.

They should assume and estimate the consequences that arise from the armed conflict, and they should compensate the sides that are defeated in the conflict. In other words, the questions regarding the consequences from the conflict arise consequently, and are asked at the end of the context of questions about the war. This is implied, when we analyze war in a logically-historical order, and that takes much more space and time, than the time and space we used in our case. On the other hand, in our analyses, although we

gave priority to the consequences, still, in a certain respect we dedicate attention to other parts that contain the mosaic of war. In that context, and regarding the causes, we allocate the contrasts that arise between the big actors in the international relations, which will grow and will lead to their direct confrontation. In terms when the spheres of influence and the territorial division of the world is almost finished, on the world political scene there will be actors which will want to change that. On the European continent, that will be the case with Germany that will multiply its national power. This before all will be in terms of industrial development and the development of capital which will need cheap work force, raw materials, foreign markets, and space much wider than the domicile. And the question is how to ensure in conditions when this has been done by other big actors in the international community. In searching an answer to this question, it seems that the option that prevailed is the one that the current constellation of force and relations in the world should be changes by the use of force-the so called "hard force". In those terms, steps will be taken to strengthen the power of the military forces and the establishment of military and political alliances with other countries. In the case of Germany, the first option was Austria-Hungary-The Central Powers, and then other countries as well, including the Balkan countries, as for example Bulgaria.

On the other hand the Triple Alliance will be formed-the Triple Entente formed by Russia, France and Great Britain. Other countries will join, like the Balkan countries, for example Serbia and Monte Negro. The war in the beginning will intake nine countries-Russia, Great Britain, France, Serbia, Monte Negro, Luxemburg and Belgium on the side of the Entente and Germany and Austria-Hungary on the side of the Central Powers. By the end of the war, a total of 28 countries will be involved in the war. The military operations will be lead on three continents and almost on all oceans and seas. 70 million people from the domicile countries, the colonies, volunteers and people by force will be mobilized, from the countries governed by certain states. It is obvious that both alliances (the Entente and the Central Powers) intended to attract a larger quantum and quality of people and means for the upcoming conflict. In certain cases, as for example the one mentioned above, regarding Bulgaria, both sides will show an interest for its involvement. This will influence significantly to show Bulgaria as a "neutral" country at the beginning of the war. Although essentially, Bulgaria was determined which side to join, and the Bulgarian ruler Ferdinand constantly was thinking of the realization of the grand-state goals. These goals could only be realized thru a "vendetta" of the Russian tsar who was held responsible, and a retaliation of the neighbors, that is of the neighbor tsars, because in his feudal consciousness, the entire Balkans weren't nothing more than a personal matter between him, the tsar Peter,

Konstantin and tsar Karol. He was consumed by the thought that revenge is only possible if Bulgaria joins forces with the Central Powers (Todorov, 1938). A hint that Bulgaria was oriented towards the Central Powers was the loaning from Germany, although the French government offered far better credit terms.

When the war started, Bulgaria claimed it was "neutral" in the conflict that arose, but they cooperated with the Central Powers in the preparation for battle against the Entente. On the other hand, the English thru their delegated minister, in Sophia, in November 1914, gave a precise suggestion for entry in the war, with territorial compensations. They suggested, according to Bulgarian sources, that in return for the armed help of Serbia, Bulgaria will receive: Edirne to the line Midija-Enos, Macedonia to Vardar, together with Kukus and the Tihinian Lake, as well as monetary help. On May 18th, 1915 Bulgaria received a new official proposition. For an intervention against Turkey, they would receive: 1) From Turkey Midia-Enos, established in the London agreement in 1913. 2) At the end of the war Bulgaria would get a part of Macedonia, but that would depend on what Serbia gets in Bosnia and Herzegovina. The Entente, at the beginning of June 1915 made another proposition. The four great powers committed to Bulgaria, that right after the war they will provide the entire Macedonia zone, according to the agreement from 1912. The powers of the Entente made a new proposition for the last time on the 13th of September. This time the Russian minister Savinski told Radoslavov that the powers of the Entente, if necessary, will occupy the undisputed zone of Macedonia, so that after the war, this zone can be handed over to Bulgaria (Todorov, 1938: 237, 241 and 246). Ten days after the last proposition of the powers of the Entente, with a decree from the tsar, a general mobilization of Bulgaria is proclaimed. With the concentration of the forces towards the Serbian territory it was clear which side prevailed. It was obvious that Bulgaria is preparing for a war against the Entente, for what ultimatums were sent, but they were ineffective. On the contrary, on the 14th of October 1915, according to Todorov, Bulgaria began the war with Serbia. According the Military Encyclopedia, Bulgaria, without the declaration of war, on the 10th of October 1915 on Kitka and the Corinthian Head, started actions towards Serbia (Vojna enciklopedija-2, 1971. : 106). This definitely took off the mask of the proclaimed "neutrality" of Bulgaria. Bulgaria clearly takes a side and includes actively in the already started war. A small digression, during the second Balkan Wars, Bulgaria also attacks Serbia, prompted and supported by Austria-Hungary. The Bucharest peace, actually led to agitation that was present especially in Austria-Hungary and Bulgaria, and was expressed during the First World War Namely, the First World War starts on the 29th of July 1914, when Austria-Hungary attacks Serbia. Then,

Germany declares war to Russia, and then France enters Belgium, which challenges Great Britain.

The problem that arise because of the interest for another division of the world, thru the use of force, by starting a war, began to multiply, threatening to take over a large number of nations and states. In the context of the Balkan countries, Bulgaria enters the war on the side of the Central Powers, one year after the beginning of the First World War, by attacking Serbia. At the begging of the war, the Bulgarians were successful, managing to take over Nish and Skopje, which were objects with a strategic meaning. The Serbian king and the government made a decision for the Serbian army to retreat on the island of Corfu. With that the Bulgarian government, at the end of November, thought that they accomplished the grand state goals, and Ferdinand, opening the assembly, on the 27th of December 1915, announced that the national unification is over (Todorov, 1938. : page 261). According to Ferdinand, 1916 should have been the year for the biggest success and total triumph of Bulgaria. But the situation of the front became unfavorable for the Central Powers. The powers of the Entente in July, occupy Thessaloniki. The situation called for the Central Powers to find ways to start peace negotiations. But, the negotiations failed, because they couldn't reach an agreement regarding the territorial aspirations.

The next year, 1917 will be a year of submarine war, of the outbreak of the Russian revolution and the entrance of the USA in the war against Germany. This will complicate the unfavorable situation of the Central Powers. Germany closes up towards its own problems. The others quickly realize that there will not be another rearrangement of the world.

In the Bulgarian army there is dissatisfaction, huger, dropped moral, desertion, rebellions and protests against the tsar and the government. The Bulgarian government under these conditions decides to negotiate truces. The Commander of the East army Franshe Depere imposed the following conditions: "1) The Bulgarian Army must leave all the occupied Serbian lands. 2) The Bulgarians can keep Strumitsa. 3) Bulgaria must demobilize the entire army, except three divisions and four horse regiments. 4) Bulgaria must leave all its weapons on the border, under control of the alliance officers" (Todorov: 298). In the meanwhile the internal condition in Bulgaria began to complicate. The dissatisfaction of the people and the army in Bulgaria grew, to the degree that the army that was in Radomir came towards Sophia. There was a collision that lasted for three days and the rebellion was suppressed. But that was a pyrrhic victory for the government, which marked the end of the Ferdinand governance. On the 2nd of October 1918 he leaves Bulgaria, and the same was done by Radoslavov. Seven days later the French troupes enter Sophia which leaves the officials in Bulgaria with the notion

that they have to face the consequences of the war as a country-loser as well as the dissatisfaction of their people.

If the Bulgarian people were not satisfied with the current politics of their rulers, then how were the Macedonian people feeling, when besides the Bulgarians, they were pressed by the Greek and the Serbian yoke and on their territory major operations were led, accomplished by enormous devastation and suffering by the people. All these armies intended to recruit a larger number of Macedonians which were used for the hardest tasks in the war. In the Serbian army 60000 people were mobilized, in the Bulgarian army 133887 and in the Greek army 20000 Macedonians were mobilized (Stojchev, 2000: 619-620). When you add the numbers, the total is that 213887 Macedonians were mobilized. That is equivalent to 14 divisions that contain 15000 soldiers. Serbia for example, at the beginning of the war in the war formation has 12 divisions from which 11 were infantry and one was a horse division. Regarding the numeral condition of the infantry, there is a different organization, but still in the largest number of countries the number is from 15000 to 18000. In total, Macedonia has a military potential needed for construction and organization of their military forces which is a much needed instrument for the formation of a country and one of the pillars of its safety and defense. On the contrary if you don't have this essential instrument, like the case with Macedonia during the First World War, than as a consequence of this condition, the Macedonian people are exposed to a violent mobilization by the invaders armies. It was not uncommon that one family, blood brothers to be mobilized in different armies on different sides, one against another. As a consequence of this, we can find graved of brothers, Macedonians that lost their lives during the First World War with marks of foreign armies.

The territory of Macedonia was exposed to destruction, because thru it there was a firm front line that separated the war sides. The Macedonian front was open for three years and persisted because of the needs of the warring sides, on a strategic level. This, for one country, in this case Macedonia, means extreme devastation, with unforeseeable consequences for the people and the territory. The habituated places will especially be under attack, from which we can point out Bitola. Simultaneously, the Macedonian people will be exposed to an uncivilized behavior, accompanied with robberies, rapes by the occupying armies, and for logistic needs or other needs.

And only one year before the beginning of World War One, with the finish of the Balkan wars, "the geopolitical, ethnical and economic while of the Macedonian people will be broken. Catastrophic blows will be inflicted on Macedonian economy as well as the Macedonian national and freedom movement" (History of the Macedonian people, 1972: 226)

During World War One the condition in Macedonia, unlike the condition which was a consequence from the Balkan Wars, will be additionally complicated and it will be supplemented by new, basically unfavorable influences. The consequences of these influences will be felt. It seems that the aspiration and ideal for freedom and a country will be untouchable and hardly achievable. Beside the neighbors of Macedonia, this will be taken care by the Great Powers. As a basis of the new division, they will use the Bucharest peace treaty from 1913. The only correction that was entered during the Paris conference from 1919 is the joining of the Strumica region, with around 60000 persons, to the newly formed Yugoslavia.

Macedonia remained fragmented, this time between Greece, Bulgaria and the newly formed state of the Serbs, Croatians and Slovenians-Yugoslavia. The consequences of the new (basically the old one, but accompanied by disadvantages), condition will be felt immediately after the end of World War One, thru assimilation and denationalization of the Macedonian people, accompanied by demographic explosion.

ACTUAL ASPECTS OF WAR AND ITS CONSEQUENCES

Today, 100 years after the outbreak of World War One, based on the analyses of the researched material, we can, once again analyze the most significant questions whose answers shape World War One. In some authors, the number of factors that determine the reasons for war is enlarged, and we can even feel a need of counter facts for some already absolved considerations. In this category we can include Josef S. Nai Jr. who regarding the question about the war type, answers “The war didn’t have to be what we know as World War One. In that sense, it is counter factual that four other wars were possible.” The first is local, the second is war on one front, the third is war on two fronts without Britain and the fourth counter fact is a war without the States (Nai, 2008:118-119). The cure against the wrong understanding of history is repeatedly reading it says Nai.

In the modern war typology, World War One is included in the so called big or long wars. Regarding conflicts, as types of conflicts we can find international conflicts, internal armed conflicts and terrorism. World War One, according the contemporary typology of armed conflicts, represents a striking example of an international armed conflicts that includes the government security forces (army and police) in an armed territorial conflict.

Today international wars and internal armed conflicts can be led for sovereignty (the IISS,The Military Balance, 2008). Of course, today, 100 years after the end of World War One we can point out other differences that are a product of changes-societal, political, economic, social, security and other and especially of the change of the trajectory of conflicts from

international to internal and armed (SIPRI, 2006: 108-115) and even terrorism on a multinational level that rises to the level of war. Regarding the conflict surroundings, World War One is a striking example of a bipolar conflict environment in which the opposite war-political groups-The Great Powers and the Entente with their regular forces-the army will try to solve the main problem-war, as a regular threat. War is seen as a simply technical problem that should be solved by more qualified and better equipped and trained armed forces, capable to inflict big loses to the opponent, than he can handle. Having all this in mind, almost without exception the Great Powers will practice the industrial approach of application of force. The industrial development and the application of new industrial technologies regarding war means and systems will contribute to a multiplication of their assault and fire power in the period until the war was started. That will be highly unfavorable for the enormous rise in casualties and the disabling and destruction of material goods and other values. Regarding the victims, this is one small comparison, in the wars led in the 17^{th}, 18^{th} and 19^{th} century, 25 million deaths are a notice, which is equivalent to the number of victims in World War One that starts in 1914 and ends in 1918. Regarding the victims, smaller numbers can be found, but also some number go as high as 30 million casualties. This will shape another very significant approach besides the already mentioned territorially focused approach, and that is the approach focused on the infliction of big human losses, that are largely related to the losses in the armies, while a small percentage around 30% belongs to the civilians. These are new moments in warfare that can be distinctive from past wars, and from an contemporary aspect with the wars that follow World War One. One significant notion is that, unfortunately, in future wars, especially in big or long wars like the Second World War the number of casualties will be increased rustically, reaching fantastic 60 million casualties from which half are civilians. Again, we must say that the quantum of casualties can be different, dependent on the source. Simultaneously, with the increase of the number of human losses, the disabling and destruction of material and other values will increase as well. This goes especially for areas where the front line lies, or where the military operations take place. For example, in Northern France alone, 740000 houses were destroyed.

The global analyses of the consequences from World War One calculated in expenses, amount to 200 billion US Dollars, at that time and in those value terms of financial means.

In World War One, the war doctrines of the warring sides will be tested. The start period of the war showed that the choice of offensive war doctrines will not give the desired results. This will make the warring sides to transform and go to pit warfare, in a short time period. This usually happens when the balance of forces and means is established. The provision

of supremacy enables to move to offensive war doctrine, which can eventually provide a positive result in war. Of course, we shouldn't neglect the factor-warring skills.

Regarding status question, World War One even today can be defined as a war with an active status of a conflict that includes death cases between governments. According to the prestigious International institute for strategic research The Military Balance, armed conflicts can be with a middle intensity and they can be non-active (latent) collisions between governments, government forces and rebels or between other non-government armed groups that control a certain territory. (The IISS, the Military Balance, 2012).

Regarding other status questions, in which truces and peace negotiations are included, they will be practiced without an exception, which are the positions of the general characteristics of war a large armed conflict.

FINAL CONCLUSIONS

World War one is a striking example of war from the type of international armed conflicts that will open the door to shape a new generation of wars, so-called big or long wars. According to the consequences, this war will overcome all previous wars, practicing the industrial approach of application of strength. It will reach the records of war terror that will not show any signs of decrease in the future period.

Regarding the lessons and messages for the Macedonian people, this war will be yet another bitter experience, which will enrich the treasury of knowledge for the need of constitution of our own forces and our own country that would have had a significant impact in reducing the consequences of the war, including big war conflicts. Although, as World War One showed, they were significantly increased regarding all previous wars. This notion should contribute to change the approach to the manner of realization of the centuries old aspirations and ideals for freedom and a country of our own.

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MACEDONIA TROUGH THE PRISM OF PRACTICAL AND FORMAL BULGARIAN GEOPOLITICS

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Abstract

Macedonian modern geopolitical position indicates that Macedonian theory is space with exceptionally convergent interests of the neighboring states and peoples. Variable elements which determine the position of Macedonian geopolitics are a consequence of the redistribution of economic and military forces and redefining the map of the world and regional political power. For relevant and timely recognition of geopolitics reality and its prediction, analysis of geopolitical trends is required. Hence, the theoretical basis of the paper is based on critical geopolitics. Through the prism of critical theory is going to be analyzed the practical and formal geopolitical positions in one of the neighboring countries, Bulgaria. Geopolitical analysis leaning critical geopolitical theory would enable the determination and comparison of official foreign policy towards Bulgaria and Macedonia with the formal academic discourse made by academic the environment from Bulgaria. This paper will attempt to answer whether the practical and formal geopolitics in Bulgaria are diametrically opposed or there are points of identification and their overlap.

Keywords*: critical geopolitics, practical geopolitics, formal geopolitics, Macedonia and Bulgaria.*

INTRODUCTION TO CRITICAL GEOPOLITICS

Modern geopolitical surveys are more incline to critical geopolitics. In its basis, critical geopolitics is concerned with exploring the geographical features and assumptions included in the creation and practice of global geopolitics. It seeks to expose and explain the practice by which political actors made the territorial division of the international politics and represent it as „the world" that is characterized by certain types of spatial locations. This type of analysis and approaches to geopolitics is not as a neutral analysis of pre-determined geographical factors, but as a deep ideological and politicized form of analysis. Critical geopolitics rejects traditional

questions as geography may not affect policy, but explores how geographical claims and assumptions can function in political debates and political practice. Although critical geopolitics has not been a properly defined field, it still through numerous papers focuses on explaining how political practice is related to the territorial definition in every sense). Critical geopolitics, as access to geopolitics, starts from the premises that geographical knowledge is not clean and objective. Then, geography is treated as a technology of power that is not easy to describe, but also creates a political space.

Geographic claims are indisputably geopolitical, because they register stations, utility special types of spaces with dealing in a certain way. These assumptions are abstract images floating over political interests, but often as an integral part of the ways in which identities and interests arise. Each global analysis of human relationships contains geographical imaginations[1].

Within the critical geopolitics, there are emerging two different types of geopolitical thinking, practical and formal. Nominations will be considered for this research effort. Critical geopolitics has a third dimension, i.e. popular geopolitics that has also contributed to the development of relations between the states and sends a strong geopolitical message. Practical geopolitics suggests territorial practices applied by some practitioners of Statehood, such as, statesmen, politicians and military commanders. These people are preoccupied with the daily running of the foreign policy of their own countries. On the other hand; formal geopolitics suggests territorial practices of strategic thinkers and public intellectuals who work in strategic institutes and other observers and analytical centers within civil society. Their thinking is shaped by relatively formalized rules that produce specific territorial descriptions, statements and research on the international stage[2].

[1] Merje Kuus, *Geopolitics Reframed Security and Identity in Europe's Eastern Enlargement.*(New York: Palgrave Macmilan. 2007), 7

[2] Gearóid ÓTuathail, *Critical Geopolitics - The Politics of Writing Global Space.* (London: Routledge. 1996), 46 - 47

Mass media , Cinema, Novels, Cartoons	Foreign policy Bureaucracy Political institutions	Strategic institutes Think tanks Academia
Popular geopolitics	Practical geopolitics	Formal geopolitics
	Spatializing of boundaries and dangers' (Geopolitical map of the world)	
	Geopolitical Representations of self and other (Geopolitical imagination)	

Table No.1 Source: Klaus Dodds, Geopolitics: A very short introduction (Oxford University Press, 2007), 46

All three forms (popular, practical and formal geopolitics) are interconnected, that academics and journalists share their ideas and discussions, and also we both have regular contacts with government officials and organizations. They also have a lot in common with the media. Geopolitical framework can help individuals and groups to experience the world for themselves and the general public. Phrase such as "axis of evil" attracts attention precisely because it is designed to simplify world politics and locate friends and enemies. Presidents and prime ministers of countries can use these phrases often unclear how large spatial abstractions are, which, on the other hand, provoke and promote discussion among journalists, scientists and the general public[1].

MACEDONIA AND ITS GEOPLOITICAL POSITION

Macedonian question represents a central geopolitical issue in the Balkans for more than 100 years. Although it belongs to the group of small states both by area and population, Macedonia has the key geostrategic position on the Peninsula. Through its territory pass important roads and corridors, east - west linking the Black Sea to the Adriatic Sea and north-south, directly connecting Central Europe and the port of Thessaloniki. Because of this historical continuity, Macedonia is interesting for all geopolitical conceptions and all neighboring countries. Macedonian country with natural resources and its geographical location is of concern to all countries in the region.

Historically, the interest and policy of the major European countries to maintain their economic and political dominance in the European part of Turkey and the most important central location of Macedonia strongly collide with the economic, political and penetration armed neighbors.

[1] Klaus Dodds, Geopolitics: A Very Short Introduction.(Oxford: Oxford University Press 2007), 46

Leading circles of these countries openly and unequivocally manifest its intention to terminate the "status quo" in the Balkans to Turkey, and to destroy and take share of its Balkan territories. The most important area to which they were facing their conquest plans and preparations was Macedonia. It encompassed the central and most important economic part of the Balkans.

On the one hand, the past that Macedonia is one of the toughest and most extravagant ever, the other its economic importance to the city Thessalonica makes peoples vitally interested in its fate. The Greeks of Macedonia there was no "Megale Idea" and "Great Hellas" for Serbs and Bulgarians are without Macedonia there was no great Bulgarians Greater Serbia. Macedonian space in a geopolitical position in an environment with extremely convergent interests of the surrounding area and people surrounding this historic area will determine one of the most important areas of European conflicts[1].

Geopolitics of the Republic of Macedonia is characterized by intertwining and intrigues of the great European powers, U.S., Russia and neighboring countries and Turkey in the broadest meaning. Each of the states passes through the history of Macedonia to certain interests in terms of territory and population. Such constellations of physical geographic area of the country historically enabled culture, civilization, ethnic and religious intertwining of Western and Eastern or northern and southern influences, but on the other hand, the separation and isolation of these influences.

Variable elements that determine the geopolitical position of the Republic of Macedonia are the consequences of the redistribution of economic and military forces and redefining the map of the world and regional political power. The geopolitical position of the Republic of Macedonia can be viewed through its contact and borderline significance, the situation in terms of historical geopolitical interests and position in regard to military organizations. The Balkan Wars were most defragmentiran character in terms of the territorial integrity of Macedonia in geographical.The geopolitical position on the official result of the present territory,position her in a very sensitive area of the Balkan geopolitical Cross, created by the mixed directions of activity of outside the Balkan countries and alliances[2].

[1] Radovan Pavič, Bases of the global and regional political geography, geo-policy, and geo-strategy (Faculty of Political Science, Zagreb 1973)

[2] Mileski Toni, Macedonia: Rubic dice on the Balkans (Skopje: Faculty of Philosophy 2005), 169

FORMAL AND PRACTICAL GEOPOLITICAL ACCESSION OF BULGARIA TO THE REPUBLIC OF MACEDONIA

The genesis of the historical direction of the desired territorial expansion of the eastern neighbor, Bulgaria, dates back to the creation of the Bulgarian Exarchate Church in 1870, the Ecumenical Conference of 1876 and the Treaty of San Stefano preliminary since 1878, which was believed to have acquired international legacy for the accession from Macedonia to Bulgaria. Bulgarian policy in particular has present opinion that only she had the right to rule Thessaloniki[1], Thessaloniki, although he was not involved in either of the following political and religious works.

Bulgarian politician Konstantin Stoilov laid the foundation of the Bulgarian state affair in Macedonia. He prepared a special program document that was presented in 1883 and presented the Bulgarian state leadership. The document stated that the Bulgarian Exarchate must be put under control of the Bulgarian government's foreign policy in order Macedonia to be managed from one center. The document states, "Every Macedonian should be raised through the thought that Sofia cares about their fate, their present and their future[2]. At the centre of San Stefano ideal Macedonia was in its geographical and ethnic boundaries. Great Britain, designed with the San Stefano Treaty, became the flag of the Bulgarian bourgeoisie in its desire for territorial expansion[3].

In the First Balkan War Bulgaria along with Serbia and Greece defeated the Turkish Empire and won all of its territory in the Balkans. Dissatisfied with the division of Macedonia, Bulgaria went to war against Greece, Serbia and Montenegro; it was defeated and forced to sign a peace treaty in Bucharest. With this agreement to Bulgaria belonged only that of Pirin Macedonia. First World War and again in order to conquer Macedonia, Bulgaria joined the Central Powers of the block, or the fascist bloc. The fact that the Kingdom of Bulgaria in the first half of the 20th century comes in 4 wars for conquest of territories including primary goal is Macedonia indicates how many Bulgarian state and society were interested in conquering Macedonian country. During 1941 to 1944 treaty with Rome and Berlin the Bulgarian military and civilian officials were sent to parts of Yugoslavia and Greece that occupied Nazi German, concretely in

[1] Stojanov, P, R. Macedonia in the time of Balkans' and the First World War *(1912-1918)*. (Skopje: Institute for National History, 1962), 21.

[2] Mihajlo Minovski, Macedonia in the bilateral and multilateral agreements of the Balkan states 1861 - 1913, 228

[3] The war between Bulgaria and Turkey 1912 - 1913 Volume I. Sofia, State press, 1937 p. 3

Macedonia, which is then south Serbian Banovina of the Kingdom of Yugoslavia, the process of "rebulgarianization".

Bulgaria in 1978 announced the 3rd of March (1878) as a national holiday, which is obviously expresses the policy of revisionism. Bulgarian policy towards Macedonia is largely built within even half a mouth, though reluctantly realized that it is almost "Second Bulgarian" and the Bulgarian community unfairly cut off from "Mother Bulgaria". It causes mutual distrust and certainly hinders the development of relations between Sofia and Skopje - economic, cultural and political[1].

Despite the sense of historical inconsistency between the two countries in January 1992 Bulgaria was the first country to recognize the former Yugoslavian republic. The reason for such practical geopolitical approach at that time was quick political reaction Bulgaria to reduce the possibility of strong Serbian influence and presence in the country. However Bulgaria continued the denial of the Macedonian nation and language. The unwillingness to recognize the language commonly associated with the uncertainty of Sofia recognition of Macedonian as a separate language would enable the new state to exhibit territorial pretensions towards Bulgaria's south-western region of the country, i.e. Pirin Macedonia, where Macedonian minority lives. That is a sizable Macedonian exclave. Furthermore, Article 49 of the Constitution of the Republic of Macedonia, which empowers the Republic of Macedonia to worry about the position of the members of Macedonian people in neighboring countries, raised additional concerns in Bulgaria.

Recognition of the Republic of Macedonia is considered the first independent act performed by the post-communist Bulgarian government in international relations, mainly because it was done autonomously before the big countdown. President Zhelev was the first head of state to visit Macedonia in February 1993, when Bulgaria offers assistance for opening the Black Sea port of Burgas after Greece imposed economic sanctions against Macedonia (February 1994 - October 1995) and close Thessaloniki port is vital for Macedonia. This period is evaluated as the best in the relations between the two countries, i.e. practical geopolitical approach is diametrically opposed of the previous formal geopolitical approach.

Bulgarian historiography, considered the territory of the Republic of Macedonia, as west of Bulgaria, and Macedonians and the Macedonian language as a regional dialect of Bulgarian.A widely accepted perception in Bulgarian society is that Macedonians are actually ethnic Bulgarians, and the Macedonian nation is artificially created by Tito, with the sole purpose of

[1] Interview with Dr. Stefan Nikolov (Bulgarian Academy of Sciences) for Macedonian-Bulgarian issues, New Balkan Politics Issue 13, 2013

undermining the Bulgarian territorial integrity and to enforce some future territorial claims.

The formal Bulgarian geopolitics is consistentwhile the practical geopolitics is on different intervals; point outand has a denying attitude towards the Republic of Macedonia. Arguments in this favor exist in numerous scientific sources. For example, Boneva points out that

...the so-called "macedonian" national identity was first recognized as a separate one from the other Balkan nations in 1934 by the communist movement and the Kominterna. After the end of WWII, the yugoslovenian leader Josip Broz Tito created The People's Republic of Macedonia as a part of The Federation of Yugoslavia. As a result of the fall of Yugoslavia (SFRJ), the Republic of Macedonia proclaimed independency on 1991 year...[1]

Despite the good start, the relations between the two countries reached a dead-end due to the differences regarding the Macedonian language. As a result, around twenty vital agreements for bilateral cooperation, formulated by Bulgaria and Macedonia, were not processed. The situation got worse when in April, 1997 the Bulgarian president, Petar Stojanov declared in one of his speeches that „Macedonia is the most romantic part of the Bulgarian history". In this situation, the practical geopolitics folds with the formal geopolitics that has constant characteristics decades before. This behavior of the Bulgarian president undermined the wish for surpassing the past heritage.

The official Bulgarian geopolitics continues with its denying relationship towards Macedonia even during 1998. The continuity of these claims towards Macedonia can be identified even after the acquisition of independence and the separation from the federal state. That kind of official geopolitics is established in the Bulgarian national doctrine "National strategic program number 1" is issued by the Scientific Center for Bulgarian National Strategy in 1998[2].

By the afore-mentioned document, it can be seen that even though Bulgaria was the first country to recognize the Republic of Macedonia's independence, there still exist provisions which keep the continuity of the territorial interests. Namely, it can be seen in the following provisions presented in the strategy:

- The Republic of Macedonia's population by 1944 has always declared itself as Bulgarian;

[1] Boneva, B. Bulgarian Foreign Policy Twenty Years of EU Integration and Black Sea Regional Cooperation: 1989 - 2009 Institute of International Economic Relations, 2012), 13

[2] "Protection and spiritual unification of the Bulgarians in the world – National Strategic Programme No 1", Sofia: Scientific Centre for Bulgarian Strategy, 1998, p. 23

- The Macedonian nation and Macedonian language, that are claimed to be an offspring of the Communist Party of Yugoslavia, by the request of the Kominterna since 1934, are not recognized;
- The request the Republic of Macedonia that the Macedonian nation and Macedonian people to be recognized, is considered to be "an assumption for territorial claims towards the Republic of Bulgaria and the Republic of Greece;
- According to the Bulgarian national strategy, today in Macedonia there are around 1.400.000 citizens with Bulgarian ethnic roots that are being denied the right of self-proclamation[1].

In the subtitle "The Bulgarian Strategy", there are clear geopolitical directions of the Bulgarian state towards the Republic of Macedonia. Without getting into any details, we will present just a few of them:

- the Bulgarian state will be firm and clear in its international public appearances and the diplomatic in regards to the inability and to recognize the existence of the Macedonian language and the Macedonian state;
- the Bulgarian state will have a politic that will secure and protect the right of Macedonian Bulgarians to self-determination;
- Bulgaria will pose the question of the complete adjustment of the European norms in relation to the national rights of the Bulgarians in Macedonia;
- to adjust the constitutional and legal norms of gradual leveling of the rights of Bulgarians in Macedonia and the rights of the Bulgarian citizens[2].

The issue gradually got overcome in the later phase of the bilateral relations between the two states. Especially after the signing of the Declaration in 1999 between the president of the government of the Republic of Macedonia, Ljubcho Georgievski and the president of the government of the Republic of Bulgaria, Ivan Kostov. The most important step in this Declaration seems to relate to the following activities: Macedonia and Bulgaria commit not to take, instigate and support any actions that are hostile in their nature to each other and not to allow any of their territories to be used by any organized parties whose goal is separatism and infringement of the peace and stability within the countries. Furthermore, both countries commit to take effective measures against any hostile campaign and hate speech and, most importantly, to accept their languages, the Bulgarian, according to their Constitution and Macedonian, according to the Constitution of the Republic of Macedonia.

Nonetheless, it appears that the historical territorial claims, adequate to the classical geopolitical approach, Bulgaria tried to overcome with the signing of the aforementioned Declaration of neighborly relations directly before the start of the Kosovo crisis (the NATO intervention in SFRJ) in 1999 when, according to Richard Crampton, they recognized the existence of

[1] the same, p. 23 - 24
[2] Ibid, p.p. 25-27

Macedonian language, culture and nation[1]. Despite all of this, an international agreement based on this Declaration does not exist.

According to the analysts and those that are familiar with the issues of the most controversial parts is the celebration of the holidays. Furthermore, the part of history and the prevention of hate speech are also debatable since it is unclear how to control the media which is a part that has most of the Bulgarian remarks.

In the newer era of bilateral relations between the two countries, it is important to point out the "Bulgarian politics for the Republic of Macedonia" brochure, published by the "Manfred Verner" foundation in 2008 that was met with some resentment in Macedonia because of the fact that it theorizes the thesis according to which the Macedonians are a product of Tito and the Komintern. Nevertheless, even in that text there is some progress**.** It is published in English, Macedonian and Bulgarian language, making a step towards the affirmation of the Macedonian language. Further it is acknowledged that after 1944 there is a Macedonian people, distinct from the Bulgarian. There is a clear intention the existence of the Macedonian people to be limited territorially and temporally.

To be limited territorially within the Republic of Macedonia, thus remove the risk of the existence of Macedonian minority in Bulgaria. To be limited temporally to the period of 1944 (ASNOM), thus remove the risk for "ownership" of history and activists of Macedonia – "the most romantic part of the Bulgarian history". It is not enough, but it is a step forward. Even the demands for rights of the Bulgarians in Macedonia, or the rights of a Bulgarian minority in Macedonia implicitly mean recognition of the existence of a Macedonian nation in Macedonia. A step forward is the topic of the existence of the Bulgarian minority in Macedonia and a distinct Macedonian nation, which creates a framework for the possibility of a Macedonian minority in Bulgaria. These positions of Bulgaria result in their understanding of the need for progress in "good neighborhood". Due to the territorial restriction, national minorities are an important issue, the Macedonian in Bulgaria and the Bulgarian in Macedonia. Surely, Bulgaria tries to turn the water on their mill, and starts from a position of negation of the Macedonian minority in Bulgaria, at the same time demanding a Bulgarian minority in Macedonia. Due to the time restraints, important issues are the joint celebration of people and events, the Bulgarian military graveyard in Macedonia, and of course, common history books. And finally, of course, is the claim to discourage hate speech, especially in the media[2].

[1] Krempton, X.,R. *The Balkans after the Second World War* (Belgrade: Klio, 2003), 403

[2] Lyubomir Ivanov and others, the Bulgarian policy towards Macedonia (Manfred Wörner Foundation Sofia, 2007 / January 2008)

The brochure states:

"The Macedonian nation and state are formed in the process of implementation and evolution of the Serbian political structure, released for the first time in 1889, supported by a decision of the Communist International in Moscow in 1934 and achieved between 1944 and 1991 in the historic-geographic region of Macedonia (about 36% of its total territory), known as Vardar Macedonia, incorporated in the territory of Yugoslavia and governed by the communist party of Yugoslavia."

A practical geopolitical approach to the official Bulgarian policy is issuing Bulgarian citizenships to Macedonian citizens. The unofficial number of the Macedonians who received Bulgarian citizenships, is estimated to be nearly 100 000. Bulgaria being a member of the European Union is the main reason for Macedonians to seek Bulgarian citizenships. Most likely, Bulgaria awaits a prescribed number of Macedonians that are about to become Bulgarian citizens, so that Sofia can come up with a specific figure to manipulate in front of the world about how many Bulgarians there are in Macedonia.

Over the last year Bulgaria started to condition the Republic of Macedonia with a good neighborliness agreement to win its support for integration with EU and NATO. The request for Macedonia and Bulgaria to sign the good neighborliness agreement, and jointly celebrate certain historical events and people, which according to the Bulgarian authorities "are interpreted differently in the two countries", casts further doubt on what Sofia is actually trying to accomplish through this gesture, whether if it's an extended hand for help or a kind of „Trojan horse", whose meaning would be reflected after the eventual acceptance of Macedonia into the European union and NATO. According to the experts of situations, Macedonia should still be cautious when it comes to Bulgarian intentions. In this specific case, through the good neighborliness agreement and the insisting for joint celebrations, Bulgaria wants to achieve two goals.

The first and more important, is to devalue the Macedonian language as something that does not exist, which is why it is insisted of the formulation „Macedonian language according to the Constitution of the country". In other words, not an indigenous language, but for something that comes from the Constitution. If we accept such a thing, when we are in NATO and the EU, all languages will be French, German, Bulgarian, and our own language will be "Macedonian according to the Constitution". The second goal, in terms of joint celebration of holidays, the goal of Bulgaria is still that we are all Bulgarian. Therefore it is unacceptable for Macedonia, in the moment when Sofia realizes loud and clear that we are Macedonians, and that we spieak the Macedonian language, all holidays that unite us will be celebrated together.

CONCLUSION

From the stated content, analyzed through the theoretical foundations of the critical geopolicy, we can conclude that the formal and practical geopolicy have their own continuity. There are times when the practical geopolitical discourse is more dominant and logs a certain easing of relations between the two states. For example, this was the case during the recognition of the independence of the Republic of Macedonia in 1992. On the other hand, the formal geopolitical approach of the Republic of Bulgaria to the Republic of Macedonia has a constant content in continuity. It is mainly oriented towards negation of the Macedonian people, language and statehood. Often, addapting to the interest of other neighborly peoples and in combination with them allows them to act practically through their government representatives and government institutions.

For the Republic of Macedonia it is of crucial meaning that it strengthens its own institutional and intellectual capacities to compete on the formal geopolitical approach, or to argue academically and debate with arguments for the historical past and clarification of all the inconsistencies that exist between the two states. Also, a proactive policy needs to be run especially on a practical geopolitical level for frequent communication of the relevant government authorities and institutions.

In the near future, geopolitical codes need to be determined (a set of views and opinions for certain geopolitical opinions) for their reversal if they have negative effects or promotion if they are in the function of affirmation of good neighborly relations between the two states.

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THE CHALLENGES OF TERRORISM IN XXI CENTURY

Mina Zirojević, Dr.Sc.*

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Abstract

In this paper, the authors examine the topic of suicide terrorists as the most radical form of terrorism. On the example of suicide bombers, the reasons for resorting to terrorism were explained, as well as the most optimal ways of eliminating or at least reducing this threat. The analyses often state that the main motives of suicide bombers are rewards in heaven or economic benefit or family's persuasion, but we believe that this explanation is too simplistic. We will prove that the main motive is the lack of sense of purpose in life, dehumanization of man, human activities, and different cultures. Special attention is paid to explanation of the motives of "white widows".

Keywords: *terrorism, social and economic motives, ataraxia, "white widows".*

Female Terrorism in the Middle East – Hamas and Hezbollah

Although jihad is seen as a holy war, its meaning is much broader and includes "primarily devoted nationwide religious engagement in terms of affirmation and spread of Mohammedanism, which, however, includes the violence, but also is not reducible only to violence".[1] Should we be led only by a narrower understanding and reduce Islamic terrorism only to a holy war against the unbelievers, many questions would remain unanswered, because

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Dr Dragan Đukanović, This paper was written within the project "Serbia in the Contemporary International Integration Processes – Foreign Policy, International, Economic, Legal and Security Aspects" of the Ministry of Education, Science and Technological Development, No. OI179023 and the project "Impact of the EU Conditionality Policy on the Rights and Protection Of Minorities in Slovakia and Serbia", which has been implemented with the support of the Ministry of Education, Science and Technological Development of the Republic of Serbia.

[1] Simeunović, Dragan, *Terorizam – opšti deo*, Pravni fakultet u Beogradu, 2009, p. 198.

Islamic extremists see not only the external enemies as their enemies, but also unbelievers in their ranks.

Nowadays, the most famous Arab terrorist organizations are operating in the name of Islam are Hezbollah and Hamas. Given that there are many similarities between the two mentioned organizations, by comparative analysis, both of them will be examined in this paper. Hezbollah translates into *Party of God*, was founded in 1982, while today it has several thousand members. As their main objective they state the struggle for the establishment of a Shiite government of caliphate in Lebanese *Umma*, that is, expulsion of Israelis from southern Lebanon. Their main enemy is Israel, but the list also includes all those who support Israel. Hezbollah was founded as a pro-Iranian paramilitary formation, and during Khomeini's, it enjoyed huge financial support, which even today, although significantly reduced, is very important. Although they use different ways of struggle, suicide attacks are most prevalent.

When it comes to Hamas,[1] their main objective is to establish a Palestinian state in the Israel territory and regardless of strategic or tactical goals that were being adjusted to changing conditions and situations, *violence for violence's sake* has always been their motto. Hamas was founded twenty-five years ago with the aim of liberation of Palestine, which, in the opinion of its founders, has been missing due to the lack of aggressiveness of the PLO[2]. As is the case with Hezbollah, Hamas is also a great supporter of suicide attacks, and according to official data of the Israeli government, almost four fifths of all terrorist attacks in the past two decades directed against Israelis, were Hamas's and Hezbollah's acts. As is the case with Hezbollah, Hamas also receives great financial support from abroad.

Members of Hezbollah can only be those *who are completely possessed by passion for dying – istishad,*[3] and one can leave the group only by dying. There are shahids – martyrs for the faith who deserved heaven, while on the other hand, we have the death of traitors who, by their actions, lose the right to God's path and heaven. Members of Hezbollah distinguish apostates from the faith who, in their opinion are not true believers, but sinners, and they can also be found among Muslims who do not allow them the achievement of set goals nor provide them with support. These are the so-called *mustakberins*, i.e. oppressors, and attacks are also directed against

[1] The very name HAMAS, as an acronym, in Arabic means zeal to the point of fanaticism.

[2] PLO or the Palestinian Liberation Organization is a political party founded in 1964 operating in the territory of Israel, where it takes part in political life and is trying to win the independence of Palestine. PLO is the only organization recognized by the UN and over one hundred countries around the world as the sole legitimate representative of the Palestinian people.

[3] Op. cit. Simeunović D, p. 198.

them. They see themselves as oppressed, or *mustazafin*, people who are of the right faith. On the other hand, members of Hamas see murder of brother Muslims as a serious offense, even if they do not support them; hence their struggle is directed solely against external enemies. With the intention to become the legitimate government, Hamas also works a lot on social activities, builds roads, hospitals, schools, and tends to become a liberation movement, which is not impossible, given that since 2007 it has had its representatives in the Assembly, and also enjoys great support from the people. However, an insurmountable obstacle is the fact that they see Palestine as "inalienable Islamic territory".[1]

When speaking of women's participation in terrorist activities in the territory of Palestine, those are mainly suicide bombings committed by women. And it all began with the attack by Wafa Idris, a 28-year-old woman who, strapped with explosives, blew up herself in a busy street in the centre of Jerusalem, while killing one person and wounding about a hundred passersby. Wafa entered the annals as the first Palestinian woman who carried out the suicide bombing, and her name and the attack are celebrated as an act of heroism, while many girls want to be like her, believing that by sacrificing their lives, they can pay respect and show love to the country. After her death, the streets of Jerusalem were plastered with posters of her, and after the funeral,[2] several thousands of people passed by her house to pay respect and honour. Perhaps modelled after Wafa Idris, but we cannot claim that with certainty, the image of a woman who decides to join a suicide mission was created in the public. In fact, Wafa Idris, at the moment of the attack, was divorced, and doctors told her she would not be able to have children. Indeed, it was the reason for the collapse of her nine-year marriage, as well as the fact that she had already lost one child in her seventh month of pregnancy. When she divorced, she was 24, and her ex-husband got married after only two weeks, which was the reason of Wafa's depression.[3] Since she lost her father earlier, and her brothers who were now responsible for her have already had their families, she was also financially dependent. So, she was with no income, and without the chance to continue her life and re-marry, because she was considered *damaged* as she was already married once and could not have a baby, and according to some hard-line Islamic

[1] Ibidem p. 200.

[2] Wasfiyeh Idris, the mother of Idris Wafa, could not properly bury her daughter, as she did not have her body, so she only held a ceremony, which was attended by a large number of people.

[3] Mina Zirojević, *Terorizam- međunarodni pogled,* Institut za međunarodnu politiku i privredu, Beograd, 2014, p. 217.

beliefs she represented a burden, obligation and shame for her family.[1] These are exactly the most common reasons given on why Muslim women choose to become a terrorist. Therefore, when describing the reasons for women's participation in terrorism, private, family-related problems and reasons, unhappy, unrequited and forbidden love, the inability to become a mother, whether they are victims of rape or assault, are always first observed, while in the case of men, the political and economic aspects are emphasized. In the media, there are clearly defined stereotypical profiles of women who are related to terrorist actions: technically untrained women suicide bombers; avengers; unfulfilled mother (either because they are not married or cannot have children); victims of manipulation and brainwashing; and beauties that have personal problems.[2]

However, besides the personal reasons, a wider range of reasons of why women are joining terrorism is lately more observed, because, as numerous studies have shown, the reasons why an individual, man or woman, approaches a terrorist organization, are more or less identical. Therefore, suicide bombings carried out by women are all the more seen as an attempt of their emancipation, struggle for equality and a way of resistance, not only to oppression and occupation by foreign invaders, but the constraints of local customs and society's shackles. The truth is, it is considered as a desperate move when all other forms of struggle fail. However, the question is whether this is the right way and whether it leads to emancipation and equality of women. In fact, as a compensation for the loss of their daughter in a suicide mission, a family receives $ 200 monthly, whereas if a male member died, this amount is twice as large,[3] which certainly leads to the conclusion that men's and women's lives, even after death, are not equal!

The assumption that participation in terrorism leads to the emancipation of women and the improvement of their position can be also considered wrong, because, regardless of their demonstrated dedication, which generally mostly women admire, this kind of action causes discomfort in men, while the public condemns such participation, because, although they proved themselves as *good* citizens, they have failed in performing their

[1]Apart from these, there are also data that as a Red Cross worker she was shot twice by rubber bullets while helping the wounded Palestinians, which may have had an impact on her decision to commit a terrorist act.

[2]Sternadori Miglena Mantcheva, *Sexy, Tough or Inept? Depictions of Women Terrorists in the News*, 22 November 2007, http://www.redorbit.com/news/health/1154128/sexy_tough_or_inept_depictions_of_women_terrorists_in_the/, 03 March 2013.

[3] Friedman Marilyn, *Female terrorists: martyrdom and gender equality*, Springer Science + Business Media B.V, 2008, p. 57.

main role, the role of mother. Regardless of whether they made their children orphans by carrying out their action, or are not able to become a mother, it is believed that their primary role is to keep the home and family together; therefore, regardless of the importance and contribution they have made in their political struggle, they once again become the object of conviction of that same society that forced them into such actions. When speaking of a patriarchal, conservative and closed society, in which the only way to escape from the harsh reality of the embarrassment and violation of family honour is seen in violent activities, we must note that there is one dominant way of thinking – the common good goes always before individual. This is even more evident when it comes to women living in Muslim countries, to whom family wellbeing, sacrifice and blind subservience come first, where they have to be obedient in relation to the family, husband, brothers and even their male children. Since any form of relationship with males who are not part of the family is strictly prohibited to them, and may be the reason for their exclusion from society, many of them remain without the support of family members, first of all fathers and brothers, if they join terrorist organizations. To join a terrorist organization, they leave their homes and supervision of male family members; training is usually carried out by men, and for the family honour to see a girl in the company of a man who is not her relative it is a great shame, so many of them, even if they might want to give up their original terrorist plans, remain without choice, because they do not have the possibility of returning home, and often the very fact that they sacrificed for the greater cause is not enough to restore the family reputation. This is an additional reason why they become easy targets, since they are very sensitive and susceptible to manipulation. In addition, they often become victims of sexual violence, and since they have no one to turn to for help, these crimes remain unreported. Moreover, in terms of equality with men, insoluble task is set before them to "fight against the occupying forces, while they are simultaneously required to accept and obey the patriarchal environment".[1] Therefore, it can rightfully be said that women in these environments suffer double oppression, political and gender, which they are trying to overcome by their involvement in terrorist activities, leading to a new failure, because the roles of a good woman and a terrorist cannot be achieved simultaneously.

The advantages of women's participation in terrorist activities are numerous, from the fact that it is easier for them to hide explosives, they have easier access to targets and specific institutions due to weaker security measures, all the way to the greater media attention that these actions

[1] Rubenberg, Cheryl, *Palestinian Women: Patriarchy and the Resistance in the West Bank*, Boulder and London, Lynne Reinner Publishers, 2001, p. 75.

receive; however, they have not been easily accepted. Female suicide bombers were embraced first by secular organization, and only later by religious organizations. The former Hamas leader Ahmed Yassin strongly opposed the participation of women in terrorist activities, saying that there was no need for women's activism because there were already too many men willing to participate in jihad, while, after two years, he supported Reem Riyashi in the first suicide attack performed by woman sponsored by Hamas. This mother of two was only 22 when she had an affair with a member of Hamas, and she carried out the attack after their affair was discovered and, according to some claims, at his urging. She carried out the bomb attack on the Erez border crossing, in which four Israeli soldiers were killed. However, it is important to note that it is considered that the first Muslim woman involved in the terrorist attacks was Leila Khaled, who participated in the aircraft hijackings in the 1970s. On 29 August 1969, Leila Khaled participated in the first hijacking of an aircraft that was en route from Rome to Athens, but she was defending herself by saying that she told the pilot to take the turn to see her hometown Damascus, which she was unable to visit. After several months, she participated in a new attempt of hijacking, after which she was arrested, and although armed with bombs, she stated that her task was clearly limited and that she was not allowed to harm the passengers. After several years spent in prison, she was released in an exchange of hostages, and today she is politically active and is a member of the Palestinian National Council. Although she herself was once involved in terrorist activities, she strongly opposes female suicide terrorism "because everyone is equal in death – rich, poor, Arab, Jew, Christian, we are all equal. I would rather see women equal to men in life".[1]

What is specific for female suicide terrorism is that it is in most cases directed against an individual, that is, clearly defined target, and that in these attacks women proved to be very efficient. Specifically, one of the five attacks carried out by female suicide bombers was aimed at killing a specific individual, while this is the case with one of the 25 attacks carried out by male suicide bombers.[2] However, it would be incorrect to say that their participation is reduced only to participation in suicide attacks. Besides the role of suicide bombers, women often serve as support and assistance to male fellow fighters, including conducting various researches, observing targets or places of the next attack, because they attract less attention, and do not awake suspicion. They are often the ones that follow another woman or

[1] Victor Barbara, *Army of roses: Inside the World of Palestinian Women Suicide Bombers*, 2003, pp. 63-64.

[2] O'Rourke Lindsey, "Behind the Women, behind the Bomb", *The New York Times*, http://www.nytimes.com/2008/08/02/opinion/02orourke.html?pagewanted=all&_r=0 , 03 March 2013.

man who embarks on their suicide mission, to ensure that the attack is actually performed, but also to not arouse suspicion by some of the security bodies. In addition, they are entrusted to find shelter for the other women participating in missions, to smuggle weapons under their clothes, to find information on the Internet, to escort men in recon. One of them was Ahlam Tamimi, known not only for collecting information and planting a bomb under a car near a shop in Jerusalem, shortly after she was recruited to Hamas, but also for escorting Izz al-Deen Masri, who was heading to his suicide mission, when in a bomb attack in front of a pizza restaurant 15 Israelis were killed and over a hundred people were injured. When speaking of the victims of manipulation, we can point out Iman Asha, a 27-year-old who tried to plant a bag with 5 kg of explosives at the main bus station in Tel Aviv, but she was revealed. Iman was persuaded to this move by her husband, who was rumoured to have collaborated with the Israelis, and by this act, Iman wanted to restore the family reputation.

The new threat comes from Al Qaeda, which has long resisted including women in their ranks. As reported by the world media, this terrorist organization, within its ranks, has formed a group consisting only of women. The group is called the Burkha Brigade, where women are trained and taught how to handle weapons, fire from rifles and pistols, handle explosives, how to pass unnoticed, and infiltrate the enemy lines. The previous attacks carried out by members of Al Qaeda were, as is the case with Hamas and Hezbollah, mostly small-scale, and as they shifted the boundaries of terrorist struggle by the 2001 attack, it is feared that the very activity of women within Al Qaeda will bring new dimensions to the phenomenon of "female terrorism".

Instead of a Conclusion

The last decade has shown that women are increasingly participating in terrorist activities, and that in the future this tendency will grow. In fact, if we look at the beginnings of "female terrorism", when the violence committed by female terrorists created fear and shocked the public, today it is just another form of terrorist struggle. It would be incorrect to say that attention and astonishment of the public are not high anymore, but they are far from what they used to be the day when a woman for the first time betrayed her *primary* role, and instead to give life, she decided to take it. From the role of assistant, logistics support, women have become the main protagonists of the attacks, and lately not only suicide attacks. They are trained on how to handle weapons, how to fight, and in some terrorist organizations, they also participate in preparation and designing of attacks, selection of targets, and are at the top of the organization. However, despite

growing participation in terrorist activities, they still manage to pass security controls unnoticed, without raising suspicion, to reach the highly protected persons and places, and to do what their male colleagues could not. Precisely because of this, as well as the fact that the number of female terrorist is on the rise, that today there is almost no terrorist organization among whose members are no female fighters, we can claim that also in the future activities women will have a very important role. Besides the execution of tasks, the role of female terrorists will definitely also be in encouraging young girls and boys to join their activities, raising their children in the spirit of violence, by providing justification for their actions. However, their role will not end there, and judging by the current situation, female terrorists in the future will be just as skilled and trained as their male fellow fighters are. Although it may seem a premature conclusion, the fact that most terrorist organizations have a large number of female terrorists, that they are no longer *disposable* as *human bombs*, as well as the fact that the range of their responsibilities has expanded and that today they go through military training, indicates that male and female members of a terrorist organization are being equated. The fact that women are given the opportunity to directly participate in struggle can be somewhat considered as the way for the establishment of gender equality, especially if one bears in mind that "society, through its body of rules and its numerous institutions, has conventionally dictated their roles within the boundaries of militancy. Assisting in subordinate roles is always welcomed and encouraged. Actual fighting in the war is not."[1]

Therefore, it should not be expected that in future women will leave terrorist activities, and it is certainly the reason to think about them as future protagonists, when designing strategies to fight terrorism. However, before we commit to the fight against terrorism, we will look back on their current role and motives for their participation. Today female terrorists are primarily involved in suicidal, bombing attacks, and the difference between men and women participating in a suicide attack is that "women consider combat as a way to escape the predestined life that is expected of them. When women become *human bombs*, their intent is to make a statement not only in the name of a country, a religion, a leader, but also in the name of their gender."[2] This brings us to one of the reasons why women participate in terrorist activities – to show that they are equal to men, that they can perform the same tasks as they do. For some of them, terrorism is the path to

[1] Frazier Lucy, "Abandon Weeping for Weapons: Palestinian Women Suicide Bombers", http://www.nyu.edu/classes/keefer/joe/frazier.html, 16 March 2013.

[2] Beyler Clara, "Messengers of Death: Female Suicide Bombers", http://www.ict.org.il/Articles/tabid/66/Articlsid/94/currentpage/20/Default.aspx, 16 March 2013.

emancipation, however, the path filled with violence and victims. Thus, the participation of Palestinian women had global reverberations, because "sacrifice for the Palestinian homeland would not be for men alone; on the contrary, all Palestinian women will write the history of the liberation with their blood, and will become time bombs in the face of the Israeli enemy. They will not settle for being mothers of martyrs."[1] With the aim to demonstrate their equality in action, female terrorists are often more willing to participate in dangerous actions, in order to demonstrate their commitment to the goal. However, can we talk about equity and equality if these equity and equality are confirmed by violence? How can terrorism be the path to emancipation, if a woman is worth less while living than while dying in the name of a terrorist goal? In environments where women fight for equality, it will be difficult for men to give up their role of a man – saviour, holder of family honour, respect and responsibility, since it is a tradition that has lasted for thousands of years. It is possible that the role of women in the struggle will be recognized, that the importance of her role will exceed the belief that there is no place for women in the political, economic, military issues, but everything will very soon fall into oblivion when the *time of war* passes. After all, who would be left to fight for equality and the rights of these women if they all give their lives to prove that they can be just as violent, cruel and merciless as men? The path to the emancipation of these women should be directed against the shackles of their own society, should be in the education, so that they release themselves from the restraints of conservative society, and not to expect to be released by those who have oppressed them for years. Besides, another indication that terrorism can never really lead to the emancipation of women is the fact that women are proving their equality by playing by the rules created by men, trying to fit their standards, instead of setting their own. Even the reasons why they join terrorism are sought in the sphere of personal, revenge or love, psychological and emotional instability. And not only by members of their own society. Researchers and analysts from around the world also want to peek behind the violence committed by women by searching for ulterior motives, because it seems that ideology, religion and the desire for liberation, nationalist affiliation, do not motivate woman like they do men.

How to put an end to terrorism and prevent the spread of this disease of modern society which is expanding rapidly, without leaving behind healthy parts? By entering all pores of society, it is hard to predict the next step, and with new protagonists, new ways and forms of struggle, consequences are unforeseeable. Should this disease be *nipped in the bud* or *ad hoc* solved, is it possible to put an end to terrorism by individual actions,

[1] Bloom Mia, Female suicide bombers: a global trend, Daedalus, vol. 136:1 (2007), p. 5.

or is unity necessary when addressing the main obstacles to peace in the 21st century? As mentioned above, stopping and fighting terrorism is hampered by the lack of a clear definition that will determine what falls under this concept, what are its manifestations, actors, who supports this type of violence. However, not only the lack of a proper definition is the reason why the solution is slipping away. Terrorism as a secret activity knows how to cover its tracks well, but it is important to note that the previous (not quite successful) way of fighting terrorism sometimes suits certain interests. As a first step in solving this issue, it is necessary to set up a framework of the problem we face. Clear definition of terrorism as secret action and implementation of political violence, which is most commonly carried out by groups, and less frequently by individuals and institutions, which is directed towards the (mostly) randomly selected victims, with a view to discourage and intimidate opponents, violence whose method of fighting is intimidation, and fear its tool, will bring us a step closer to solving this danger. Since this plague has gained momentum, joint and united action by all relevant authorities is necessary. After all, more and more often we hear about *international terrorism*, as terrorism which transcends the boundaries of a state, because participants originate from several countries, their activities are not directed against only one country *in concretum* and go beyond the boundaries of a country in whose territory they operate, hence to stop these kinds of violence, cooperation at international level is required.

The previous practice has shown that the violence creates even greater violence, and according to past experience, this certainly cannot come out well. In this game, both sides are at loss, the terrorists because they are losing personnel, reprisal and intimidation measures are very harsh, while their set goals are not likely to materialize. On the other hand, the international competent authorities also face difficulties in terms of how to provide funds for the fight against terrorism, and victims of terrorist attacks are an indication of their failure to tackle this problem. The way of how to deal with terrorism should maybe be looked for in a less violent and more constructive fighting strategy. It is well known that terrorism is a way of struggle to which weaker opponents are resorting, aware that their goals cannot be achieved by legal means. For these reasons, it may be reasonable to believe that a successful strategy to combat terrorism would be the one that would promote compromise and work on increasing the chances of legal achievement of some of the terrorists' goals. Of course, there is no question of establishing a legal framework that would allow the *extermination* of a nation at the expense of complying with terrorist goals, however increasing opportunities to achieve individual goals by legal way would reduce the need for radical ways of fighting. As already mentioned, activists join the violent, illegal action when they see that by regular way they cannot achieve their

goals, and with the radicalism of their attacks, the appetites of their goals are growing. The time needed to organize and prepare a suicide terrorist attack, personnel and necessary equipment, as well as the risk involved with these activities are great, and despite all these, suicide attacks and their impact on the achievement of political goals is limited, so if one takes into account the *costs* that are necessary to carry out a terrorist attack, it becomes clear that there is room for negotiation.

In addition to finding a compromise on a regular basis, in order to stand in the way of terrorism, it is necessary to provide the individual with more opportunities, so that terrorist activity would not have to be the only option for achieving their goals. Increasing the opportunities that are in front of the individual would also facilitate leaving a terrorist organization, and it would certainly contribute to disruption of cohesion within the members themselves. The current strategy of intimidation that has been used in the fight against terrorism has shown that cohesion and unity among the members is growing when they are faced with a common enemy who uses violence to fight against them. In addition, a better chance of starting a new life is more attractive to each individual; hence a tension in the ranks of terrorists is created due to suspicion that anyone can become a traitor. Breaking the organizational and psychological connections between the members may be the only way to put an end to terrorism.

On the way to achieving their goals, it is very important for them to attract attention and public support by spectacularity of their very deadly attacks, and it is therefore necessary to deny publicity to their activities and in that way prevent promotion of terrorists. It is not enough only to condemn such attacks, but the publicity should be reduced to a minimum. Competent authorities should avoid attributing attacks to terrorist organizations, because in that way they place them in the focus. Instead, the one responsible for attack should not be made public, but it should be pointed out that some of the many terrorist organizations may be behind the attack. In this way, the public is not acquainted with the goals of their struggle, and their activities cannot gain sympathy and future followers. One of the ways to confront terrorism is also by thwarting their goal to undermine the political and economic stability of a country, by dividing economic and political centres of power. On the economic plan, the solution would be decentralization, so that if one centre is hit by a terrorist attack, the other can compensate for the loss and maintain stability. When it comes to the political scene, the solution might be in delegating and setting up several power functions, as well as the federal environment.

Although this seems like an utopian solution to put an end to the violence that threatens to leave catastrophic consequences if it comes to the use of nuclear weapons that some terrorist organizations posses, the current

strategy of intimidation has not recorded any greater success either. Terrorism continues to exist as an everyday danger lurking and waiting for the right moment to attack. The consequences are to some extent repaired, but the root problem is still elusive, and the symptoms of this disease affect all parts of the world, and no one is spared. World public remembers with horror September 11, when boundaries of terrorist activity were shifted, and given the scale of this problem, it is not impossible that, same as today (although only a decade ago it was unthinkable), women participate in these forms of violence, children would be in their place tomorrow.

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THE INTERGOVERNMENTAL ORGANISATIONS' CONTRIBUTION TO HUMAN SECURITY POLICY EMERGENCE AND DEVELOPMENT*

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Abstract: *The concept of human security has begun to develop as a new paradigm in security studies since the first Human Development Report of the UN in 1994. However, the challenge of defining the analytical framework of human security shall not be the topic of this paper, but the fact that human security has also become a field of interest of practical policies of the states. Parallel with the growing interest of political decision makers in this concept, there is a growing number of states that have adopted some form of this concept and have implemented it in their security policies. The aim of this paper is to research whether and how intergovernmental organizations have contributed to the implementation of human security concept into the state security policies. In this regard, one part of the paper focuses on the share of the United Nations, especially the UN Development Programme in the definition and development of human security policies. It is primarily evident in those countries that have decided to adopt a broader approach to the concept of human security. The second part discusses the attempt of formal adoption of the concept of human security at the EU level through the so-called "The Barcelona Report - A Human Security Doctrine for Europe" by the Study Group on Europe's Security Capabilities, 2004. Although not formally adopted at the level of EU, the Barcelona report gave impetus to adoption of certain human security policies within individual EU member states. Finally, the position of the concept of human security in a practical security policy of the Republic of Serbia will be researched as well as the contribution of the UN Development Programme and the OSCE Mission to Serbia in the development of human security concept in the Republic of Serbia.*

* This paper is the result of conducting the research project entitled *Development of institutional capacity, standards and procedures in fighting organized crime and terrorism in the terms of international integrations*. The project was funded by the Ministry of Education and Science of the Republic of Serbia (No. 179 045), managed by the Academy of Criminalistics and Police Studies in Belgrade (2011-2014). The project manager was Saša Mijalković, Ph.D, Assistance Professor.

***Keywords**: human security, security policy, human development, United Nations Development Programme, European Union, Barcelona report, OSCE Mission to Serbia.*

INTRODUCTION

The idea of achieving, protecting and improving human security is one of the most complex ideas in terms of its operationalization. Though no state will admit that it does not implement the concept of human security, there is actually a small number of those that précised the scope of the concept and determined the ways of its implementation. Mostly, the concept of human security is used as a popular and very persuasive rhetoric. The concept of human security is identified as the international concept, i.e. a concept whose creators and implementers are intergovernmental organizations. Thanks to their ideological basis, suggestions and guidance, and partly due to civil society support, the states began to redefine national security policies involving human dimension as their integral component after the end of the Cold War.

The concept of human security emerged as another of the solutions found by the states assembled in the international organization of the UN, in order to stop the wars and other forms of human race deprivation. Human security was used for the first time as an expression of the Human Development Report UNDP in 1994. The Report determined human security through the most important dimensions (Economic security, Food security, Health security, Environmental security, Personal security, Community security, Political security), as "safety from such chronic threats as hunger, disease and repression, as well as protection from sudden and hurtful disruptions in the patterns of daily life - whether in homes, in jobs or in communities." (Human Development Report, 1994: 23). Most of the international organizations in the UN system are highly devoted to human security issues. The Human Development Programme, however, gave the most comprehensive and broadest definition of human security.

In addition to these intergovernmental organizations, the Organization for Security and Co-operation in Europe and the European Union also tackle with human security issues in some of their aspects. Despite its decades-long strategic commitment to the defense of the territorial integrity of member states, NATO also points out that the conception of the alliance has changed and the new strategic environment requires necessary transformation, and the transformation includes "human-centric" conceptualization of security. However, it should be stressed that, although none of the Strategic Concepts developed by NATO since Cold War has not explicitly mentioned human security concept, NATO

implements the principles and objectives of this concept. A new informal NATO commitment is notable from the first meeting of think tanks from countries of NATO, European Union and Shanghai Cooperation Organization that was held in Bucharest on September 24-25, 2013, where it was underlined that "the shift of attention to the human dimension in international security is a natural trend caused by radical changes in global politics and civil society" and that "significance of the human security dimension is definitely on the rise as traditional and new challenges get closer to citizens".[1] However, given the nature of NATO as an organization that is primarily founded as a military defensive alliance, it can hardly be labeled as an organization that (unlike the UN and OSCE) covers a multitude of aspects of human security, so the further text will not provide a detailed review of the role of NATO in implementing the concept of human security. This can be an item for the purpose of another paper.

HUMAN SECURITY AS STATE POLICY AND INTERGOVERNMENTAL CONTRIBUTION TO ITS DEVELOPMENT

Human security is the backbone of the contemporary concept of security. The traditional concept of security defined in terms of the absence of armed threats that can jeopardize the territorial integrity of the country is now modified. Nowadays, it is necessary that the concept of security also includes the absence of a different spectrum of threats to humans, both military and non-military ones. This changed perception of security has committed states to giving an adequate attention to the human component because humans suffer the most serious consequences of all kinds of endangering. Wars was not as horrible experiences for the states (since most of them survived and recovered afterwards) as for the people because the damages inflicted to them are irreversible.

The turning towards human values is made evident by giving priority to the protection of human rights and human needs, because democratic principles require that a man should be the central category in each political order. Nowadays, the human rights observance is guaranteed by almost all the states by the highest legal acts, and the implementation of human security is done mostly through those guarantees. Almost all the activities of national security system subjects result in protecting humans and some of their values . However, the number of the states that clearly and precisely define what human security means for them, what are the ways of achieving and

[1] Available, January, 14, 2014. on: http://russiancouncil.ru/en/inner/?id_4=2392#top

improving human security, methods of protection and specified role and obligations of the subjects who are responsible for these tasks, is negligible.

The human needs are far too the matter of a subjective assessment of the individuals, and that is why the state needs a consensus upon this issue. Determing the scopes of human security is conditioned by many factors, such as foreign policy position of the state, the constitutional order, life standard, system of values adopted in society, etc.. Moreover, the advantage of specifying human security policy as a specific way of implementation of this concept within the territory of a state is that it would avoid the arbitrary interpretation of the concept and limit it to the real possibilities that the state has for its implementation. Examples of states that have implemented human security in their foreign and national policies are Canada and Japan. These two countries have adopted policies based on different frameworks of human security. Unlike Canada, which has adopted the form of human security policy based on "freedom from fear" and protection from threats of violence, and primarily provides the basis for humanitarian interventionism, Japan, in accordance with different cultural patterns, is paying attention to the conception based on "freedom from want" and freedom from all the kinds of human deprivation. Since Article 9 of the Constitution of Japan prohibits participation in military interventions, it is reasonabe that for Japan "the use of force can not be a means for ensuring human security." (Atanassova-Cornelis, 2006: 46).

Canada's focus in the era when Lloyd Axworthy was foreign minister was on the human costs of violent conflict and the safety of people involved in such situations (MacFarlane, Khong, 2006: 172). The International Commission on Intervention and State Sovereignty was founded under the authority of the Canadian Government and consisted of members from the UN General Assembly in order to popularize the concept called „Responsability to Protect". The Commission determined that their international responsibility is to prevent, and that military intervention to protect civilians should be exceptional, only in case of "large scale loss of life, actual or apprehended" and "large scale 'ethnic cleansing,' actual or apprehended", with Security Council mandates as authorization for the action (MacFarlane, Khong, 2006: 178).

Human security in Japan became an essential part of Japanese Foreign Policy, and it is strongly related to Japanese commitment to an active non-military international role. It partly emerged due to the Asian currency and financial crises in 1997, so its main role was (and still is) to promote and implement human security as a way of protection from „all the menaces that threaten the survival, daily life, and dignity of human beings" and through strengthening the efforts to confront those threats. (Atanassova-Cornelis, 2006: 44). Japan is implementing this concept mainly through The

Trust Fund for Human Security and The Official Development Assistance Program.

Human security should necessarily be an integral part of national security policies, however, concern about human security goes beyond the scope of national policy, and it is also a part of international policy and concern of entire international community. Human security problems are not only local and national, but also global, because they mostly derive from the economic and social inequalities and lack of social justice in international relations (Mijalković, 2011: 56). This concern, however, is not only determined by moral reasons, but primarily by state self-interest, because the globalization facilitates, beyond every expectation, the so-called "spill-over effect" - the situation when security problems are spilling from one country to another. Intergovernmental organizations are, however, certainly the biggest "hotbeds" of the idea of human security and those entities that raise awareness of the need that this concept should be implemented and improved.

Among the most influential organizations that advocate and implement this concept is the Organisation of UN. Although many organizations of the UN system deal with some segments of the issues of importance to human development and human securiy, the most important institution to be mentioned that deals with these issues in a systematic way is UNDP. Given the primary role of the UN, i. e. preservation of peace, human security and human development are the basic prerequisites of peace. The above-mentioned Report of the UNDP in 1994 is the basis of the concept; it has first pointed out the necessity for the concept of human security to be treated in a broader and more comprehensive manner. It refers to achieving security through development and enabling „realization of the full potential of individuals." It is suggested to be done through the so-called participation and empowerment of people because development is not only about solving current financial problems, but about helping people to take control over their lives (MacFarlane, Khong, 2006: 144-145). UNDP also developed Human Development Index to measure national performance in human development, which was derived from data on life expectancy, educational attainment, and gross domestic product per capita.

The Organization for Security and Co-operation in Europe was primarily focused on military-political problems, but is has also profiled itself as organization dealing with human rights. OSCE security is defined in a comprehensive way and it includes three "dimensions", the politico-military, the economic and environmental and the human dimension. Unlike the UN, OSCE's official documents have no defined approach to human security, but the term is only periodically used as an indicator of the ultimate goal of the activities undertaken by OSCE, which means that human security

still does not count as formal guiding principle of the OSCE work. The concept of human security within the OSCE is implemented through activities that cover human dimension of security (the field of human rights and democracy), but indirectly through the activities in the other two dimensions, because they have the ultimate goal of protecting the security of people. Those are the following activities: arms control, border management, combating human trafficking, combating terrorism, conflict prevention and resolution, economic activities, education, elections, environmental activities, gender equality, good governance, human rights, media freedom and development, military reform and co-operation, minority rights, policing, Roma and Sinty, rule of law, tolerance and non-discrimination.[1] It is often said that „OSCE practice is to a large extent about human security" and „even the OSCE's very structure is a reflection of what the concept of human security wants to achieve." (Oberleitner, 2008: 69).

In the field of human dimension of security, OSCE made special documents called Commitments that participating states have undertaken. Within those Commitments, OSCE precises Institutions and Structures with Particular Relevance to the Human Dimension, and that are, firstly, The Office for Democratic Institutions and Human Rights, The High Commissioner on National Minorities, The Representative on Freedom of the Media and so on. Human Dimension Commitments mostly refer to these Commitments: Commitments Related to the Right of Peoples to Self-determination, Commitments Related to Structural Components of a Democratic Society, Commitments Relating to Human Rights that are Applicable to All (Civil and Political Rights, Economic, Social and Cultural Rights), Commitments Related to Human Rights with a Focus on Specific Groups (National Minorities, Roma and Sinti, Indigenous Populations, Refugees, Displaced Persons, Returnees, and Stateless Persons, Migrant Workers, Persons with Disabilities, Children, Armed Forces Personnel, Persons in Detention or Prison), Commitments Related to Equality, Tolerance, and Non-discrimination, Commitments Related to Specific Threats to Human Security (recently, focus has been on Prevention of Gender-Based Persecution, Violence and Exploitation, Prevention of Trafficking in Human Beings, Prevention of Illicit Trafficking in Drugs and Arms and Other Forms of International Organized Crime, and Prevention of Terrorism), Commitments Related to International Humanitarian Law. The main tool for monitoring the implementation of Commitments is Human

[1] For all available information on the activities, missions and tasks, see: http://www.osce.org

Dimension Mechanism, which consists of two instruments: the Vienna Mechanism and the Moscow Mechanism.[1]

HUMAN SECURIY IN EUROPEAN UNION

After the Cold War ended, Europe faced with many problems, and the newly established EU's approach to security issues could not ignore the fact that external military threats were no longer the only factor that could compromise security. Ordinary problems of the people, especially those of economic and social nature, gradually became increasingly important in terms of security, given the fact that they began to generate and proliferate new security threats in a short time, along with the inevitable effect of "spillover" of that decided commitment of the EU towards a joint problem solving not only of their own, but the problems of the neighbors.

The first serious attempt of adopting the concept of human security in the European Union was made on September 15, 2004 in Barcelona, when the "Human Security Doctrine for Europe: the Barcelona Report of the Study Group on Europe's Security Capabilities" was presented to the the EU High Representative for Common Foreign and Security Policy.

The part of the Barcelona report that reveals the reasons why human security should be European Union's concern highlighted three reasons. The first is based on morality and belief that people have a moral obligation to respond when the safety of others is endangered. The second relates to the legality and it is closely linked to the notion that human security is equated with human rights. Therefore, states have an obligation to react when the rights of universal validity are violated. The third reason is the reason of self-interests of states, which is based on the belief that European states cannot be safe if the other counties' citizens live in conditions of severe insecurity.[2]

The science and practical policy of human security has yet no consent regarding the standard definition on human security. The most comprehensive and the most common approaches were integrated by Fen Osler Hampson, who distinguishes three approaches to human security: an approach based on human rights (basic political and civil rights), an approach based on "human safety" (including personal rights of survival - often considered to be the basis for humanitarian interventions) and an

[1] About Human Dimension Mechanisms, and available links to relevant documents, see more on the official website of OSCE: http://www.osce.org/odihr/43666

[2] See: A Human Security Doctrine for Europe - The Barcelona Report of the Study Group on Europe's Security Capabilities, Presented to EU High Representative for Common Foreign and Security Policy Javier Solana, Barcelona, 15 September 2004, pp. 9-10.

approach based on sustainable human development (economic, social rights, the right to a healthy environment). (Hampson, 2003: 29).

The Barcelona report is based on a narrow conception of human security, which corresponds to an approach based on "human safety". The Report put forward a proposal of new normative framework for decision making about humanitarian intervention and enforcement operations that should eliminate drawbacks such as inconsistency and arbitrary decision making about intervening. In addition, there are seven principles that these interventions should be based on in case of severe insecurity. These are the principles of primacy of human rights, the principle of clear political mandate, the principle of multilateralism, the principle of regional focus, the principle of the use of legal instruments, the principle of appropriate use of force and finally, "bottom-up" approach, which is particularly emphasized because of the insistence on communication at the local level in order to facilitate indexing and solving human problems. (Barcelona Report, 2004).

Finally, the Report proposes the creation of a unit aimed to answer the problems of human security, which would consist of 15 000 women and men, one third of whom must be civilians (non-military personnel). They would comprise the majority of the existing military and civilian capacities made disponible by Member States or the voluntary units composed of NGOs and individuals, whose establishment is also proposed. The Report takes into account the limited capacity of the European Union, and therefore proposes criteria of giving priority to certain situations in accordance with the seriousness and urgency of the situation, practicality, risk, chance of success, availability of other actors, special responsibility towards the neighboring countries, historical relationship that induce responsibility towards the certain state and the attitude and public pressure.[1] The European Union did not officially adopt the Barcelona report, but it is considered that it "continued to be a source of inspiration on how a strong values-based Common Security and Defence Policy should look like " (Ejdus, 2012: 224).

Regardless of the progressive idea, the Barcelona report proposed human security policy which was quite narrow and incomplete. Focused on the problems that are to be solved by use of force and the fulfillment of "Petersberg tasks", it was mostly reactively oriented, although Security and Defense Policy in Europe at the time of submission of the Report had predominantly preventive character and it was based on undertaking regulatory, economic and diplomatic measures in order to prevent escalation of security problems. In this period, therefore, the European Union was just

[1] For more details see: A Human Security Doctrine for Europe - The Barcelona Report of the Study Group on Europe's Security Capabilities (2004), Presented to EU High Representative for Common Foreign and Security Policy Javier Solana, Barcelona, 15 September 2004.

starting with its military and police missions in Europe and elsewhere, but its strong reliance upon the capacity of NATO was evident, and its reactive action in order to resolve the crisis in one area was not a domain in which it proved to be the most successful.

The Human Development Report (1994) suggested that human security is easier to ensure through early prevention than later intervention. (Human Development Report, 1994: 22), so the proactive appproach was the best way to tackle with human security problems. Proactive approach to security issues that EU is famous for is giving an impetus to the informal constitution of human security policy, and if the concept of human security would formally be adopted within the Security and Defense Policy of the European Union, it would represent its essential element. In addition, some of the suggestions for improving the security policy indicate that "security of EU citizens will finally be protected only if the roots of the problem of (in)security are being seriously indexed and solved."(Gräns, Sira, 2010: 6). And that is possible only with the proactive approach that is far from just intervening when the problems are getting their "boiling point".

So, the answer to the question whether the European Union as an international organization and supranational entity that has a clearly defined and adopted human security policy, is no. However, the adoption of human security policies in some EU member states, as well as participation of few EU member states in Human Security Network, is quite a significant achievement, given the broadness of the concept and disagreement on which aspects of human life it should cover and which not.

HUMAN SECURITY IN THE REPUBLIC OF SERBIA AND THE ROLE OF INTERGOVERNMENTAL ORGANIZATIONS IN BUILDING HUMAN SECURITY POLICY

The National Security Strategy of the Republic of Serbia from 2009, as the basis for the implementation of national security policy of Republic of Serbia, certainly has a human component, at least in the form of basic principles and commitments of the Republic of Serbia. However, it does not have a holistic and systemic approach to the problems of human security, because human security as a holistic concept is not mentioned in the Strategy, and even less is mentioned about what human security means in terms of this Strategy. The values that are and can be a part of the concept of human security are emphasized in some parts of the Strategy. In this regard, the Strategy states that "The Republic of Serbia is committed to develop and promote all aspects of security, especially human, community, energy, economic, environmental and other contents of integral security of the

Republic of Serbia"[1], as well as that „special attention has been given to creation of conditions for promoting human security“, but without specifying the precise mechanisms or institutions whose primary role would be to implement this concept.

The National Security Strategy states only foreign policy, economic policy, defense policy, internal security policy, the policy of protection of human and minority rights, social policy and policies in other areas of social life as elements of national security policy. Therefore, as a precondition for effective and successful protection of human security, it should be defined what it represents for the Republic of Serbia, and what are the obligations of the state in protecting human security. The greatest contribution to the human security breakthrough to the security policies of the states is made by intergovernmental and non-governmental organizations, and the aim of this paper was to determine the extent to which the United Nations Development Programme in Serbia and the OSCE Mission to Serbia have been doing that in Serbia.

UNDP in Serbia aims to provide sustainable human development, and the Country Programme Action Plan for Serbia has defined three goals for the period 2011-2015: Sustainable Development and Social Inclusion Enhanced; Good Governance Strengthened; Enabling Framework for Environmental Management and Energy Efficiency Strenghtened. In the field of Social inclusion, UNDP is engaged in sustainable economic growth and inclusive employment, isolated and disadvantaged regions, combating sexual and gender-based violence, expanded access to social services and high level of Human Security. Currently, two projects are being carried out therein: *Integrated Response to Violence against Women in Serbia* and *Improving Human Security for Vulnerable Communities in Southwest Serbia*. In the field of Good (democratic) governance, the aim of UNDP activities is to enhance transparency and accountability of executive, legislative, judicial and independent institutions, to modernise public sector at all levels and activate civil society advocacy, policy making and monitoring. For that purpose, five projects are being carried out: *Capacity Development Programme for Conventional Ammunition Stockpile Management for the Republic of Serbia*, *Youth Sleuth: Engaging Serbia's Youth to Fight Corruption through Investigative Journalism and Social Media*, *Strengthening the Oversight Function and Transparency of the Parliament*, *Finance Sector Policy Coordination Framework, Advancing Accountability Mechanisms in Public Finances*. UNDP's work in Enwironment and Energy

[1] See: *The National Security Strategy of the Republic of Serbia*, Belgrade. April 2009. (retrieved from the official website of the Republic of Serbia: www.srbija.gov.rs)

Issues is focused on compliance with international conventions and the EU legislative framework, prevention of environmental threats, sustainable transport and metropolitan emission reduction, climate resilience, efficient use of resources and renewable energy sources. For those purposes, UNDP is carrying out three projects: *Ensuring Financial Sustainability of the Protected Area System of Serbia*, *Support to Sustainable Transport in the City of Belgrade* and *Vlasina Lake Ecotourism Promotion and Environment Protection*.[1]

The OSCE Mission to Serbia has four departments: Law enforcement Department, Democratization Department, Rule of Law and Human Rights Department, and Media development Department. All the Deparments are dealing with the issues related to human security in some segments. But, human dimension of security in the comprehensive approach of OSCE is to a great extent related to activities of Democratization Department and Rule of Law and Human Rights Department.

Although primary focused on Cooperation Security and Community Security, the human security concept is imminent to the OSCE Mission activities since the ultimate goal of all the activities is to improve life conditions and security of the citizens in the community. OSCE Missions's mandate in Serbia does not cover explicitly human security, but the human dimension that includes activities in the field of human rights and democratization. Although it is not defined as a guiding principle in official documents, human security is the most important informal principle and the ultimate goal of all OSCE activities. Almost all the human values are promoted and protected through these activates conducted by OSCE Mission to Serbia Departments.

The informal interview performed with two members of the OSCE Mission to Serbia on cooperation with state agencies about issues of importance to human security brought the conclusion that the level of cooperation is satisfactory. Given that the mandate of the OSCE Mission can be extended due to the needs of the host state and with the consent of the other member countries of the Organization, the aim of the Mission is to assist the state in addressing and solving its current security problems that the Mission has the mandate for. The interview also indicated that the OSCE Mission to Serbia has organized public discussions on issues of importance to human security and has participated in public discussions of governmental bodies (among others, members of the Mission to Serbia participated in a discussion that preceded the adoption of the National Security Strategy of

[1] For more information on goals and activities of UNDP in Serbia, see the official website UNDP Serbia: http://www.rs.undp.org/content/Serbia/en/home/ourwork/overview.html

RS, 2009). However, the OSCE did not take part in the expert group that was responsible for the preparation of the Strategy. In addition, the OSCE Mission to Serbia, jointly with line ministries and government institutions, is participating in conduction of projects that deal with issues of human security. Members of the OSCE Mission to Serbia who participated in the interview put a special emphasis on project entitled "Capacity Development Programme for Conventional Ammunition Stockpile Management for the Republic of Serbia“ (CASM), which is a joint development programme of the Ministry of Defence of the Republic of Serbia, UNDP and OSCE. This Project was initiated upon the request of the Serbian Ministry of Defence with three goals: to improve human security through the upgrade of safety and security of ammunition storage sites; to enhance counter proliferation and to improve demilitarization capacities.[1]

Current OSCE Mission to Serbia's mandate does not cover economic and social issues. The Economic Department was part of the Mission during one period, and it was responsible for strengthening of small- and medium-sized enterprises, but it was abolished and part of its business had been integrated into the Democratization Department. The OSCE Mission to Serbia is specially dedicated to providing technical assistance to Roma integration and to the protection and exercise of the minority rights. Special emphasis is also put on community policing, which is considered to be one of the activities to provide many aspects of human security in the community.

Finally, it was concluded that the creation of the formal human security policy would not be the guarantee of success in human security implementation. It is certainly desirable and useful, but not crucial for the success of this concept implementation. More important would be the consistency in implementation of principles and standards set by international bodies, which become obligational for the country after being ratified by national authorities. The implementation of the human security concept would be far more facilitated by establishing a central coordinating body that would link all the portfolios in charge with the implementation of the concept of human security in practice, each in its specific segment.[2]

[1] An explosion at Paraćin ammunition depot in 2006 caused the lost of 1300 tonnes of ammunition, and 80000 Unexploded Ordinances needed to be secured. The explosion injured 20 civilians and devastated a large area of land rendering it unfit for development. For that reason, the benefits of the project will be multiple: prevention of environmental pollution, mastering procedures for safely weapons storage, training of personnel and the adoption of procedures for the handling with the weapons stored and the like.

[2] Data obtained from informal interview conducted with two members of the OSCE Mission to Serbia, who did not want to be named, on February 14, 2014.

CONCLUSION

In order to devote appropriate attention to human security that will be more than mere mention of the phrase or mere political rhetoric with no one knowing what should be done about it, it is desirable to define a specific human security policy. It would increase the level of accountability of the national security system holders that would be accurately addressed as the holders and implementers of this concept. According to (formally at least) performance indicators in the implementation of this concept, the greatest success is seen in those countries that have taken a certain standpoint and specified the meaning and the scopes of human security concept, like Canada and Japan, Norway or Switzerland. The same is to be said about the states that made up Human Security Network.

Regarding the role of intergovernmental organizations in designing, developing and the modes of implementation of this concept, the concept itself is certainly very large and favorable. Intergovernmental organizations in conjunction with the state (which should be the primary protector of the human security of its citizens) and NGOs make some kind of a system of human security.

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TERMINATION OF THE CONFLICT OR LONG-TERM STRATEGY FOR BETTER FUTURE: THE EXPERIENCE OF THE OHRID FRAMEWORK AGREEMENT AND THE NORTHERN IRELAND PEACE AGREEMENT

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Abstract

This paper analyzes the state of societies where inter-ethnic relations or nationality are the main indicator of the bad condition of the democratic functioning or for creation of normal conditions for peace and coexistence of citizens. Amid the threat of national conflict to escalate to the highest level, you need to take decisive decision that should be the epitome of a long-term goal, the benefit for all citizens regardless of racial, ethnic or religious affiliation. The authors of the paper are trying to elaborate the practical experience of peace agreements that were aimed to have influence in terms of the possibility of escalation of conflict situation, through examples of analysis of the Ohrid Framework Agreement and the North Ireland Peace Agreement. The choice of these two treaties is a concern within the nature of their common experiences and the Ohrid Framework Agreement is a creation based on the adopted agreement for peace in Northern Ireland and Great Britain. Starting from the idea of taking into consideration the public opinion in the process of public policy creation and implementation of the agreement goals to enhance political, economic and social life of the citizens of a society, we need to establish a long-term strategy to review the real opportunities and benefits for the society. The involvement of all stakeholders in the process (citizens, institutions, and the experience of third countries) will allow the creation of conditions for implementing the agreement, which has its vision for a fair approach to achieving positive benefits for the society. Based on the main subject of the paper and the set goals in order to reach the final visible result of the efforts, we will analyze different materials that elaborate the meaning of peace talks in crisis in a society. Of the scientific methods that will be applied, we will mention the following: method of analysis and synthesis of materials, reports, professional literature, comparative method, designed to use the comparative analysis to review the parallel impact of the peace agreements in two different societies with a similar problem; critical analysis in order to obtain a

judgment serving as an indicator for future needs when creating peace agreements in terms of conflict and crisis action.

Keywords: *peace agreements, conflict, long-term strategy, analysis of the situation; implementation.*

INTRODUCTION

The idea of creating a society in which citizens live in community, despite their ethnic, religious and cultural diversity, is a germ of a multiethnic democracy. Identity is our personal choice, an expression of our individuality and uniqueness. However, within a society, the bond is expressed by fostering their personal identity and accepting the idea of a common future and common values of living.

In terms of a possible escalation of the conflict situation, it is necessary to consider the idea of setting up a long-term strategy for managing the real situation. If conflicts are resolved in time to prevent a possible escalation, then the situation is currently resolved. The idea of influencing the long-term level is actually represented by models of agreements that aim to find common benefits to citizens, potential conditions that could cause conflict behavior and thereby emphasize the values that unite rather than divide.

The purpose of this paper is to review on a scientific base and then present the experiences of the Ohrid Framework Agreement in Macedonia and the North - Irish Peace Agreement, in order to recognize the positive and negative aspects of their implementation, as well as to assess the level which failed to resolve the current conflict situation - at the moment of the conflict or on a long-term level.

The important thing that should be mentioned here is that in ethnically divided societies, such as Macedonian society, peace and co-existence of all citizens can be achieved as long as the leaders of the political parties and groups are willing to make mutual compromise at national level. This concept in which compromise is the key issue in achieving peace between potentially enemy groups is a formulation by Arend Lijphart. What he proposes as a solution to the potential conflicts is implemented in the peace agreements – the Ohrid Framework Agreement and the Northern Ireland Peace Agreement.

Nationality and interethnic ratio as an indicator for democratic functioning of the society

Most of today's violent conflicts are not the wars between contending states of former years, but take place within existing states. Many are

inextricably bound up with concepts of identity, nation and nationalism, and many stem from the competition for resources, recognition and power. While these conflicts may appear very differently from place to place, they often have, at their base, similar issues of unmet needs, and of the necessity to accommodate the interests of majorities and minorities alike. The democratic development primarily means controlling the growing number of areas of freedom. If we considered the democracies, they are primary built on this foundation through a struggle for individual autonomy against the order established by the traditional structure of the society. This fundamental progress of civilization affects the confirmation of freedom of expression of their own opinion, and freedom of the press, the right to form political parties and organizations and it culminated in the definition of broad expression of human rights. The social paradigm for the individual - through social power through political power, and the deeper base through religious control - gradually makes a space to define the so-called individual private kingdom of existence[1].

At the beginning of the twentieth century Europe witnessed the destruction of the rooted and firmly positioned traditional identity. In this situation, individuals gradually learned to build their own identity and manage their own existence without the aid of social order and pre-set rules. Moreover, as Jacques Le Rider pointed out, "the incomplete definition can be extremely fruitful, and encourage the greatest variety of combinations and wealty". For a long time this movement has been rightly seen as vital to the progress of the civilization.[2]

However, this game of self-discovery and self-creation has experienced surprised slowdown during the First World War. The preoccupation with national identity associated with the emergence of fascist ideologies led to the use of the theme of identity, the camp of Nazism in extreme situations.[3]

The idea of continuing the effort to remove the restrictions placed on the meaning of identity has been reviving since the economic growth in the 1950s onwards. All of that is reflected in the rich diversity of cultural and social creativity, including the contributions of intellectual movements as existentialism and various types of structuralism, and the social innovations in the 1960s and 1970s. Through a variety of freedoms that democracy offers, the expression of national identity and inter-ethnic background are

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[1] Smith, David., Anthony.*The Ethnic Revival in the Modern World*. Cambridge: Cambridge University Press, 1981, стр. 19

[2] Le Rider, Jacques. *Modernity and Crisis of Identity*. New York: Continuum Intl Pub Group, 1993, стр. 357

[3] Joseph, Rothschild. *Ethnopolitics: a Conceptual Framework*. New York: Columbia University Press, 1981, стр. 147

becoming more pronounced. It will gradually lead to the process of emphasis of our own personal perception that, in a state of democracy, can contribute to conflict on a grand scale.

In recent times we have seen a strong focus on returning of the "values" of identity that are considered "antidote", caused by the current state of social relations. But we should also have in mind that, just like in the 1930s, the return of the "values" of identity nowadays is associated with the severe global economic crisis that has prevailed in the world.

However, is this enough to pave the way for solutions that enable the freedom to enjoy without being charged a high price of intolerance of collective movements of freedom that the individual needs? This order is necessary to meet primarily the intellectual level, without the intervention of any political mechanisms, where improvisation to cope with certain situations may prove totally inadequate.

The end of the Cold War greatly accelerated the development of democracy, and consequently, the transformation of the nature of conflict. Today's conflicts are no longer conducted exclusively between countries, and thus, ideological rivalries no longer dominate the international scene. The democratization of societies contributes to the increasing number of local, regional and national grievances, and they are still under state control. However, the nature and the causes of the conflict are growing very fast. According to Yves Lakosta[1], you need to pay attention to two particularly relevant facts directly related to this issue: "The large number of newly formed countries in Europe, after the disappearance of the Iron Curtain in 1989 year, and a number of conflicts that have scarce but direct cause or incurred as a result of economic viability." During these conflicts, belligerents are not fighting only for certain resources, they are concerned about the nation - state, for all disadvantaged regions by other nation-states. Ethnic, cultural and especially linguistic and religious factors play a great role in these conflicts; therefore, it is more difficult to assess the situation, especially on a scientific base. For this purpose, it is necessary to consider models that, with their relevance, will allow, in terms of democracy, to prefer the values of national identity and ethnic differences in terms of improving lifestyles without indicating the parameters of military escalation of the conflict or internal unrest.

The role of peace agreements in preventing conflict situation

Politics usually is defined as situation between conflict and cooperation. On the one side, people have competitive needs and different

[1] Lacoste, Jean-Yves. *Experience et Absolu*. Paris: University De France, 1994, стр. 35

interests that create existence of conflict situations about the rules for live in society. On the other side, people are conscious that mutual existence in peace is possible only if they agree about common rules for live in society. Violent conflict situations are usually solved by signing formal peace agreements aimed to prevent conflict and to ensure long-term existence in peace and cooperation. They include ceasefire agreements, interim or preliminary agreements, comprehensive and framework agreements, and implementation agreements. The ways in which violent conflict are solved, whether by compromise or a one-side victory, have implications on the nature of peace.

The signing of peace agreement is considered the end of a conflict. The implementation of the signed peace agreement is seen as another key milestone. Key parties in the conflict may agree to peace arrangements for tactical reasons, without being genuinely committed to the peace process. International interveners are also often blamed for making pressure to parties to sign peace agreements. Overall, the key challenge of a peace agreement is to ensure peace-keeping arrangements and to prevent the potential conflict repeat.

The key parties signing peace agreements have important role in future peace keeping in a politically unstable society. Peace agreements are signed by political leaders representing conflict groups and the "three dimensions are crucial"[1] for the political stability. First of all, the most important element is the rulers' belief in their own right to rule, the second element lies in the approach to the national interest, and the final element involves the rules of the game. All the three elements are crucial for the future peace keeping if they are achieved by the key parties.

[1] Hague, Rod and Martin Harrop, *Comparative Government and Politics*, New York: Palgrave Macmillan, 2004, p. 98

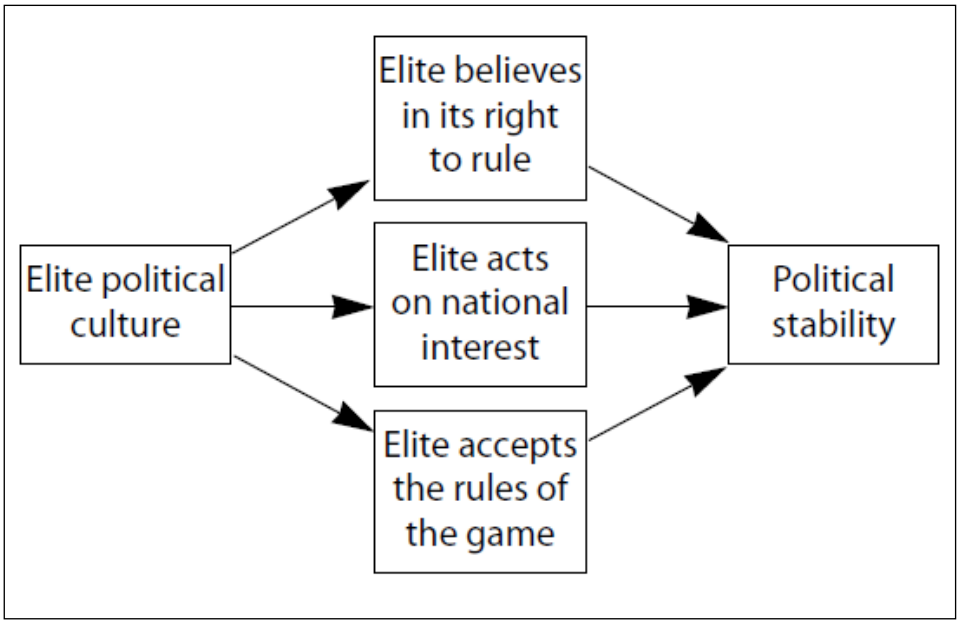

Figure 1: The three dimensions crucial for political stability

Source: *Comparative Government and Politics*, New York: Palgrave Macmillan, 2004, p. 99

In his analysis of the divided societies, Arend Lijphart identified that political stability in divided societies could be achieved if potential conflict parties have agreed on mutual compromise at national level. Their agreements for peace keeping have to be related mostly to "the distribution of its own resources"[1]. The formal agreements on the distribution of resources are the essential part of peace agreements. Signed peace agreements have to be a guarantee for the future peace existence between conflict parties.

Practical experience of the Ohrid Framework Agreement

In terms of having a multi-ethnic democracy, the Republic of Macedonia aims at providing a common existence of two or more ethnic groups that are diverse in their ethnic, linguistic, religious and racial terms. From this perspective, the emergence of conflicts, their risk of substantial disruption in the transition to the real situation in society, one has to find a suitable model allowing maintenance of peaceful relationships.

Considering that in 2001 citizens of the R. of Macedonia consciously or unconsciously became part of taking a significant move in the history of this country, that move has caused a need for their adaptation to the specific

[1] Ibid., p. 100

needs that it brought. However, to what extend can a "written document" change the mentality of people over night?

In the recent history of the R. of Macedonia, 2001 will be remembered as the year of expression of different wills, escalating into ethnic conflict. To what extend did the ethnic audience savor the possibility of potential ethnic conflict in this period? In the research conducted in October 2000, ethnic problems were remarkable, but not nearly experienced as dangerous.

Table 1: Risk of Ethnic Conflict

%	Macedonian		Albanian
Others			
Corruption	**50.5**	**42.7**	**37.9**
Low pay	**64**	**47.1**	**71.9**
Instability	**38.6**	**23.1**	**38.8**
Ethical Problems	**35.9**	**28**	**46.6**
Unemployment	**79.2**	**50.7**	**76.7**
Criminal	**45.8**	**33.3**	**33**
Pollution	**20.1**	**8**	**14.6**
Health	**20**	**16**	**18.4**
Risk of inflation	**19.3**	**15.6**	**28.2**
Poverty	**64.6**	**43.6**	**72.8**
Education	**15.7**	**32.9**	**17.5**
High prices	**50.1**	**45.8**	**72.8**

Item 2.6. *Risk of Ethnic Conflict* in *Early Warning Report*, Skopje: UNDP, October 2000, p. 14

An interesting fact is that the possibility of ethnic conflict was differently observed by the Macedonians and Albanians. Thus, 28 % of the Albanian respondents were concerned about the ethnic problems, compared with 38.6 percent of the Macedonians. Both majority and minority did not believe that survival of the state is threatened. Thus, they had both assessed that the possibility for predicting the survival of Macedonia as a whole to be under threat, was unreliable. That is, 60.4 % of Macedonians thought that it was a false assessment that the survival of the state is threatened, and that opinion was shared by 62.2 % of Albanians and 67 % of other minorities[1].

But it became evident that the Macedonians and Albanians in Macedonia lived in two parallel worlds.

A decade after the independence of the R. of Macedonia, the need for a new approach to build democratic capacity in the Macedonian society can be recognized. Some experts are able to say that European integration, in particular the imposed Copenhagen criteria for accession of the R. of Macedonia' in EU, has brought new turn of events .

[1] Item 2.6. *Risk of Ethnic Conflict* in *Early Warning Report* Skopje: UNDP, October 2000, p. 14

The question remained whether the Macedonians and Albanians were ready to live together after the crisis in 2001.

However, there is no left or right ideology scale for the benefit of the people. In the name of democratic governance, respect for the fundamental principles of the Universal Declaration of Human Rights, we found that it is possible to set the priority of unique national interests. It was confirmed by the leaders of the main political parties in the Macedonian society, representatives of the EU, representatives of the United States, senior advisers and experts in the Macedonian society. Macedonian legislation began the era of formalization of multiethnic democracy - the Ohrid Framework Agreement was signed on 13.10.2001. What was the essence of the Ohrid Framework Agreement? In its basic principles, priority was given to the importance of suverenity and territorial integrity.

Several years after the adoption of the OFA, ethnic tensions are differently experienced by the citizens. In a research conducted in 2003 on the question "In your opinion, which groups would gain / lose if the implementation of the Ohrid Framework Agreement terminated and if conflicts occurred on a large scale again? [1]"

In the results obtained, the percentage of the ethnic Macedonians was as follows:

- More to gain 28%
- More to lose 51.5%
- Refused to answer 3.2%
- Do not know 17.2%

The percentage of ethnic Albanians was as follows:

- More to gain 43.3%
- More to lose 22.1%
- Refused to answer 4.7%
- Do not know 29.9%

Who wins and who loses from the implementation of the OFA? There is a clear division in terms of the perception of ethnic Macedonians and that of Albanians. According to the survey, if the implementation of the OFA stopped, the Macedonians would have lost with 51.5% and Albanians with 22.1%. There is a difference in perception of the relationship of "losing" between Albanian and Macedonian ethnic community with a difference of 29.4%. And yet, according to the principles of multi-ethnic democracy benefits – it is from all to all.

[1] *Ethnic Tension* in *Report on public opinion survey conducted*. BRIMA Galub Skopje, January 2003, pg. 44

Table 2: What is the most appropriate solution to the ethnic issue in Macedonia?

Peaceful resolution through dialogue and negotiation	**67.7%**
Implementation of the Ohrid Framework Agreement	**10.0%**
Actions by the regular army / security forces in Macedonia	**7.4%**
Actions of the Macedonian paramilitary groups	**0.6%**
Actions of the ethnic Albanians military groups	**0.5%**
More intensive deployment of the international forces (NATO, EU troops etc.) in Macedonia	**1.4%**
Improving the economic situation	**10.8%**
Something else	**0.6%**
Refuse to answer	**0.1%**
Don't know	**0.8%**

Ethnic Tension in *Report on public opinion survey conducted*. BRIMA Galub Skopje, January 2003

There are other contradictory results. The question "What is the most appropriate solution for the ethnic issue in Macedonia?" received only 10% of the respondent's affection for the answer "implementation of the OFA", and the answer "a peaceful resolution through dialogue and negotiations" received 67.7% of the respondent's affection. The core of the OFA is actually having inter-ethnic dialogue and peaceful resolution of disputes. Consequently, we are posting the following question: Are citizens aware of the actual content of the OFA?

From today's perspective, as opposed to all the unfavorable assessments of constant tension, occasional or serious incidents, political statements imbued with political extremism and ethno - centrism, we are slowly but surely becoming accustomed to a positive cohabitation and true multiculturalism. It goes slowly and with much difficulty, but, essentially, interethnic relations have improved and stabilized and matters are objectively accepted by both sides. While there was exclusivity on both sides by 2001 (especially the majority of the community), it has been known that there is no acting with exclusion after 2001 (they must act with the participation of all actors).

However, inter-ethnic relations are always a ticking bomb. Interethnic relations are constant and fragile, occasionally increase, but citizens do not support extremism and they are the power that amortized to non-existence of friction and disagreements on a larger scale and with greater consequences.

The idea of the existence of a contract as a model of long-term strategy to improve inter-ethnic relations and prevent the escalation of conflicts in the Macedonian society is positively accepted by the

international community. The success of the OFA in terms of conflict prevention in 2001 is obvious, but in terms of long-term arrangement of inter-ethnic issues in Macedonia, there is progress, there are guidelines, but benefits on a long-term level are yet to be expected to be realized.

Practical experience of the Northern Ireland Peace Agreement

The Northern Ireland Peace Agreement or knows as Good Friday agreement was reached on 10 April 1998 between the British and Irish government and the political parties from Northern Ireland. It set the relationships between the conflict parties, as well as the status of the conflict zone, and issues related to civil and cultural rights, decommissioning of weapons, justice and policing and new institutions were created. The formal structure of this Agreement is very similar to the Ohrid Framework Agreement.

Comparing the manner the Northern Ireland peace and the Ohrid Framework Agreement were reached, there are some matters to be noted. Before it was singed by the conflict parties, The Northern Ireland Agreement was to be approved by a referendum in Northern Ireland, where the voters were asked whether they support the multi-party agreement, and a separate referendum in the Republic of Ireland, where the voters were asked whether they would allow the state to sign the agreement and allow necessary constitutional changes to facilitate it. The people of both political systems needed to approve the Agreement and to be given effect to it. The Ohrid Framework Agreement was reached by the political leaders of the main political parties in the Republic of Macedonia. The Framework Agreement from Ohrid was not "tested" on a referendum by the Macedonian citizens. We could say that such a "test" was the referendum for the territorial organization of the self-local government in 2004, which was influenced by the changes for territorial organization of the self-local government adopted in the Ohrid Framework Agreement.

The Northern Ireland Agreement is an inter-governmental and international formal peace agreement signed by the British and Irish government. The peace agreement from Ohrid was signed by the main political parties in the Republic of Macedonia, but with assistance of the international community (representatives of the USA and EU).

Table 3 shows some of the similarities and differences between the Northern Ireland Peace Agreement and the Ohrid Framework Agreement.

Table 3: Similarities and differences between Northern Ireland Agreement and Ohrid Framework Agreement

	Northern Ireland Peace Agreement	Ohrid Framework Agreement
Consent principle	√	√
Self-determination	√	
Reform of the policing system	√	√
Prisoners	√	
Bill of rights	√	√
Abandonment of violence	√	√
Security co-operation	√	√
Cross-border co-operation	√	
Recognition of identities	√	√
Inter-governmental co-operation	√	
Power-sharing	√	
Inter-island co-operation	√	
Devolution of powers	√	

There are some similarities in both peace agreements. The conflict parties that signed both agreements have achieved consent on arrangements for the future peace. The use of violence is abandoned for political aims. There is cooperation in the area of security of the citizens. Reforms are made in the policing systems of Northern Ireland and the Republic of Macedonia. Recognition of identities and giving rights are the common things in both peace agreements. There are differences in both agreements, because they are different by nature of the manner they reached.

We can say that both agreements stop the use of violence and armed conflict situation in Northern Ireland in 1998 and the Republic of Macedonia in 2001. The signed peace agreements made significant changes in the political systems in both countries. These agreements aimed to prevent violent conflicts and to ensure future peace.

CONCLUSION

How much does peace cost? Can the long-term idea of peace be valuable versus the benefit for citizens? In terms of modern democracy where everyone is entitled to their own choice, their ideology and belief and way of life, it is very difficult to set up a joint strategy for action on the long run. That means we need to constantly be updated with the new situation and the possible escalation of conflicts in order to be able to successfully manage them and thus not allowing it to spill over and affect social life.

In terms of the existence of the multi-ethnic states which declared as multiethnic democracy for its citizens, they should especially pay attention to the possible conflicts that this diversity contributes to. When talking about ethnic states in international politics, we are not talking about countries that are undeveloped, with poor placement of the internal state apparatus. The respect of the democratic right of expression, multiethnic democracy and multiculturalism suggest the need for drawing particular attention to the countries of the third world – multiethnic countries. From that perspective, the idea of implementing the agreements that will control the state on the long run is recognized as being very necessary. However, the conditions are a ticking bomb, they must be constantly monitored, put in a frame and reviewed so that they can be under control and potential conflict situation be avoided.

The written peace agreements will be only a piece of ordinary paper if there is no compromise between conflict parties and general awareness of potential conflict. The political leaders in divided societies should be always alerted about the potential conflicts and ready to make compromise at national level. The key of success for political stability lies in mutual compromise between potentially hostile parties.

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MACEDONIA IN THE INTERESTS OF THE GREAT POWERS BEFORE AND DURING THE FIRST WORLD WAR AND THE FUTURE SECURITY IMPLICATIONS

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Abstract:

Macedonia has always been in the history geostrategic sphere of the influences and the interests of the great European powers. During the second half of the XIX century, particularly in the period after the Prussian - Austrian war of 1866, the European powers began very quickly to develop in the area of strategies for modern warfare, modernization of military equipment and they were rapidly developing the economic power and influence.

Before and during the First World War, Macedonia was constantly an important geostrategic sphere for realizing the territorial and economic interests of the great powers, especially emphasizing the Via Ignatius or the road E -75 now, which was an important link to further interests of the great powers.

Therefore, Europeans powers made the bilateral and trilateral alliances which depended on more mutual variables: dependence on a member military power and dominance, power of commitment of one to another country and etc.

The Central Powers and the Entente were formed from these alliances, and they were the main actors in the First World War. The final results of this scientific paper represent further indirect impact of the great European forces and our close neighboring environment in terms of disrupting the overall progress and Euro-Atlantic integration of our country and the possibility for the future negative security implications. The final hypothesis of this paper is: How will Macedonia "score" (comprehensively develops) if does not integrate in NATO and the EU?

Keywords: *Macedonia, interests, Great powers, World War I, future security implications*

Introduction

Shortly before the First World War (1914-1918), a valuable event in modern history for mentioning is the Berlin Congress which was held from 13.06-13.07.1878 with representatives from the European powers and Ottoman Empire. The documents found in the political archive -XII, Turkey 1902-1909, give a clear view of the position of the major European powers to countries that were under Ottoman administration and the protective attitude of Russia to these countries (Political archive-XII, Turkey 1902-1909: sig. LXXXV/1015, 1877-1880).

The Documents from the decisions of the Berlin agreement hold the signature number LXXXV/1021. The following major European powers were present on the Congress: Britain, Austro-Hungary, Russia, France, Germany, Italy and the Ottoman Empire. The delegates from Greece, Romanian Kingdom, Serbia and Montenegro were also participating. The Congress was held most for revising the San Stefano peace treaty from 03.03.1878, which provided the creation of "Greater Bulgaria" under the directives of Russia and the ultimate goal of this agreement was understanding the states from the Empire and its withdrawal from the Balkans, that have been an obstacle for further interests of the major European powers (Political archive XII, Turkey 1902-1909: sig. LXXXV/1016, 1877-1880).

At this Congress 18 out of 29 articles were removed from the San Stefano peace agreement from 03.03.1878. These conclusions were made at the congress: Macedonia was returned in the possession of the Ottoman Empire as well as other areas that had been allocated to Bulgaria with the San Stefano peace treaty. Serbia, Montenegro and Romania became independent states. Bulgaria received tributary princely status. Cyprus was assigned to Great Britain, and Bosnia and Herzegovina to Austro-Hungary. Addressing the issue of the Berlin Congress in 1878, the European powers were managed in accordance with the laws of the Paris Peace Treaty of Washington in 1856 and 1871 (Political archive XII, Turkey 1902-1909: sig. LXXXV/1014, 1877-1880).

One week before the Berlin Congress, the Foreign Minister of Great Britain, Mr. Benjamin Fyord concluded a secret agreement with the Ottoman Empire against Russia, which allowed Britain to occupy a strategic place, the Greek islands (Abadziev 1959, 115-121). This agreement, among other things, was provided for supporting the views of the Gate by Great Britain. At the beginning of the Congress, with strong pressure from Russia to other members, Romania, Serbia and Montenegro became independent states and Bulgaria received tributary princely status (Dimeski 2000,15-19). The following were given to Montenegro Niksic, Podgorica and Bar; Bosnia and

Herzegovina were awarded to Austro-Hungary. Eastern Rumelia became an autonomous province and later Bulgarian state.

England and her human people discussed about the autonomy of Macedonia long time ago as a key solution for the hot passions in the Balkans, which was confirmed by the final declaration of the London Balkan Committee for dividing the Empire (Mazover 2000, 70-74). Macedonia and other countries in the possession of the Empire, under Article 23 of the Treaty of Berlin, had a chance to provide a Statute similar to Crete (Misirkov 2007, 10-12), in which these countries were awarded to have autonomy in the Empire (Pandevska 1993, 20-22). If we read the Austrian, English, Russian, French and the reports from other European powers, we can conclude that these countries closely monitored the situation in the Balkans under the Ottoman rule after the Berlin Congress.

The documented report from 18.11.1884 was sent to the English ambassador in Constantinople, Mr. Vajndham to Mr. Granvil, who was Secretary of State for Foreign Affairs in London. Mr.Vajndham reported that 52 murders were committed in July 1884 by the Ottoman authorities in Veles and Bitola. (State Archives of Macedonia, 2002, 218-220). The Bulgarian reports speculated that Bulgarian politics was only a protector for Macedonian interest. (Arnaudovь 1941.20-23). At the end of this report, Mr. Vajndham underlined Article 23 to remind the European powers to implement reforms in accordance with Article 23 in Macedonia, similar to the original Statute in Crete (Pandevska 1993, 220), otherwise, the victimizing of Macedonian people would have greater intensity.

Formation of Alliances in the world before First World War

In modern scientific activity the term "union" is defined as the expectation of one or a group of states to be supported by other countries in their future relations. Association actually represents a number of countries identifying and avoiding possible negative security implications of their future opponents (Archive RM 2000, 285-290).

Countries that are exposed to union security implications and threats from the same opponent or group of opponents can expect to defend each other, because they have common interests to prevent their expansion and power.

During the whole period of the existence of the Austro-German alliance, Austria's greatest opponent was Russia. Regarding Germany until 1890, her greatest opponent was France. The time interval after 1894 represented a transitional period of creation of the France-Russian alliance.

During this period, Germany found herself in a very dependent position because it was in indirect pressure on two fronts, one with France

and other with Russia. On the other side, the enemy opponent of her ally Austria was Russia.

The rapid strengthening of military and economic power of Germany in the period from 1900 until the beginning of World War I in 1914 made her less dependent on its ally Austria. During 1880 Austria had about 9 percent of the total military resources of the major European powers, determined according to its share in the industry of iron, steel, energy consumption, population and military resources.

Her greatest rival Russia had about 20.4 percent of the total military and industrial resources, the Germans had 18.6 percent of the total resources, France 18.1 percent and 33.8 percent of the total military resources industry belonged to the UK.

Shortly before the First World War, the total share of the industrial and military resources of the German-Austrian alliance was around 40.3 percent, Germany had 30.1 percent, while Austria's has 10.2 percent of the total military-industrial resources. Their opponents, the Russo-French alliance, together had 39.3 percent of the total military-industrial resources.

In numbers, the military condition of the major European powers, Russia and the United States shortly before the First World War were as follows: Russia had 1,352,000 troops, France 910 000, Germany 891 000, UK 532 000, Austro-Hungary 444,000, Italy 345,000, Japan 306 000, USA 164 000 (Military balance 1998: 232-237).

In the decade that followed, from 1880 to 1890, Austria was dependent regarding its alliance with Germany, which was explicitly shown in the military-industrial potential of Austria in this period. The dependence of Austria on its ally Germany further increased with the real potential conflict with Russia regarding the unresolved fate of the Balkan possession and claims of Austria and Russia over the Balkans. On the other hand, Germany was in a possible conflict with France. In this interval, the UK surreptitiously approached to Austria in order to neutralize Russia's aspirations to the Middle East and the Balkans.

However, we can conclude that Austria was a weaker ally because of its military dependence on its ally Germany, but regarding the diplomatic aspects, Austria was in a significant advantage over its ally.

The German dominance in relation to Austro-German alliance was reduced, because Germany as a military powerful state was obliged to constantly monitor and, if necessary, to prevent the intentions of Russia to use the military weakness of Austria in relation to appropriated military and industrial resources.

In this period, UK improved the relations with Russia and created a basis for forming an alliance with it. In this alliance, the relationships appeared from double depending of the union between Austria and Germany

and especially emphasizing the dependence of Austria on its primary opponent Russia for the interests that they had in the Balkans.

The negotiations between Austria, Germany and Italy during the 1882 with the creation of the Triple Alliance primarily supported Austria, because it felt it safer to oppose its opponent Russia for the interests that they had over the Balkans.

This time, Austria also made agreements with Serbia and Romania in 1883. During 1883 and 1884, changes had been made in the balance of power. Germany and Russia signed an Informal agreement for the Balkan, in which Germany guaranteed that Russia would be the catalyst and therefore, it would neutralize the conflict of interest that might arise between Austria and Russia over identical interests in the Balkans.

On the other hand, Germany and Italy's alliance with Austria expanded the Triple Alliance. The German strategy for establishment of an informal alliance with Russia was based primarily on the prevention of the Russian-French formal alliance. The appetites of Russia were steadily rising, so the Russian support in an informal alliance with Germany was based on the expected support of Russia from Germany to give its aspirations in the Middle East. In this case, the power of concluding bilateral informal agreements was proportional to the interests of both sides and it was inversely proportional to their dependence and commitment. The support which Russia received with the informal agreement with Germany about the Balkan occupancy was confronted with the interests of Austria. The Russian agenda of "Promoting mega Balkan States - San Stefan Bulgaria" exercised its influence and interests in the Balkans through its "satellites" Bulgaria and Serbia.

The Russian influence over the two Balkan countries was based on total control of the Eastern part of the Balkan territory which gravitated towards Russia and it also expanded its interest to the Bosporus. With its distinguished Chancellor Otto von Bismarck, Germany proposed alliance to Italy. The dual alliance of Germany and Austria was under investigation, but in each case, it was based on the interest of Germany and Italy relations in the Balkans. Initial observations of Austria on the proposed alliance by Germany to Italy was moderately negative, because in the past the interests of Austria and Italy were possessory towards the Balkan countries.

The power of the informal agreement of Russia and Germany, as well as the efforts of the alliance towards Austria and Italy, formally created the Triple formal alliance from the dependence of Austria in terms of military-economic variable that Austria had ranged a continuous stagnation over the years.

German Chancellor Bismarck supported the expansion of the French in its African colonies. The German ideology in this way was ranged to

shake the French alliance with Russia and to lead the conflict of interest with its potential alliance with Britain. France initially took the German support around its African colonial expansion.

During 1885 the French government, led by Ferry and the French General Bulanger, who was the head of the French armed forces and later the Defense minister of France, began a period of improving the Franco-Russian alliance.

The reconstruction of French political power arose with the Franco-German arms race. During this period, Germany despised the growing French armament and was concerned about the constant Russian advance in the field of armaments. The new situation increased the sense of dependence of Germany from its formal ally Austria.

Britain had the same concerns regarding the Middle East and Austria, but the British interests in the western Mediterranean were also similar to those of Italy. In this segment, the Austrian-British-Italian alliance was likely to solve the Balkan possessory interests, but they were also able to locate and neutralize the German-Italian support against France in the West African colonies.

On 24.03.1887 Germany signed the first Mediterranean agreement with Austria, Italy and the UK. This agreement provided that any change in the Aegean, Adriatic and Black Sea could be done only with the parties that had signed the agreement. The provisions of this Agreement were especially devoted to Russian pressure to prevent the Ottoman Empire in the Bosporus area.

The Mediterranean agreement had a double effect: on the one hand, Austria and Italy as signatories to this agreement became less dependent on the formal alliance with Germany and on the other hand, Germany blocked the segment of informal alliances that it primarily had with Russia. In this situation, Germany was more dependent of its allies and also it made wrong moves that could shake the formal alliance with Austria. During 1887, the Mediterranean agreements were restored with the Triple Alliance (Germany-Austria-Italy).

Germany, realizing the danger of Italy passing on the side of the Franco-Russian alliance, accepted its demands although Austria some time denied the withdrawal of Germany to realize its interests in the Balkans in terms of Russia.

The First Balkan War, from October 1912 to May 1913, included Serbia, Bulgaria, Greece and Montenegro against the Ottoman Empire with the main objective to release the remaining areas of the Ottoman empire that remained after the Berlin Congress from 13.06 to 13.07.1878 and the Second Balkan War was from 30.06-13.07.1913 for Bulgarian territorial claims that initially caused Serbia and Greece to unite in an alliance and with

Montenegro, Romania and the Ottoman Empire later to be allied (Ratković 1975, 452 -457).

Shortly before the First World War, on 30 September 1912 the Balkan allies committed to full mobilization and the next day there was a complete mobilization of the Ottoman forces.

The Balkan allies mobilized about 668,000 troops. On the other hand, the Ottoman authorities had mobilized 18 incomplete infantry divisions or about 300 000 operating forces (Miljanich op.cit al 1980, 53-55). The mobilization of the military forces in the Balkan allies was easy because it was performed according to a predetermined operational plan, while the Ottoman forces mobilization was quite difficult. The most important battles in Macedonia during the First Balkan War were in Kumanovo, Bitola and Tracie Front. The Ottoman army was defeated in less than five months. On 4th December 1912 the peace treaty was signed. The previous possessory of the Ottoman Balkans was divided between the Allies (INI 1972.221-222).

The Serbian army reached Florina and Gevgelija, occupying the Vardar Macedonia and much of Albania. The Bulgarian army occupied the eastern line of Upper Macedonia Dzumaja, Stip, Gevgelija - Kilkis - Thessaloniki - Kavala and much of Thrace. The rest of Macedonia with Florina was occupied by Greece, whose army has entered in Bulgaria and Thessalonica.

During the two Balkan wars the Macedonian population was mobilized by the Balkan allies on one side and the Ottoman army on the other side. In the period of the Balkan Wars around 100,000 Macedonians were mobilized, from which more than one third died during the wars (1 - Macedonian Encyclopedia 2009, 124-125).

With Bucharest Peace Treaty signed on August 10, 1913, the partition of Macedonia was finally published. Although Macedonia was free from the Ottoman rule, it survived separation between its neighbors Serbia, Bulgaria, Greece and Albania (Trajanovski 2005, 425-427).

The Macedonian Diasporas in the USA, Canada, Switzerland, Istanbul, Russia and other countries reacted strongly against the division of Macedonia by the Balkan allies. In this regard, they strongly responded to the indivisibility of the ethnic Macedonian territory and resolving of the Macedonian national issue by creating a Macedonian national state.

An action with the most particular importance of the Macedonian emigration is the activity of "Petrograd Macedonian colony" led by Dimitrija Cupovski (1878-1940) and his associates. Dimitrija Cupovski had meetings with prominent Macedonian revolutionaries like Peter Pop Arsov, Rizo Rizov, Alexander Martulkov, Pavel Satev and others.

Upon returning from St. Petersburg on March 13, 1913, they sent a memorandum to the peace conference in London, which clearly pointed out

taking fair solution of the Macedonian question. After the conference finished on July 20, 1913, Cupovski sent a second memorandum to the governments of the Balkan countries, which sought Macedonia to be given autonomy within its ethnographic, geographical, cultural, historical, political and economic boundaries.

Even during the partition of Macedonia with the Bucharest Peace Agreement of August 10, 1913, the Macedonian emigration was sending their requests to the Great Powers for Macedonia's independence.

At the beginning of 1914 the Macedonian emigration in America strongly supported the persistence of the revolutionary fight for autonomy and independence of Macedonia and the Macedonian people. At the end of the first half of 1914 the union of the developed countries was divided into two opposing blocks: Central forces (Germany, Austria-Hungary and Italy) and Entente (Britain, France, Russia and later the USA). The Central forces started the war for reallocation of the colonies conquered in the world and the Entente forces fought to preserve their century-old colonies. The immediate reason for the outbreak of World War I is considered to be the killing the Austro – Hungarian king Franz Ferdinand and his wife Sofija in Sarajevo on June 28, 1914 by a representative of the Serbian organization "Young Bosna", Gavrilo Princip.

During the First World War, 12,000 Macedonians were recruited in Vardar Macedonia, which was under Serbian rule,. These recruits were sent to fight against the army of Austro-Hungary. At the end of 1915 Bulgaria won Vardar Macedonia and the Macedonians were recruited in its front line. At the beginning of 1916 the front line fought from the Lake Ohrid - Orfanski Island.

As a result, the Serb soldiers found themselves in the units of the British and Greek armies. The total army concentrated on both sides of the front line was more than 1200 000 soldiers. During 1916 the battles on the front line started, Entente forces began a strong offensive and managed to expel the forces of the Central Powers to withdraw to the north.

The French motorized infantry progressed very quickly, so in September 1918 they failed to penetrate in Prilep, Veles and Skopje. With this rapid advancement of the Entente forces, they cause a capitulation of the Bulgarian and German armies, which resulted with the liquidation of the Macedonian Front in September. The withdrawal of the Bulgarian army in Vardar and Aegean Macedonia was conquered by the Serbian and Greek authorities. In the end of World War I the Paris Peace Conference was held on January 18, 1919. The peace conference was attended by delegates from the 27 countries of the world, as well from: France, Great Britain and USA.

The agreements divided the world in favour of the Entente as a winning side. The Peace agreements were pointed against the German

imperialism. The peace treaty between the Entente and Germany was signed on 28 June 1919 in Versailles. According to the political-territorial provisions of Germany, the following territories were taken: Alsace and Lorraine were returned to France, while Malted, Spans and Mores to Belgium. Part of Schleswig was given to Denmark, Memel and part of eastern Prussia was delivered to Lithuania. The Sudetenland and part of Upper Silesia were given to Czechoslovakia and Poland. Danzig was declared as a free city under the administration of the League of Nations. Sarska area was also entrusted to the League of Nations and, after 15 years, with referendum, it was returned to Germany and France. The former German colonial possessions were splint. According to the military regulations, the German army was limited to 100,000 people in the Land Army and 15,000 in the Navy, with 33 warships, but it was not supposed to have submarines, military aviation, heavy artillery and armored vehicles.

Under the peace deal signed on 10 September 1919 in Saint - German, Austria committed the Kingdom of SCS to hand over all areas that were inhabited by Yugoslav nations, except southern Carinthia; then a large part of western Slovenia, Istria, Zadar and some islands in the Adriatic Sea were awarded to Italy. Austria admitted the independence of Czechoslovakia, Poland, Hungary, Italy, Yugoslavia and a large part of South Tyrol.

According to the military regulations, Austria could hold to 30,000 armed forces. With the peace signed with Bulgaria on 27 November 1919 in Neuilly, the Bulgarian armed forces were reduced to 20 000 men, 10 000 policemen and 3 000 border guards. Navy was abolished and it was forbidden to hold military aviation. But the provisions of this military agreement with Bulgaria began to break from 1923 to 1934, when Bulgaria increased her armed forces to four armies.

The peace agreement was signed in June 1920 in Hungary with the independence of the Kingdom of SCS with the following areas: parts of Backa and Banat, part of the Middle Sea or about 60,000 km2 of northern Czechoslovakia (Slovakia) or 62 000 km2. Hungary could have armed forces by 35,000 people. But it violated the provisions of the peace agreement calling recruits and conscripts in military units (Leuven).

The Agreement for Peace was also locked on August 10, 1920 in Hanover, but it did not enter into force because of the Greco-Turkish War (1919-1922). Therefore, a new agreement was signed on 23 July 1923 in Lausanne. With this agreement, Turkey lost Arabia, Egypt, Sudan, Tripoli, Mesopotamia (Iraq), Palestine, most of Thrace and the Dodecanese islands. The Turkish army was reduced to 50,000 people.

The agreement between the Kingdom of SCS and Italy was concluded on 12 November 1920, Italy received Istra, Kvarnerski islands,

the island of Lastovo and Zadar. Rijeka became an independent city – state under the rule of the League of Nations, but it still remained a major problem in the Yugoslav-talian relations.

Finland, Estonia, Latvia and Lithuania declared independence in accordance with the principles of the October Revolution. Poland's support of the Western powers of the Entente spread in Belarus and Ukraine. Romania retained in Bessarabia and Bucovina.

France had the greatest benefit from the peace agreements, because, despite the acquired territories in Europe, Asia and Africa, it had failed to strengthen economic and political influence on the expanded states of East and Southeast Europe (Lithuania, Estonia, Latvia, Poland, Czechoslovakia, the Kingdom SCS and Greece).

Britain received considerable part of German and Turkish colonies and possessions in the Middle East and Africa, providing a dominant influence in the Mediterranean basin.

For the preservation of world peace and cooperation among nations, an international organization was formed as a Society of Nations. France and Britain had decisive and often crucial role in it. Because of its composition and the role of the organization, it could not solve international disputes and conflicts and there was neither successful fight to preserve world peace as its main purpose.

With the Paris Peace Conference and the Treaty of Versailles of 1919, Macedonia remained divided into four parts as was decided during the Bucharest Peace Treaty. Three paragraphs were presented to address the Macedonian question. The first paragraph was from the Italian delegation, saying that Vardar Macedonia should get "autonomous status", but as part of SCS. The second paragraph was taken by the French delegation, saying that the Macedonian issue should be considered in conjunction with all minorities living in Macedonia and the third paragraph was taken by the British delegation, saying that Macedonia and its boundaries should be under the full jurisdiction of the League of Nations in order to prevent any injustice to this country.

World War II began when Nazi Germany, led by Adolf Hitler, the Italian fascists, led by Benito Mussolini, and Japan prepared a new invasion of the world to recover lost territories from the First World War and the redistribution of spheres of interest.

World War II began in 1939 with the German invasion of the Polish area. In the morning of April 6, 1941, Hitler attacked Yugoslavia. The attack was carried out by units of the 40th motorized infantry corps of the region of Kyustendil, Pernik and Upper Dzumaja. On April 13, 1941 Macedonia was fully occupied. After the meeting with Minister for Foreign Affairs of Italy,

Cano and Ribbentrop in Germany in the period from 20th to 29th April 1941, Macedonia was divided into three occupation zones.

Vardar was divided into two occupation zones between Bulgaria and most of the eastern part of Macedonia, and the western towns of Tetovo, Gostivar, Struga and Kicevo were left by Italy to join Albania.

Aegean Macedonia was divided into three occupation zones. The area on the east of the river Struma was occupied by Bulgaria. The western part of Aegean Macedonia or Kostur, Kozhanski part of the Florina District was occupied by Italy. The central part of Aegean Macedonia or Thessaloniki Kukush, Gumendzhisko, Pella, Bersko and the part of Florina and Kozhansko were occupied by Germany. The central and western parts of Macedonia were placed under the authority of the Greek quisling government. The immediate release preparation of the occupiers began in late 1941 and was amplified in 1942 by the formation of partisan units throughout Macedonia.

The formation of the Mirche Acev battalion on August 18, 1943 at the Mountain Bluebird started the first serious reorganization of the Macedonian military units, which included the grouping of battalions group in higher units and brigades. This date in the Macedonian history has been marked as the date of consolidation of the Macedonian units for liberation from the invaders. In early February 1944 and the next three weeks more individual group were fighting during the February raid that covered the actions of the First Macedonian Brigade, Second Brigade, group of Macedonian liberation battalions ranging from Meglen and Kozuv mountain area and towards eastern and central Macedonia in the Vardar valley. These units had battles with German and Bulgarian forces in Tikvesh, Mariovo and Meglen area. In the central and eastern part of Macedonia, during the campaign, there were no significant military units, so on the Fushtansko counseling on 21st December 1943 the Headquarters of Partisan Detachments of Macedonia decided to refer the First Macedonian-Kosovo Brigade in Porec and group of battalions through the Aegean and eastern Macedonia to Kumanovo area to continuously develop combat actions in these areas with the ultimate goal to encourage the creation of new military units. This march was performed in winter conditions and on difficult terrain covered with snow. Macedonian military units during the February raid passed a long route of over 440 kilometers. The final and very important moment in this campaign was that it succeeded in its ultimate goal of strengthening operations during the spring offensive 25.04-19.06.1944 and the final operations for the liberation of Macedonia by the end of 1944.

The necessity of a national political power with the international community would have been able to establish a Macedonian state. This finally happened on August 2, 1944 in the Kumanovo monastery at the first

session of the Anti-Fascist Assembly for People's Liberation of Macedonia. This meeting was attended by 116 delegates. Besides Macedonian delegates the USA and British military commission were present at GS of Macedonia. At the session of the Anti Declaration it was adopted that the Macedonian language would be an official language in the Macedonian state. On the Presidium, Metodi Andonov – Cento was elected as a president with two vice-presidents: Panko Brasnarov and Mane Chuchkov and other subsidiary bodies. After the second half of 1944 they began fighting for the liberation of Macedonia. Bulgaria under the blows of the Red Russian Army capitulated on 9th September 1944. This event further strengthened the pace for the liberation of Macedonia, which was conducted in two stages. The first step was to liberate the entire east and in the second stage the western part of Macedonia. On November 18, 1944 Macedonia was released. The Second Session was at December 28-30, 1944 in Skopje to evaluate the activities of the first session and to give further directions for the development of the Macedonian state.

Conclusion**:**

The Macedonian state, along with five other socialist republics and two provinces was part of the SFRY (Socialist Federal Republic of Yugoslavia), which successfully overcame all the security threats in the period of the "Cold War" by keeping one of the leadership positions in the pact of "Nonaligned". Yugoslavia comprehensively developed and persisted from 1945 until the early 1990s, when it ceased to exist, under the strong surge of “nationalism" that caused numerous internal crises and conflicts that erupted in wars, first in Slovenia, which, after the last Presidium of the Presidency of Yugoslavia in early 1990, declared secession from the Yugoslav federation and aspirations to join NATO.

This was the initial impetus for Croatia to separate from Yugoslavia and the biggest reason for dissolution of Yugoslavia. The wars started first in Slovenia, then in Croatia. The war brought major consequences in Bosnia and Herzegovina in the wars from 1992 to 1995, under the pressure from the international community; the result was the signing of the Dayton agreement in 1995 with Bosnia and Herzegovina divided into three enclaves: Bosnian Serbs, Croats and Muslims (Bosnia and Herzegovina 1995, article XI).

Questions: Why was Yugoslavia disintegrated when it was one of the five European and seventh world powers during this perio? Immediately before and after the death of the leader of Yugoslavia, Josip Broz Tito, the economic instability was present in the reduction of the multilateral cooperation of Yugoslavia by the EU and the international community, making numerous decisions of the Presidium of the Presidency of

Yugoslavia in favor of the Socialist Republic of Serbia and extremely discontent flare of "nationalism" through the first riots in Kosovo in 1989. After the breakup of Yugoslavia, the Kosovo crisis began in 1999 and the internal armed conflict in Macedonia began in 2001. Why did these conflicts happen and what were the "lessons" learned from them?

The main reason for the crisis in Kosovo was the continuing struggle between Serbs and Albanians in Kosovo, expressed by numerous conflicts based on national intolerance. The conflicts increases when the percentage of Albanians was higher in the early 80s of the last century, thus changing the demographic map of Kosovo Clashes, which made its zenith with the Kosovo crisis of 1999, when under pressure from the international community, Kosovo gained a status of projector and on 17 February 2008 it became a state.

What is the lesson for Macedonia? Should the Macedonian national identity be a prize for membership in NATO and the EU? How can Macedonia continue her comprehensive development if it cannot resolve the bilateral name dispute with Greece and therefore it will not be integrated in NATO and the EU?

These questions are formulating our final hypothesis of this paper: How can our state develop comprehensively if it fails to be integrated into NATO and the EU because of a dispute with Greece over the name?

Why does this paper have a broad historical overview of the major political forces in Macedonia before, during the First, Second World War and in the framework of Yugoslavia? It has long been said: The one who does not know his history, he will always be ready to repeat it. Before and during the First and Second World War, Macedonia did not have a broad support from the great powers. Their indirect aid was confined to the final realization of their interests or as mentioned above: There are not any constant enemies, constant are only the internal interests.

From the recent history of Macedonia, we are all witnesses that we received a positive decision from the highest house of justice in the world, the International Court in Hague: the court final decision was that we are in the right position for the name of our country not being changed, but unfortunately, it is unfair that this issue should be resolved through negotiations with Greece without emphasizing strongly mediation and commitment of the international community. The history teaches us that the bilateral problem can be solved only with someone who has higher authority than feuding sides.

However, Macedonia should continue to resolve the decades-long dispute with Greece over the name of our country. The compromise over the name of the Republic Macedonia is especially of sensitive nature, if we consider the national identity of the Macedonian people through the use of

historical method of research. In this respect, changing the name of our state should be without addition of geographical word, marked as an example: Independent, independent and sovereign Republic of Macedonia, but not North, Upper, Lower Macedonia, a mark which indirectly deletes the Macedonian identity and our history, culture, religion, language, which our ancestors fought for in the past. For more than two decades we are in "status quo" situation, but we should continue to comprehensively cooperate with the UN, NATO, EU and the international community in all their activities to improve regional and global security in the world, embracing the economic and social prosperity.

In this context, the Republic of Macedonia should not wait for someone else to improve the economic conditions, but, even more, we must be motivated to work towards attracting foreign economic investors that will raise our economic growth and will create other production facilities that will significantly reduce the unemployment rate and improve the economic situation in Macedonia.

Improving the economic situation in Macedonia is a key component for the members of NATO and the EU to give us stronger support for the name dispute. At the same time, it represents a key element for the comprehensive development of the state. Without improving the economic situation, we will be witnesses of the outflow of the young population abroad, aggravation of interethnic relations which we have witnessed in our history, at the time not having economic perspective: Riots, Crisis and the rush of nationalism, deterioration of interethnic relations. Today we are witnesses of the events in Bosnia and Herzegovina, where the street protests would have grown into ethnic conflict if theyhad not overcome the economic crisis.

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THE PARADOX OF DEMOCRACY IN MODERN GLOBALIZED SOCIETIES AND ITS IMPACT ON INTERNATIONAL POLITICAL RELATIONS, INTERNATIONAL AND NATIONAL SECURITY

INTEGRATION INTO THE EUROPEAN UNION AND REALIZATION OF THE RIGHT OF PEOPLES TO UNIQUE ETHNIC SPACE IN THE FUNCTION OF PEACE AND STABILITY OF THE BALKANS

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Abstract

Balkan Wars, the two World Wars, the wars in Yugoslav spaces in the last decade of the past century led to the partition of ethnic spaces of most Balkan peoples. The division of ethnic spaces among many states caused many difficulties and problems in achieving the rights of members of ethnic communities.

So, contacts among them become difficult. This leads to ethnic disintegration, and over time, to assimilation of the ethnic communities in majority peoples of the States. Cultural and economic ties, as well as the relation contacts are aggravated.

In the area of civil legal relations, the realization of the right of ownership, the right of use of the ownership, the right of usufruct of the property of citizens in other states, becomes difficult. Numerous difficulties arise in achieving inheritance rights, rights of family relationships and other civil rights.

With the integration of all Balkan countries into the European Union, borders that separate the divided Balkan peoples will exist only formally and practically will be deleted. By the deletion, divided peoples finally will realize the right of a unique ethnic space. By exercising this right, communications between members of divided peoples will take place without obstacles. The peoples without obstacles will exercise their national and

cultural rights. The dangers of losing national identity will be eliminated. Citizens without difficulties will accomplish property and other civil rights within compatible, to European standards pointed, legal systems.

This will lead to ethnic homogenization of the Balkans that will significantly diminish interethnic tensions and, over time, will eliminate them. The reduction and elimination of inter-ethnic tensions will lead to stabilization of interethnic relations, which will considerably positively affect to stabilization of inter-state relations in the Balkans.

The stabilization of inter ethnic and inter-state relations will remove the risk of civil wars in countries initiated and guided on ethnic grounds and will lead to the establishment of stable neighborly relations among Balkan countries in all areas of social life.

Keywords: *integration, law, nation, ethnic space, peace*

INTRODUCTION

Ethnic space is part of the geographical space of the Earth in which a certain ethnic group or people lives, composed of members who speak the same language, have the same origin, the same customs, the same culture and the same traditions. Ethnic spaces of contemporary peoples, in the most cases, are divided among several states. Thus, on the Earth which is a unique living space of the human community, composed of about seven billion members of *Homo sapiens,* who live within the 208 states, there are about 800 peoples.[1] States, in most of the cases, are formed by the largest ethnic community or people that inhabit the part of the land space of the Earth, encompassed by state boundaries. But, state boundaries do not overlap with ethnic spaces of peoples. Therefore, parts of the peoples live outside the territory of native state - on the territories of neighboring states. They are national minorities relative to the majority people who constitute the state. Ethnic spaces of some small peoples are located in the territory of a great state. Thus, in the territory of Russia are located ethnic spaces of about 40 small peoples. Almost the same number of peoples has ethnic spaces in the territory of India. In the territory of China are located ethnic spaces of about 17 small peoples, etc.

The Balkan history is filled with wars and numerous redrawing of the ethnic spaces of the Balkan peoples. The redrawing of these spaces is frequent in the Middle Ages, because of the wars that were fought between each other medieval Balkan countries: Serbia, Bulgaria, Croatia, Bosnia, Byzantium and some powerful feudal rulers.

[1] See: List of the States in the World, sr.Wikipedija.org and List of the Peoples in the World, BS. Wikipedija. org

With the completion of the Turkish conquests in Europe, in the late 16th century, it comes to certain stabilization of redrawing in the ethnic spaces. From this point of view, the Turkish conquests played a positive role regarding the natural right of peoples to a unique ethnic space, because these conquests led to merging of ethnic spaces of the Macedonian, Albanian, Greek, Bulgarian and Bosnian peoples.[1]

The Turkish formal-legal governance in the Balkans is significantly reduced with the Berlin Congress, held in 1878. Then, Serbia, Bulgaria and Montenegro receive formal - legal independence.[2] Greece receives formal - legal independence in 1830. Bosnia and Herzegovina, however, is occupied by Austria-Hungary.

With the Berlin Congress, the ethnic regions of the Balkan peoples break up again. Significant parts of the Serbian, Greek, Bulgarian, and Montenegrin and so, Bosnian people still remain under Turkish rule. Undivided remains the ethnic spaces of Albanian and Macedonian people, that remains under Turkish rule until the Balkan wars.

The Balkan wars represent a major milestone regarding the ethnic spaces of the Balkan peoples. Thus, the major parts of Serbian, Bulgarian, Greek, and Montenegrin people found themselves within their own ethnic countries. The ethnic area of the Macedonian people was divided among three allies in the First Balkan War - Greece, Serbia and Bulgaria. The small part of that area remained within the newly created state of Albania. A similar destiny is experienced the Albanian people which ethnic space area was divided into three countries: Albania, as a native country, Greece and Serbia.

Taking into account the fact that after the Balkan wars not formed ethnic state of Macedonian people, he experienced the most tragic destiny. Similar was the destiny of Bosnian people whose ethnic space was divided into three states - Austria-Hungary, Serbia and Montenegro.

Less than a year after the Second Balkan War, World War I broke out. Its end, despite the enormous human casualties and destructions, led to new altering of the ethnic spaces of the Balkan peoples. Serbian, Bosnian and Montenegrin people, in the major parts have united their ethnic spaces within the newly created country - Kingdom of Serbs, Croats and Slovenes, which

[1] Ethnic spaces of Serbian, Croatian and Montenegrin peoples were divided na between Turque and Austria. Ethnic space of Slovenian people was joined in the framework of Austria.

[2] Factual independence Serbja gained in 1830 and Montenegro in 1859. Due to the mountainous difficult available land, the power of Montenegrin bishops, support from Russia which had received since the time of Peter the Great, the Turkis power on Montenegrin space was considerably weakened before this event.

later was renamed into Kingdom of Yugoslavia.[1] Part of the ethnic space of Croatian people (the Zadar coast, Istria peninsula with Rijeka) and the major part of the islands in the Adriatic Sea were found within Italy. Parts of the ethnic space of Slovenian nation, in western Slovenia, east of the Socha River with Slovenian coast, also found in Italy, and parts thereof, in Carinthia and Shtajerska are found within the newly formed Republic of Austria.

World War II improve the condition of ethnic space of the Croatian nation, and to some extend of the Slovenian nation, because the Croatian coast, Slovenian coast, as well as the western part of Slovenia, to the Socha river, were returned to Yugoslavia.

Ethnic wars in the Yugoslav spaces that came after the breakup of the former Socialist Federal Republic of Yugoslavia, conducted intermittently from 1991 to 2001, led to major divisions of ethnic spaces of the peoples who inhabits that country. Thus, the ethnic space of the Serbian people was divided into territory of four states: The Republic of Serbia, as the native state, the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Republic of Kosovo. Ethnic space of Croatian people was also generally divided into two countries: Republic of Croatia, as the country of origin and the Republic of Bosnia and Herzegovina. Ethnic space of Bosnian people was divided into three countries: Republic of Bosnia and Herzegovina, which has the most part of this people, the Republic of Serbia and the Republic of Montenegro. Ethnic space of the Albanian people was divided into four states: the Republic of Albania, as the country of origin, the Republic of Macedonia the Republic of Greece and the Republic of Kosovo.

With membership in the European Union, almost entirely were united the ethnic spaces of the Bulgarian people, the Greek people and the Slovenian people. In terms of ethnic spaces of other Balkan peoples the conditions remains unchanged.

There is no doubt, that the main reason for the numerous changes in the ethnic areas of the Balkan peoples are numerous wars that have been fought in the Balkan ground as certain intersection on the road between Europe and Asia.

[1] See: Group of authors, History of State and the Rights of Yugoslav Peoples, Institute for the Advancement of the Economy – Self-Government Practice-Managing, Skopje, 1980, p. 451 and 470 - 471.

CONSEQUENCES OF THE DIVISION OF ETHNIC SPACES OF THE BALKAN PEOPLES

Parts of peoples who live outside of their native ethnic countries (national minorities) are susceptible to numerous impacts by social environment which reflected negatively on their national identity and their national rights regarding that identity, as well as their civil rights.

National minorities are strongly influenced by the environment of the majority people. These influences are manifest in language, customs, culture, generally accepted living values and other characteristics and specificities of national minorities. When the quantity of those influences exceeds the quantity of national characteristics of the minority, it is coming to a new quality of a minority that appears as the assimilation of minority into the dominant (majority) population. The assimilation process is long lasting. Its duration depends on the number and size of differences (cultural, religious, linguistic, etc.) between minority and majority (dominant) people, the number of minority members, the distribution of settlements in which they live on the territory of the state, the attitude of the authorities of the state majority nation in relation to the minority, and of course, the attitude of the authorities of the state minority people in relation to members of its own people who live in the territory of others, mostly neighboring countries. There is no doubt that more resistant to assimilation are minorities who are more numerous, where the differences in language, religion, culture and other differences among them and the majority people are larger and more numerous; they live nearly to the border of their country of origin and maintain frequent contacts with their compatriots.

In order to achieve ethnic homogeneity of the population who live on their territory, many states lead assimilation policy towards national minorities. Assimilation policy is primarily reflected to not support minorities to develop and improve their language, their culture, and their traditions, to maintain their national customs and so on. Some state governments go, so far, to not recognize the existence of national minorities on their territory, to prohibit the use of mother language of the national minorities, to prohibit manifestation of national customs of the minority, to close state borders in order to prevent contacts of minorities with their own people in their native country and so on. A typical example of this, in the Balkans, is the behavior of the Greek authorities to the Macedonian national minority in the region of the Aegean Macedonia. Moreover, in the period between two World Wars, in the Balkans was performed mass resettlement of the population from one country, to another, in order to comply with the ethnic spaces of national countries with their territorial spaces. Thus, in the period between the two World Wars, in the Macedonian ethnic space in

Aegean Macedonia were inhabited 618,000 Greeks, and in Vardar Macedonia 26,000 Serbs. The Greek colonization in Aegean Macedonia is particularly intensive after Lausanne Peace Treaty, locked in 1923, after the defeat of Greece in the Greco-Turkish War, which provided mandatory resettlement of Muslims from Greece and of Christians from Turkey.[1] In addition, the major part of Greek population that lived in the region of Asia Minor was moved to Aegean Macedonia, and because of that, the ethnic picture of this area, was considerably changed. In the changing of the ethnic picture a major contribution has bloody events in the Greek Civil War (1946 - 1949) during which about 20 000 Macedonian lost their lives and the exodus of the population from Aegean Macedonia after ending the War. About 60,000 people (Macedonian and Greek), the major part of them Macedonians, were forced to emigrate in the east countries.[2] The changed ethnic situation of the population with considerably reduced number of Macedonians, strong pressures and terror from the authorities, accelerated the assimilation process of the Macedonian population in Aegean Macedonia.

By the assimilation process the right of national identity of the minority people is threatened, and over time it is lost. It simply disappears from the Earth, which is natural cosmic space for all people that compose humanity as a planetary community of *Homo sapiens.* If the subject of legal relationship disappears, then the right holder also disappears.

In the conditions of divided ethnic space, natinal minorities hardly exercise their cultural rights, because the national countries of majority nations do not allocate the sufficient funds for development of national minority's culture, so they are left to donations of their native country and the donations - funds which are provided from the ranks of their members, as well as the donations of individual philanthropists.

The exercise of the right of education in their mother language in the domicile country is harder from the same or similar reasons. If the financial capabilities of the domicile country allow to organize teaching in the mother language in primary education, that goes harder with the secondary education, and the hardest with university education, because the number of expected students who would like to study on language of a national minority, very often it is insufficient to establish a separate university for them.

The right to maintain contacts to the members of the national minority with their relatives and friends in their native country is also difficult. It has

[1] See: Ortakovski V.: The International Position of Minorities, Misla, Skopje, 1996. p. 149 - 153 and 155 - 156 Mladenovski S. and others. History of the Fourth Class Gymnasium - general and language, Prosvetno Delo - AD Skopje, p. 62 - 64

[2] Ibid. p.211

often happened that a citizen from one country must travel dozens of miles to the nearest border crossing to visit their relatives who live a hundred meters far from their home, but on the other side of the border.

In function of the right to maintain contacts with citizens of his native country is the right to movement. This right is a natural right of every citizen who lives on the Earth. The famous *Magna Carta Libertatum* guarantees that right to the British citizens since 1215.[1] For this right has spoke and wrote great minds of philosophy, science and culture, such as Jean-Jacques Rousseau, Paul Holbah, Hegel, Steffan Zweig and others. The Universal Declaration Human Rights also guarantees this right to the all citizens of the world. In Article 15, paragraph 2 of the Declaration is prescribed that everyone has the right to leave any country including his own country and to return to it. In the same way is prescribed by Protocol No. 4 to the European Convention on Human Rights in Article 2, paragraph 2. States and state bureaucrats, at least, do not have the right to restrict their citizens this natural right. Limiting them, they go against nature. They violate its laws. The violation of the natural laws in terms of limiting the freedom of movement returns like a boomerang in the form of numerous physical, spiritual and cultural losses for the states, their citizens and for the whole humanity, accompanied by depletion of human spiritual energy, through huge frustration. This losses and frustrations, in terms of freedom of movement, without unnecessary visa restriction would be transformed into a huge creative energy, aimed at building mutual understanding and trust between the peoples in the world, towards peace and prosperity of humanity. Customs and police controls on the legal border crossings and on the airports, in the Balkans, last illegally long. It often complicates conducts the rail, road and the air traffic, prolongs the duration of the trip and the trade of goods and services in neighboring countries.

Fragmentation of the Balkan's ethnic region limits the right of legal employment in another state, which is source of exploitation of many migrant workers, whom, looking for a job, goes to neighboring states, and illegally and half-legally work on a agricultural plantations, in catering trade, industry and other economic activities.

By limiting the freedom of movement that comes because of the fragmentation of the ethnic spaces of peoples, the right of citizens in the area of civil law is limited. Thus, it comes to restriction or it make difficult to exercise: the right to use the property, the right of usufruct, the right of inheritance, the rights in the area of family relations such as: the right to

[1] See: Great Charter of Freedoms - Magna Charta, Kandic Lj.: Selected Sources from the General History of State and Law, Savremena Administracija, Belgrade, 1977, p. 185, t. 41 and 42,

enter into marriage with the desired person, the right to maintain contact with family members, the right to support family members living in another state, the right of adoption, the right to custody and other rights.

Moreover, it's complicated and, at the same time, it's difficult to exercise the rights in the field of health care, the right in the field of social protection, the rights in the field of pension and disability insurance and other rights.

In the field of economics, the fragmentation ethnic areas restrict and make difficult the circulation of financial capital, trade and the investment in the economy. This slow down economic movements, and stiff the economic development of countries.

The stated problems and difficulties in relation to people's right to single ethnic space, will be only overcome with peaceful unification of ethnic areas of the Balkan peoples, through the development of good neighborly relations and the gradual liberalization of cross-border circulation of people, capital, goods and services, that will lead to the formally existence of national borders and, in the future, to their elimination. Any attempt to forcibly retailoring the Balkan countries for expansion and unification of the ethnic space of the Balkan peoples, could lead to the war to all Balkan countries against all, in which it will doesn't know who is the friend and who is the enemy (belum omnium contra omnes).

MEMBERSHIP IN THE EUROPEAN UNION IN THE FUNCTION OF THE FORMATION OF UNIQUE ETHNIC SPACES OF THE BALKAN PEOPLES

By unification of territories ethnic spaces of the peoples will be united. In terms of the will of the citizens of the united territories, there are two kinds of unification: violent and voluntary unification. The forcible unification of territories occurs by occupation the territories that span ethnic people's spaces with using force. The most frequently means of coercion is the military force.

Attempts to unify Europe with the use of military force there were many times throughout history. Firstly it is made, in the early Middle Ages by French King Charlemagne (ruled from 764 to 814) with the formation of large French state[1] that encompassed the territory of contemporary Spain, from the north of the River Ebro, at southwest to the boundaries of present-day Poland, on northeast and from the Baltic and North Sea, on north, to the rivers Sava, Unna and the Adriatic Sea - in the south. In XVI century such an

[1] Encyclopedic Lexicon - History, Interpres, Belgrade, 1970, p. 193 Military Encyclopedia - the IV, Editorial of the Military Encyclopedia, Belgrade, 1972, p. 243

attempt is made by Spain's King Philip II, and after him, in the XVII century, by French King Louis XIV.[1] In the beginning of XIX century an attempt was made by French emperor Napoleon the First.[2] Finally, in the fourth decade of the XX century, the last such attempt is made by Nazi dictator Adolf Hitler.[3]

Given the fact that all these attempts were made by use of military force combined with the methods of political pressure and given the fact that all of them stood behind the imperialist tendencies of domination of one state over other states which were placed in vassal position on winner, there was no opportunity for maintenance because the resistance of the submissive peoples. The Great states made by this way lasted until the final defeat of the conqueror or until his death. According to the dialectical rule of action and reaction, every force opposes reactive force. When the reactive force becomes greater than the force that initiated the action (active force) it comes to decay - destruction of the system that initiated the action. Therefore, unification of ethnic areas by force is against the laws of nature and, as such, it is unacceptable, because always leads to failure, unfortunately accompanied by enormous human victims and huge undercutting and destruction of goods made by man.

From the aspect of law, the unification of the ethnic areas by force is contrary to the will of the men (peoples are comprise by men) themselves to decide about life and, of course, for their future, which is their natural right.

Only guarantee of the stability of the united ethnic spaces is peaceful unification, which is aligned with the collective will of the people and to their natural right to self-determination, guaranteed by Article No. 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

The idea for the peaceful unification of peoples is as old as the idea of peaceful settlement of disputes between them, because war brings disorder and chaos in society, human suffering and destruction of material resources made from people. The immense human victims, unseen sufferings of people and destroying the industrial potential of countries, destruction of the settlements that were reached during the Second World War, actualized the idea of bringing together the European nations and the unification of Europe. The most prominent protagonists of unification are French politicians Jean Monnet and Robert Schuman. The principles of a future united Europe can be seen from the statement of Jean Monnet, given in Washington on April 30, 1952 which reads as follows: "The unification of Europe in world civilization implies an act that exceeds the security and peace. Europe is base

[1] Encyclopedic Lexicon - History, Interpres, Belgrade, 1970, p. 383
[2] Ibid, p. 447 – 450
[3] Ibid, p. 240

on the progress from which all of us benefits, and today, Europeans are able to contribute to the development of civilization with their creative spirit across the past, especially about the future. But, to let that creative spirit to shine in all its glory, we have to harmonize our institutions and our economy to the modern era. It will be achieved only in a united Europe."[1]

Bearing in mind the object of our paper, for the unification of the ethnic spaces of the peoples within the European Union particularly important is the declaration by Robert Schuman, as follows: "Our borders in Europe should be less an obstacle in the exchange of ideas, people and goods; sense of solidarity among nations will win in the future nationalisms resolved .....The objective is not to be connected in order to create a super state. Our European states are historical realities. It would be psychologically impossible for them to disappear, their diversity is even a happy circumstance, but it is necessary unification, mutual relationship, compliance and common policy."[2]

Unification, mutual connection, the compliance and common policy are fundamental imperatives for stable and peaceful relations among peoples of the united ethnic spaces within the European Union. As imperatives they become an objective reality within the Union.

With membership in the European Union, many of peoples have unified their ethnic areas and thus, realized the right to a unique ethnic space. It happened with the peoples of Ireland, Belgium, Netherlands, Luxembourg, Denmark, Hungary, the Czech Republic, Spain, Portugal, Slovenia, Austria and other countries. The small number of members of some European peoples live on the territory of countries that are not EU members (for example French, Italians and Germans in Switzerland) are no obstacle for effective communication with native countries, given the openness of the borders of these states for unpredictable passage or circulation of people, goods, capital and services.

From the Balkan peoples, that right is exercised only by Slovenian people who, by the accession of Croatia in the European Union, from all sides are surrounded with Member States of the Union. The other Balkan peoples are far from exercise this right.

Croatian people in good time cannot exercise this right because of the unstable political situation in Bosnia and Herzegovina and, therefore, poor are the prospects for this state to soon join the Union.

This political situation in Bosnia and Herzegovina is a cause of delayed exercising of the right to a unique ethnic space for the Serbian people and the

[1]Monet J.: Europe - Our Common Home, Time, Skopje, 2007 p. 61.
[2] Retrieved from Rexhepi Z.: United Europe - from idea to realization, ARS - 33, Tetovo, 2010 p. 120.

Bosnian people. In addition, the exercise of the right of a unique ethnic space of the Serbian people has been delayed by prolonging the accession of the Republic of Macedonia to the European Union, due to problems about the name with Greece and labile neighborly relations with Bulgaria. However, an obstacle to the exercise of this right for the Serbian people is the unstable political and economic situation in Kosovo which will certainly postpone, for some time, the membership of this young state in the Union.

Montenegrin people will be faced with the realization of the right to a unique ethnic space largely, for the same reasons as the Serbian people, but also, because of the political and economic situation in Albania, because that obviously prolonged the inclusion of this state in the Union.

The exercise of the right of a unique ethnic space of the Albanian people, despite the problems it has in its own country, stand the problems that in terms of inclusion in the Union are related to Kosovo and Macedonia. In terms of exercising of the right of a unique ethnic space by joining the European Union, of course, Macedonian people are in the most difficult position. Macedonia has the south borders with Greece which opposes its membership in the Union for the reason of the name of the state. Relations with the eastern neighbor are labile because of the denial of the existence of the Macedonian people and the Macedonian minority in Bulgaria, as well as certain contentious issues of the common history of the two peoples, for which Bulgaria can impede Macedonia's membership in the Union.

With two northern neighbors, Serbia and Kosovo, as well as the western neighbor - Albania, Macedonia has relatively good relations. In the relations with Albania and Kosovo there are possible tensions, because of the internal tensions between Macedonians and Albanians who apparently cause some of Macedonian and Albanian political parties that play the nationalist card in order to obtain some points with the voting body.

Given the fact that the ethnic spaces of the Balkan peoples do not match with their home states, the common interest of all Balkan states is the development of good neighborly relations, formal legal elimination of border barriers by signing agreements on the free movement of people, goods, capital and services across borders and support each other's efforts to join the European Union. With the accession to the Union, age-old dreams of the Balkan peoples for their reunion will be realized. With strengthening of connections between member states of the Union, the elimination of differences in their political, economic and legal systems in the future will provide conditions for the formation of a European confederation, than a federation of states which border boundaries exist only formally. Future generations will experience the day when they formal borders completely will be deleted. The process of globalization which is a consequence of the enormously developed communications between nations and states will lead

to erasing the differences between them and to the formation of a single European and then the planetary state of people - earths, as citizens of the planet Earth.

BENEFITS OF EXERCISING OF THE RIGHT OF THE BALKAN PEOPLES ON UNIQUE ETHNIC SPACES

With accession of the Balkan states into the European Union they will unite their ethnic areas and realize the rights of the Balkan peoples of unique ethnic spaces. Unification of the ethnic spaces will bring up to elimination of the factual partition of divided geographic area of the Balkans which, today is divided into 11 states. The border boundaries will only formally share the states, and in the foreseeable future will be deleted as a result of the globalization process. The unification of the ethnic spaces and expulsion of the factual geographic space will lead to intensification of communication between peoples, to their better mutual understanding and rapprochement. An important bridge for rapprochement will be the national minorities. In conditions of united ethnic areas they will maximally communicate with people in their native countries. The maximum communication will lead to easier exercise of their national rights in respect of the use of their native language, mother language education and nurturing of national customs and traditions. Civil rights in the area of property, family and legacy will be realized more easily. Also the rights in the area of labor relations, health and social protection, and rights from the field the pension and disability insurance will be more easily to realize.

In the economic field, without obstacles and delays transport and trade of goods and services from one country to another will occur. The elimination of the numerous formalities and border controls at the borders between the states would lead to intense development of tourism. For example, many citizens of Macedonia avoid going on holiday and tourist travel to Greece due to the information on controls and senseless maltreatments by Greek border police and customs organs, for damage to their vehicles by anti-Macedonian Greek citizens for the inconvenience accidental mention of the name Macedonia. Also, there are Greek citizens who fear, they will be mistreated in Macedonia 'due to the deteriorated political relations between states, and therefore, avoid to come in Macedonia.[1] It is certainly not in favor neither of Greek, nor of Macedonian.

[1] The data for these are derived from talks with Macedonian citizens and friends of the author from the Republic of Macedonia and from the Republic of Greece, as well as by means of public information.

The investment process will be intensified and will allow smooth flow of capital from one to another Balkan state.

Cultural relations among the peoples of the Balkans will be intensified, which would lead to elimination of the existing animosities and, of course, to their rapprochement and developing friendly relations. With division of the Balkans in several countries, a number of cultural and historical monuments of the peoples (monasteries, churches, mosques and other religious sites, archaeological sites, etc.) remained outside the territories of their native states. The peoples have a natural and inalienable right to maintain and use those sites, because they are a testament to their historical past and of their history. In addition, natural and inalienable right of the peoples is to use the natural resources found on their ethnic area (lakes, rivers, mountains, etc.) With wildlife and vegetation that live in them or on them, and mineral resources of the area. The unification of the ethnic spaces will facilitate the use and maintenance of these monuments and treasures.

Finally, viewed through the prism of the nationalists (who unfortunately are still dreaming about large ethnic states) with unification large ethnic territories will be created (but not ethnic states) that may represent some compensation for their dreams for great ethnic states and will reduce their frustrations for unfeasibility those dreams. So, by membership in the EU we will have a Great Albania, Great Macedonia, Great Serbia, Great Croatia, Great Bulgaria, of course as ethnic territories. It is the dream of all patriots that is feasible.

CONCLUSION

To achieve these goals, governments of the Balkan countries and the political parties need to work intensively on mutual support in overcoming problems related to membership in the European Union. Neither people in the Balkans, by separating themselves from other peoples, overcome the problems. It derives from the specific conditions and circumstances of the mixture of peoples, overlapping their ethnic areas, their historical past, their culture and traditions, then, similar geographic and climatic conditions and finally, the intensive connection of their economies. It should have in mind all governments and all aspirants for power in the Balkan states.

In the Balkans are still present inter ethnic tensions which, unfortunately, are lifted by some of the ruling garnish in the states and nationalist-oriented political parties. These tensions are particularly pronounced in countries affected by wars like Bosnia and Herzegovina, Croatia, Kosovo and Macedonia. The wounds inflicted in war fires are difficult for healing. But, by practicing the past we cannot live. It is possible to live by practicing the future, by programming and planning the life and, of

course, by the activities for realization of programs and plans. The future may have only the country, the government, the people that think about it, which plan and program it. The road to the future leads through the present. Those men and people who remember the bad in the past are unfortunately doomed to repeat it. From the past we should exploit good practices and draw lessons, to avoid repeating the mistakes made in it. Only by this way the past will serve the future.

The processes of division and demarcation of ethnic people's spaces with crosses, mosques, churches and monuments of national heroes and prominent figures of the majority people, need to be stopped. Divisions carry intolerance, intolerance begets hatred and hatred begets conflicts.

Balkan peoples, because of their ethnic intertwining spaces, and it about the historical past, have a lot in common in culture, folklore and customs. They have many historical figures who were born on the ethnic or geographical area of one Balkan people and worked in the service not only of its people, but also of other peoples and the entire mankind, fought for certain ideals, spread culture, developed science and, by it contributed to the glory of his people and his country in the world. The most typical examples are Alexander the Great, Riga from Ferra, Kemal Ataturk, Mother Teresa, Nikola Tesla and others. These figures should be a bridge for rapprochement between peoples, not grounds for spreading discord and hatred.

To have common glory in the past, a common will of the citizens in the present, jointly pursue large projects in the development of economy, science, culture and generally, in service of the progress, are essential conditions for the survival of every Balkan people, each Balkan state and for peace and stability in the Balkans. These conditions exist and should be developed and exploited.

The existence of national minorities in the Balkan countries as a consequence of the division of the ethnic spaces of the Balkan peoples is not a handicap, but a benefit to the states. It opens a space for the exchange of experiences in culture, traditions, science. Multi-national state is a field for cultural competition among nations that make it up. That, in conditions of peaceful and good neighboring relations, and so, in coexistence among citizens, accelerate the country's progress in all fields. Therefore, the basic imperative of every government and every political party aspiring to government should be developing relationships and peaceful coexistence among citizens, regardless of their nationality or religion. Only by this way, stable neighborly relations among Balkan states and peoples will be built, the roads for their integration into the European Union widely will be opened, and with it the right of peoples to unique ethnic spaces will be realized.

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IMPLICATIONS OF THE PROCESS OF FRAGMENTATION ON WESTERN BALKAN COUNTRIES

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Abstract

There is hardly a place on the planet which has not been burdened or affected by the process of fragmentation on various grounds. After the Cold War the process of fragmentation had a cumulative effect and contributed to the erosion of borders, weakening of the states and "deprivation" of sovereignty thus generating counter reactions and dissatisfaction among certain communities and groups. In addition, the heterogeneity of individual countries, the building of the concept of multicultural societies and mass migrations allowed certain ethnic and language groups to realize their desires for autonomy.

The need for identity and sovereignty, the influx of extreme nationalism, religion and culture, economic and social insecurity, migrations and demographic growth were some of the reasons for disintegration and they were unavoidable even for the countries of the Western Balkans. In contrast to the developed countries, fragmentation of the developing countries led to armed conflicts, instability and clashes. The disintegration of these undeveloped multinational and multicultural countries, carried out along ethnic lines of separation resulted in catastrophic consequences. A larger number of minority communities were involved in violent conflicts in their countries, which, as a consequence, led to genocide, ethnic cleansing, mass political murders, millions of refugees and victims.

Key words: *fragmentation, identity, nationalism, multiculturalism, conflicts*

INTRODUCTION

The process of fragmentation can be encouraged by various individual or group interests. There are numerous reasons for fragmentation, but mostly they are of demographic, technological, geopolitical, economic, socio-

cultural and environmental character (Ned®lkova, Bauman and Filipov, 2005:54). At the same time, when we talk about fragmentation, one of the key questions refers to whether it is a process or situation which is a product (heritage) of globalization and whether it should be viewed as a positive or negative consequence.

In our attempts to find appropriate responses to the previously posed dilemma we drew on the views of *Robertson,* who claims that, "globalization is considered a complex interaction of globalizing and local tendencies, a synthesis of particular and universal values, a two-sided process which also includes mutuality of universalization of particularism and particularization of universalism" (qt. in Vidojevic, 2005:111). This duality points to the fact that the process of globalization implies simultaneous action toward unification and fragmentation. *Rozenau* emphasizes that "the period after the Cold War was replaced by the period of fragmentation" and that these two parallel processes intersect with each other, so that the second process is the product of the first one. From this it follows that as far as the relation globalization - fragmentation is concerned, it can initially be concluded that fragmentation is seen as a process which has negative content and causes instability, or, as *Robertson* puts it "fragmentation is not only a reaction to globalization, but also its aspect and creation". (qt. in Vidojevic, 2005:112).

Therefore, the process of globalization, apart from connecting and producing transformation of space and time, i.e. compression and unification of the world, also leads to new complex processes, events and uncertainties. It seems that as the world becomes more globalized (at economic, technological, political and cultural level) it becomes more regionalized, fragmented and localized. These three processes (regionalization, fragmentation and localization) or parameters (as they are referred to by some authors) are considered internal elements of globalization, rather than its counter processes. Seen from another perspective, these dynamic processes will lead to a high degree of transformation at national and supranational level, causing "turbulence" in the global political and economic relations as well. All these processes triggered by globalization are mutually interrelated and depend on the way changes occurring in one of them reflect on the other (Rosenau, 1998: 18-35).

For a majority of renowned authors, the processes of globalization are the main "culprit" for disintegration. They are primarily due to the technological and economic achievements which have caused a tremendous flow of ideas, information, capital, goods and services all over the planet. These flows had a cumulative effect and contributed to the erosion of borders, weakening of the states and "deprivation" of sovereignty, thus generating counter-reactions and dissatisfaction among certain communities and groups. Beside them, the heterogeneity of the individual states, the

building of the concept of multicultural societies and mass migrations allowed certain ethnic and linguistic groups to realize their desires for autonomy. The struggle between the local and the global, and between the universal and the particular, has fuelled the tendency of minority communities towards secession from the majority and formation of their own political communities. Therefore, regardless of the level of development of the countries, there is hardly a place on the planet which has not been burdened or affected by the process of disintegration on various grounds.

THE PROCESS OF FRAGMENTATION AND REPERCUSSIONS ON THE STATE

As mentioned above, there are various factors which contribute to fragmentation, such as change of the economic structure, growing inequality, immigration, cultural diversity, dissatisfaction with the centralization of the state, economic insecurity, deficit of democracy, occurrence of nationalism, inability of the central authorities to protect population and to maintain the security situation at a satisfactory level, absence of effective governance in the state, etc.

Many people believe that capitalism, as an embodiment of globalization, poses a kind of a challenge to the capabilities of the states. Hence, a question is raised as to whether through capital the process of fragmentation gains different dynamics which will become the main threat for the state and generally for the peace and stability in the world. In other words, is the clash between the forces of disintegration and integrative dynamics promoted by globalization inevitable?

We will attempt to find the answers to the questions posed above through the analysis of several examples from the development of the international community in the past few decades.

The predictions about the elimination of the state in the global system are in contradiction with data regarding the emergence of new states within the international system. Namely, since the establishment of the UN in 1945, in the period between 1945 and 1980 UN membership rose from 51 to 154 member states. This rapid increase in the number of states which decided on independence in this period was the result of the problems left by colonial powers and the support some of them received from the opponents in the Cold War. The last decade of the end of the block division (the period between 1980 and 1990) did not abound in great changes regarding the self-determination of the states, with an increase of only 5 new UN members. In other words, the average for the period 1950 - 1990 was 2 new states per year.

The end of the Cold War brought a number of changes at a global level, and the Eastern European countries, including the former Soviet Union, Yugoslavia and Czechoslovakia were the first to feel its consequences. The well-known events led to a significant rise in the newly emerged states, from 159 in 1990 to 189 in 2000, which is an average of 3.1 newly emerged states per year for the period 1990 - 1998. The reasons for the fragmentation were to be found in the dissolution of the economic and political systems, and the rise of nationalism through which certain nationalities wanted to express their own identity. The beginning of the 21st century has witnessed new disintegrative processes. In the 2001 - 2011 decade there was an increase of only 4 new UN member states (including the recognition of Montenegro in 2006). But, according to some estimates, if the process of fragmentation continues, the current number of 208 states in the world could in the future rise to 500 - 1,000 states (Kigli and Vitkof 2004; Vidojevic 2005, 121).

The reason for this situation is usually attributed to the economy, that is, the ethnic groups seeking autonomy claim that the state is responsible for their economic stagnation. So, on the one hand the state should, in order to adapt to the process of globalization, integrate its national economy so as to compete on the world market, but on the other hand, the process of fragmentation leads the nation state in the opposite direction, forcing it to create competitiveness of its economy at national level (Vidojevic, 2005:178).

This means that after the Cold War we have been witnesses of parallel processes of integration and disintegration with the West being integrated and the East being fragmented. But today there is still fear that the possible fragmentation of certain regions would produce new powers of influences and the appearance of a new rivalry with greater pressure by the more coherent structures - pillars of capitalist power.

We can agree that the process of fragmentation brought prosperity for some countries. The process of fragmentation stimulated by globalization, to some Eastern European countries and nations brought an opportunity to gain more power in international relations. Conversely, the Western countries with a high degree of economic development and democracy level invested additional resources and efforts (through fulfillment of the rights of minorities and improvement of the standard of living), to suppress dissatisfaction among the communities and to deter them from the idea of self-determination and disintegration of the country.

The opinions that the process of fragmentation affects only undeveloped countries of Eastern Europe are contradictory and disputable. There are many examples regarding the efforts of certain ethnic groups for complete or partial separation in developed Western democracies as well.

Among the developed countries where part of the population tends towards secession or autonomy we will mention Canada and its problem with Quebec, the secession movements in northern Italy, Catalonia and the Basque Country in Spain, the clashes between the Flemish and Walloons for autonomy in Belgium and the regional movements of the Scots and the Welsh in Great Britain.

The processes of globalization do not affect only undeveloped countries. They also have influence on developed countries, or the so called "first world" countries. Despite the fact that they prefer neoliberal integrative policy, for some of them particularism is still the only option. In contrast to the developed countries, fragmentation led the developing countries toward armed conflicts, instability and clashes. The fragmentation of these undeveloped multinational and multicultural countries, carried out along the lines of ethnic division, resulted in catastrophic consequences. This is an indicator that in conditions of contemporary globalization, territoriality is still an important feature for both developed and undeveloped countries, because countries will always oppose those that threaten their territorial integrity. There are some individual examples suggesting that territory is still important. But, there are also some other reasons, such as resources (Iraq with Iran and Iraq with Kuwait), tradition, nationality and religion (to a certain extent Bosnia, Kosovo, Palestine, Cyprus, the conflict between South and North Sudan, between China and Tibet, China and Taiwan), as well as access to transport and territory with strategic importance (India and Pakistan over Kashmir), giving a territory because of its "unattractiveness" (the selling of Alaska to the United States by Russia) etc. (Buzan, 1983).

On the other hand, there are many nations without full independence of their state, but with a high degree of autonomy, such as Quebec (a province in Canada) and Flanders (a region in northern Netherlands). Some of them have gone so far as to have their own foreign policy departments and branch offices in foreign countries. In some other cases, sub national authorities, provinces or local authorities have developed mutual multilateral cooperation separated from the state authorities. An example of this kind is the *Four Motors* network in Western Europe, which has been functioning since 1988. This network connects Baden-Wurttemberg, Catalonia, Lombardy and the Rhone-Alps region, which collaborate on issues related to economy, culture, education, technology, etc. A similar approach is adopted by sub national authorities in Bavaria, Quebec, Northern Australia and the Western Coast which formed multilateral association for issues related to *hi-tech* industry. (Scholte 2005). This is an indicator that states will play a lesser role compared to rich regions and provinces whose power has continuously been growing.

The creation of states on the grounds of micro national identities is a wrong decision given the fact that in 1990 there were more than 800 active identities in the world in less than 200 countries (Scholte 2005).

It is estimated that, at the beginning of the 21st century, there are between 2,000 and 5,000 diverse ethnic and language groups existing in the world. Thus, hypothetically speaking, more than 1,000 countries can be created in the world, and if we take into account the fact that within each country there are at least two or three ethnic, cultural or religious groups belonging to neighboring or other distant countries, this could lead to an almost never-ending process of fragmentation.

From what was mentioned above it can be concluded that in the past countries disintegrated primarily as a result of wars between them, then a period came when wars were fought in the interest of integration and unification of the countries, and today we have a reverse process with countries being increasingly disintegrated by the use of violence. Some of the possible reasons for fragmentation of countries in the undeveloped world include irredentism, secessionism and separatism – processes which are in opposition to the processes of globalization and regionalization (Plevnik, 2003). Some authors predict that changing economic processes and waves of secessionism will encourage new tribalism, and will increase the number new countries in the world to around 1,000 (Vidojevic 2005, 121).

Therefore, we have probably reached a situation when it is difficult to make predictions on whether the economic processes will move towards the creation of a global economy to the benefit of all countries, or in a completely different direction where the processes of globalization will run parallel to the processes of regionalization and fragmentation, directed not only towards the disintegration of the world economy, but also towards the disintegration of politics and culture. It remains to be seen whether in the future "the forces of integration", interdependence and building of multiculturalism (understood as different nations and cultures living together into one political community) will prevail over "the forces of fragmentation", "the hunger for identity" and "the fight for conquering territories" or vice versa (Clark, 1998).

SECURITY IMPLICATIONS OF FRAGMENTATION

We live in times when the world simultaneously unites (integrates) and separates (fragments) itself. In the future, the process of fragmentation will be an extremely risky and contradictory phenomenon which may slow down the dynamics of globalization. We already emphasized the fact that globalization weakens the power of the state, thus enabling certain groups

(nations) to egoistically represent their interests and to provoke new threats, conflicts and disintegrative processes.

In this context, *Rozenau* says that "the main characteristic of fragmentation is that its processes are bridging internal - external borders, and they result from technological innovations, economy, increased number of organizations, different motives of people etc. All together they contribute to a greater flow across borders, but they also make the internal-external borders more porous". He observes that the times we live in are not only characterized by globalization, but also by fragmentation, since the current dynamics will contribute to "tensions between center and periphery, national and transnational systems, communitarism and cosmopolitanism, cultures and subcultures, countries and markets, universalism and particularism". Each of these tensions has many variants, different forms in different parts of the world and in specific countries, with the integrative and disintegrative forces "lying" at the heart of global developments (Rosenau 2001: 127-153). He points out *micro-actors* as an important factor in the dynamics of fragmentation. They actually refer to the individuals – citizens and "aliens", consumers and investors, migrants and workers, who may represent the most destabilizing causes of fragmentation, and may grow into a powerful cumulative force for the occurrence of insecurity. They will tend to avoid local norms because of the fear that they could lose their identity, thus rejecting global norms as well (Rosenau, 2001:139). Beside them, there are also different groups, movements, or organizations as fragmentation triggers such as terrorists, secessionist movements and social movements, movements for human rights and healthy environment etc. which often oppose national and international organizations and institutions such as the IMF, WTO, NATO, and the EU and increase vulnerability and instability on regional and global scales. Does this mean that ahead of us is a period when localization can dominate and confront the powerful forces of regional integration and globalization?

It will become most critical in those regions – border areas situated between or within countries referred to as turbulent or "seismic" zones which have already generated a series of conflicts and wars in the past. To illustrate this, we will mention the example of Northern Ireland which resembles a border zone between the United Kingdom and Ireland, then Kashmir – a border region between India and Pakistan, Kosovo – which can be considered a border zone between Serbia, Albania and Macedonia, and various other regions and areas. Regardless of who controls them, the territories where two cultures intercept represent "a thorn in the eye" for national and international political authorities (Fridman 2009, 106).

We already noted that the dynamics of globalization comparatively reduces the power of the country which is no longer in a condition to show

favour to only one individual nation, thus excluding the others. This "gives the right" to the excluded entities to fight for their state through different forms of violence, terror or war. We should also bear in mind that the period of the creation of one's own state is long and can last for several decades. Experiences of this type have been faced by many communities and minorities stationed in unstable regions such as the Balkans, the Middle East and Africa. From a security point of view, some figures have been presented according to which in the 1945 - 1990 period around a hundred minority communities were involved in violent conflicts in their countries which consequently led to the emergence of genocide, ethnic cleansing, mass political murders, millions of refugees and more than ten million victims. It is estimated that 1/6 of the world population or more than a billion people are politically active and fighting for independence and autonomy within their countries, or for fundamental human freedoms and rights (Morgan 2006, 153).

In the past two decades the countries of the Western Balkans were simultaneously affected by the processes of disintegration and integration. Namely, the inextricable unity of nations, history and language within former Yugoslavia were replaced by a struggle for independence. So, in this "narrow" territory, disintegration could not be realized without the occurrence of wars, ethnic cleansing and genocide. This is confirmed by the number of civilian, police and military missions of international authorities such as the UN, NATO, OSCE and the EU, which have continually been engaged in peacekeeping operations since 1992. Therefore, the region of the Western Balkan is still considered a geopolitical "gray zone" posing danger to all of Europe (Bechev, 2012). In this context, the former British Prime Minister *Winston Churchill* said that "the Balkans produce more history than they can consume". It is the very creation of new history by some countries which coincides with the history and tradition of certain neighboring countries, which contributes to the perception of the Balkans as a dangerous place to live.

But, the situation becomes even more complex if the Western Balkan countries remain under the supervision of international armed forces. With regard to this, *Brzezinski* says that "the creation of a national unity under occupation is almost an illusory idea" (B`e`inski i Skokroft, 2010:55). The experiences from the past show that countries which aspired to self-determination first had to implement the democratic values, which was always achieved with the assistance and under the auspices (protectorate) of international security and military organizations such as the UN, NATO or the EU. Their task was to protect the population in the newly independent countries in order to successfully implement the democratic order. This was the case with many countries of former Yugoslavia where the fragmentation

and the establishment of democracy were monitored by the UN forces, while the independence of Kosovo was declared in the presence of NATO forces.

Many people fear that the desire for changing the borders has not abated yet. This is also confirmed by several dangerous scenarios. For instance, in Bosnia and Herzegovina the representatives of the Republic of Srpska insist on joining with neighboring Serbia, and this is similar to the demands of Bosnian Croats. The Serbs from northern Kosovo seek unification with Serbia as well, while the Albanians in the Republic of Macedonia aspire towards unification with Albania and Kosovo as an opportunity to create a Greater Albania. In this way, it is possible for one nation to move within another state, which represents an attempt to create a regional nation (e.g. the Macedonia-Albania-Kosovo triangle) (Aceski 2011, 207). But, will the unification or the dislocation of borders be carried out without conflicts and clashes?

The "bait" for the accession of the Western Balkan countries to the EU and NATO enabled them to harmonize the existing differences in the legislation and the membership standards. In fact, the need for integration in regional organizations has partly kept the Balkans stable and peaceful. But, this does not mean that the integration processes have helped to eradicate nationalism. On the contrary, they contributed to the decentralization and the emergence of sub-state groups which are widespread in several countries and aim at creating their own state. With the manifestation of sub-state nationalism there was no room left for homogeneity of the Western Balkan countries. The reason for this lies in the fact that certain communities or groups which did not have their own state perceived themselves as legal successors of the country where they lived. These communities are fighting for more rights in the society and participation in the institutions of the system (Aceski 2011, 118). In some countries the processes of decentralization are expected to lead to the creation of two or more centers of power within one country. For example, in Bosnia and Herzegovina those centers would be Sarajevo and Banja Luka, in Serbia – Belgrade and Novi Sad, while the Macedonian centers of power would be Skopje and Tetovo.

These scenarios may be regarded as "utopian", but they can be taken as subject for analyses and considerations. In recent years, the Balkans has faced a series of turbulences that could easily precipitate them into instability and conflicts. The consequences of the global recession left a series of geopolitical and geo-economic implications for the Balkans and the broader region. Firstly, the dramatic debt crisis occurred in Greece, then the events of the Arab Spring resulted in mass immigration, the new energy route in the Balkans was marked, the super powers constantly interfered in the internal affairs of the countries, the disturbed bilateral relations between the countries extended their deadlines for admission to NATO and the EU, etc. Obviously,

there are many reasons for disintegration which contribute to the Balkans being referred to as an "open wound" on the European continent, and a problem which could harm the European foreign and security policy.

CONCLUSION

In conditions of contemporary globalization, the processes of integration and disintegration occur simultaneously in international relations. The strive for the unification of people through the concept of interdependence and building of a multicultural society not always results in integration, but leads to new divisions on various grounds. Therefore, for many nations it is unimaginable to live in one political community with various nations, cultures and traditions. Perhaps in the Balkans the process of disintegration has been completed, but the inequalities which were produced by globalization can be a sufficient trigger for fragmentation of less developed countries and regions. In the future the slight differences and inequalities will be a strong impulse for separatism and autonomy whose consequences will reflect on the peace and security in broader terms.

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CONTEMPORARY CHALLENGES AND KEY SECURITY THREATS IN THE ERA OF GLOBALIZATION

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Abstract

In the modern world, no state is able to face the nowadays complex problems alone. The emergence of causing conflicts in the Balkans is just a reminder that war phenomenon did not disappear from our continent. Over the past decade, every region of the world was occupied with armed conflicts. In the introductory part of the paper we will talk about unipolar and multi-polar concept of regulation of the global relations. Furthermore we will elaborate global challenges and key threats to security such as terrorism, proliferation of weapons of mass destruction, regional conflicts, failed states, organized crime, etc. and establish three strategic objectives that are to provide the European Union to protect its security and promote its value and define the new strategic concept of NATO and the EU. The European Union has the potential to contribute to global opposition to the threats and uses a wide range of tools for crisis management and conflict prevention, and builds an effective multilateral system which will combine the capabilities of the NATO member states with the EU institutions.

Key words: *global threats, strategic goals, the multi-polar and unipolar concept of regulation of the global relations, multilateral commercial system.*

INTRODUCTION

The last decades of the last century and the beginning of this century are characterized by new security developments worldwide. The security of mostly military sphere is extended to other areas, primarily economic, energy, social and environmental security, including the security of the individual and society as a whole. The termination of the block confrontations, the spread of democracy, the creation of a multipolar world, the integration processes in the field of security and more intensive economic and cultural cooperation and interdependence reduce the risk of conflicts between states, and the possibility of the emergence of crises and conflicts.

After the Cold War, the risk of military conflict on a global scale is significantly reduced. However, the world is still confronted with many traditional and new challenges, risks and threats to security. The circumstances contributing globally to a growing number of security risks are: large differences in the level of economic and cultural development with implications for poverty and social vulnerability of the population, which requires the occurrence of adverse demographic and psycho - social phenomena. Regional and local conflicts, ethnic and religious extremism, terrorism, organized crime, proliferation of weapons of mass destruction and illegal migration, climate change and a more pronounced deficit of energy resources, threaten the stability of individual countries and the region in general, as well as the global security. Essential feature of these challenges, risks and threats is that they are becoming more unpredictable, asymmetric and have a transnational character. The world faces the challenges of the gross violation of the UN Charter and generally accepted norms of international law, especially the interference in the internal affairs of sovereign states, and the concept and practice of preventive attacks and military interventions. Attempts to provide legitimacy for the creation of a new state are made by the sovereign territory of the Member States of the UN, protecting the existing international legal order and substantially endanger the general state of security in the world. The political, economic, cultural and military security relations in the world are increasingly taking on global in multipolar and multilateral environment in which the complex interdependence of states is acutely manifested. In the progress made in the implementation of the common foreign and security policy and the involvement of the European defense forces in solving security problems, everything points to a more significant role in the harmonization of EU relations and the interests of the European countries which take part in the joint responsibilities in creating European and global security.

THE UNIPOLAR AND MULTIPOLAR CONCEPT OF REGULATION OF THE GLOBAL RELATIONS

Globally, over the last ten years came major, epochal changes. The world flows can no longer be managed from one center, and solutions for many important problems should be sought through dialogue, partnership and compromise of the interests of a large number of countries and their groupings. The unipolar concept of regulation of the global relations, which is a feature of the last decade of the last century, relatively quickly peaked in the past ten years as a brake on the internal progress of the countries that imposed or supported it, as well as in terms of international relations. The global financial and economic crisis, economic and political factors and

social policy of the exporting democracy through the so-called "colored revolutions", military interventions under the "protection of human rights" or combat international terrorism, violent altering of the boundaries of some sovereign states, the violation of the basic principles of international relations and the reduction of the reputation of UN and the NATO expansion to the East – are only some of the characteristics and consequences of the concept of the unipolar world. Given that the selection process was conducted in 2012 in three of the five permanent members of the Security Council of the UN (Russia, USA and France) as well as in many other countries (Spain, Serbia), in the Republic of Macedonia in 2013 were also conducted democratic local elections. Democratic elections are an important issue for the security and stability in the world in general. Policies expect from the new government or the new head of state in the fields of security and cooperation – to bring more peace, real democracy and economic and social progress. Because of financial, energy, food and other deficits there could be more social and political shocks, small and large collision or armed conflicts. The expectations of the general public in the world are clear – they are peace, stability and development. This gives the states a chance to come out of recession, the growth rate of employment and a better life. For realization of the latter at the head of the largest and most powerful economic and political countries need leaders, governments and institutions with a vision, willing to respect democratic norms of internal and international level and to new realities and embrace the partnership work.

During the first decade of the 21st century deep changes in the global relations of economic and political power came to force, which questioned the order based on absolute domination of the USA and NATO. After the era of Boris Yeltsin, Russia returned to the European and the world stage as a factor to solve the most important problems. China has grown into another major economic force in the world. The Brix Group which brings together countries with growing economic and political power technology was established (Brazil, Russia, India, and China) and the Shanghai Alliance was created.

If the 1990s the East and the South were in transition - East Europe from socialism to liberal capitalism, then in 2000 began the global urban transition relations - from unipolar to multipolar order. The global transition was completed and many risks and difficulties followed, but changes sufficiently strengthened and achieved, so it was hard to stop without major shocks and conflicts. This process opens the possibility of renewal of the role of the principles of international relations, international law in general and the role of the United Nations. Democratization of the international relations in direction of greater respect for the principle of sovereign equality and independence may seem difficult to achieve, but in the global framework it is

given a chance. In such circumstances, the efforts of NATO, despite the changed relationship of forces and inevitable polycentricism of the world relations impose as a single, global military organization and arbitrator safety issues, simultaneously anachronistic and dangerous.[1] Membership and partnership spreads, as well as the areas of action that practically cover the whole planet instead of peace and stability, causing harassment, latent mistrust and tension. Russia and other countries of Europe which are not members of NATO do not accept NATO's aspiration to impose themselves as guarantors of the security of the entire European continent. Bases of the US and NATO to the East spread with plans to deploy the so-called missile shield pressures. The US military forces to Western Europe increased allocations of funds for military purposes - increasing mistrust and open questions which are actually true plans and objectives to the USA and NATO in Euro - Asia. Can all these plans be explained by the need to protect against danger from international terrorism and "countries missed" or it is a completely different issue.

China and many other influential countries such as Asia, Africa and South America will also see the danger of the NATO expansion in the Far East, Africa and the southern hemisphere in general. Fears and uncertainty get larger, if the abuse of the struggle for human rights and the fight against international terrorism spread military interventions with goals aimed at establishing control over the energy resources and strategic raw materials, major markets, important geopolitical spaces and road transport[2]. The line of the global role of NATO is the foundation of the NATO command for Africa. This is a sign of the efforts of all directions, even with military force to hold positions acquired by the Western allies and to prevent or suppress the new partners from this area, primarily China.

SECURITY ENVIRONMENT

Global challenges and key threats

Today, Europe faces new threats which are varied, less visible and less predictable (terrorism, proliferation of weapons of mass destruction, regional conflicts, state failures, organized crime, etc). The development of technology, trade and investment, and the spreading of democracy have

[1] F. Stephen Larrabee, The United States and the evolution of ESDP, What ambitions for European Defense in 2020, EU Institute for Security Studies, p. 51

[2] Statement of U.S. Secretary of State Hillary Clinton in Lusaka, African countries need to keep the "new Chinese colonialism" shows a high degree of anxiety in the United States due to strengthening, primarily the economic cooperation with China on Africa, relatively lag relations of Africa, the USA, and the West in general.

brought about freedom and prosperity for many people, but others boomed globalization as a cause of disappointment and injustice. In most developing countries, poverty and diseases cause suffering and serious security problems. New diseases can quickly spread and become a global threat. In many cases, economic failure is linked to political problems and violent clashes. Security represents a prerequisite for development. Such conflicts not only destroy the infrastructure (including social infrastructure) but also encourage crime, cause rejection of investments and prevent normal economic activity. Many countries and regions are included in the circle of conflict, insecurity and poverty. The challenges related to natural resources, especially water (which in the upcoming years will be loaded with global warming) will create further unrest and migration movements in different parts of the world. Energy dependence is a special concern of Europe. Energy interdependence and sensitivity infrastructure for production and transport of energy as well as the inevitable trend of depletion of non-renewable sources of energy resources present real threats on the security of energy and a real challenge to stability and security in the region. Europe is the world largest importer of oil and gas. Today, importing provides about 50% of the energy consumption, while it is expected in 2030 to reach a level of 70%. The biggest amount of energy is imported from the Persian Gulf, Russia and North Africa.

Main threats

Terrorism: Terrorism is one of the biggest risks and threats to the global, regional and national security. Modern terrorism is global in its scope and in terms of security risks and threats – terrorism is a particularly significant link to all forms of organized, cross-border and transnational crime, and violent religious extremism. Terrorism puts lives at risk causing high costs, tends to undermine the openness and tolerance of our societies, and is a growing strategic threat to Europe. Terrorist movements are equipped with cutting edge technology associated with electronic networks, and are determined to use unlimited violence to cause heavy casualties. The newest wave of terrorism is global in its scope and is linked to violent religious extremism. It is due to a complex array of reasons that include: pressure of modernization, cultural, social and political crisis, and the alienation of young people living in foreign countries. This phenomenon is part of our own society. In terms of global terrorism, the countries of the former Yugoslavia may be the target of terrorist actions, as well as directly using their territory to prepare and carry out terrorist actions in other countries. Europe is both a target and a base for such terrorism: European countries represent a target and have already been attacked. Logistics basic

cells of Al - Qaeda were discovered in the UK, Italy, Germany, Spain, and Belgium.

Proliferation of weapons of mass destruction - The proliferation of weapons of mass destruction (WMD hereinafter) also represents potentially the greatest threat to global and European security. Regimes that have been established by international treaties and agreements on export control slowed down the spread of WMD and the system for their use. Nevertheless, at this time we are entering a new and dangerous period that raises the possibility of WMD armament race, especially in the Middle East. Achievements in biological sciences can increase the power of biological weapons in the years to come, and attacks with chemical and radioactive materials also pose a serious possibility. The spread of missile technology adds a new element of instability and can lead Europe in a state of increased risk. Danger of weapons of mass destruction becomes the property of the structures over which states have no control, especially terrorist groups and individuals, and it poses a special threat to the security in general. In this case, a smaller group would be capable of hurting the measures that were once only achievable for states and armies.

Regional conflicts - Problems such as those in Kashmir, the Great Lakes region, and the Korean Peninsula affect European interests directly and indirectly, as well as geographically close collisions, primarily in the Middle East. Violent clashes or medusas are also present at our borders, threatening regional stability. They destroy human lives and social and physical infrastructures, threaten minorities, fundamental freedoms and human rights. Conflicts can lead to extremism, terrorism and destruction of the state, and create opportunities for organized crime. Regional uncertainty can drive demand for WMD.

The failure of states - Poor administration - corruption, abuse of power, weak institutions and lack of accountability - and civil strife review states inside. In some cases it led to undermining of the state institutions. The most famous current examples are Somalia, Liberia and Afghanistan under the Taliban. Violation of the order and the failure of states may be associated with obvious threats, such as organized crime or terrorism. The failure of states is a disturbing phenomenon that undermines global governance and contributes to regional instability.

Organized crime - Europe is the primary target for organized crime. By their nature, organized crime poses a serious threat to the security and the overall development of states and societies. This internal threat to our security has an important external dimension: cross-border drug trafficking, trafficking with women, trafficking of illegal migrants and weapons, all represent a significant part of the activities of criminal groups. This threat may have links to terrorism, and is manifested in the economic and financial

sphere. Corruption also threatens the fundamental values of states and leads to reduced confidence in the institutions of states, complicates the implementation of essential reforms, slows down the process of transition, economic growth, inflow of foreign investments and the integration process and destabilizes the situation in the countries in the region.

Such criminal activities are often associated with weak or countries with bad editing. Proceeds from the drug contributed to the weakening of the state structures in several countries which produce drugs. Revenues from trade in gems, timber and small arms fed clashes in other parts of the world. All these activities undermine the rights of the government and the social order. In extreme situation, organized crime in the country can become dominant. In Europe, 90% of heroin comes from NFL products that are grown in Afghanistan - where the drug trade served to finance the private army. Most of it is distributed through Balkan criminal networks, which are also responsible for about 200,000 of the 700,000 women victims of sex trafficking extensive in the world. The new dimension of organized crime that deserves further attention is the rise of maritime piracy.

National and religious extremism which have roots in clashes on ethnic and religious grounds in the near and distant past represent a risk factor and a significant security threat. The slow pace of democratization of the economic and political process can significantly contribute to the growth of inter-ethnic tensions and their potential transformation into clashes. Intelligence activity conducted by foreign intelligence organizations through illegal and covert actions represents a real threat to security. It is accomplished by weakening its political, economic and security capabilities through the influence of the direction and dynamics of social processes contrary to the national interest. The combination of traditional intelligence methods by means of sophisticated opportunities complicates the discovery of their actions.

Strategic objectives on EU: To protect safety and promote its values - the EU has three strategic objectives:[1] the EU has been active in the confrontations with key threats. 1. After 11 September, the EU responded with measures including the adoption of the European Arrest Warrant, procedures to prevent the financing of terrorism and an agreement on mutual legal assistance in the USA. The EU continues to develop cooperation in this area and improve their protection. 2. For many years, the EU has had a policy against proliferation. EU harmonized program for further action which provides steps to strengthen the International Atomic Energy Agency, tightening measures to control and treatment of illegal shipments and illicit

[1] A secure Europe in a better world; European Security Strategy" – A document adopted by the European Council In Bruxelles on 12.12.2003

procurement. The EU is directed toward the general level of compliance with the regime based on multilateral agreements and strives to strengthen their contracts and provisions for verification. 3. The EU and its member states aimed at facilitating the resolution of regional conflicts and recovery of failed states in the Balkans, Afghanistan and the Democratic Republic of Congo. The reestablishment of good governance regimes in the Balkans, the development of democracy and support of the local government in confronting organized crime, are some of the most effective ways of combating organized crime in the EU. In this way, the strategy emphasizes the global nature of the threats facing the EU and the global nature of its interests. It further states that the EU wants to make progress towards a coherent foreign policy and effective crisis management. The EU should be more active in reaching its strategic objectives, must be capable to transform Europe into a flexible army, driving force and strengthening its civilian component and should be more coherent uniting their capacities in the area of defense, development, diplomacy and trade. Also the EU should work with its partners, especially the United States.[1] For facing the new dynamic threats, it is necessary to develop a strategic EU policy that supports early, rapid and when necessary a strong intervention. Special value should be added to the development of operations and will include military and civilian capabilities. EU should support the UN in their process of responding to threats to international peace and security.[2] The EU is committed to strengthening cooperation with the UN in order to give assistance to countries emerging from conflict, and increase UN support in situations of short-term crisis management. They have to be able to act before the situation worsened in countries that are in our environment, which will show signs of proliferation even before humanitarian crises occur.

INTERNATIONAL ORDER BASED ON EFFECTIVE MULTILATERRALISM

In a world of global threats, global markets and global media, our security and prosperity depend on the existence of an effective multilateral system.[3] Our goal is the development of a stronger international society, international institutions which function well, and an international order based on rules. These values are determined to respect and develop the

[1] House of Commons, Defense Committee, The Future of NATO and European defense, Nineth report of Session 2007-08, p. 72

[2] Nicole Gnesotto, The need for a more strategic EU, What ambitions for European Defense in 2020, EU Institute for Security Studies, p. 29

[3] A secure Europe in a better world; European Security Strategy" - A document adopted by the European Council In Bruxelles on 12.12.2003

international law. The basic cartridge clip for international relations is the United Nations Charter. The Security Council of the UN has a primary responsibility for maintaining international peace and security. Strengthening the UN by providing support on fulfilling all obligations and its successful operation is also a European priority. Our goal is to enable international organizations, regimes and treaties to be effective in countering threats to the international peace and security, and therefore we must be ready to act at the time when their rules are not followed. The key institutions of the international system, such as the World Trade Organization (hereinafter WTO) and international financial organizations, have increased their membership. China joined the WTO, while Russia is negotiating to join the WTO. Our goal should be the expansion of membership in those bodies, while maintaining their high standards.

One of the essential elements of the international system is the transatlantic relationship. This relationship is not only our bilateral interest but strengthens the international community as a whole. NATO is an important expression of that relationship. Regional organizations also strengthen global governance. The EU is of particular importance and the strength and effectiveness of the OSCE and the Council of Europe. Conditions for this are the rules that underpin the international order, the right to develop in response to events such as terrorism, proliferation and global warming. We have interest in the further development of the existing institutions (like the WTO) and to support new institutions such as the International Criminal Court. Our own experience in Europe demonstrates that security can be increased by building trust and by establishing a regime of arms control. Such instruments can also contribute to achieving security and stability in our neighborhood, but the rest of the world.

The quality of the international society depends on the quality of government on which the society is based. The best protection of our security is a world of well-governed democratic states. The best way to strengthen the international order is spreading good governance, supporting social and political reform, fight against corruption and abuse of power, establishing the rule of law, and protection of human rights.

NEW STRATEGIC CONCEPT OF NATO AND EU

Faced with the failures in the war on the territory of the former Yugoslavia as well as the new security risks and threats in a globalized world, the EU attempted to strengthen the development capabilities on which

the European integration will add a military dimension.[1] On the other side of the switch post into multi unipolar showed that the USA can no longer solve the world's problems alone. First, events such as the terrorist attacks of September 11 in the USA, especially the war in Iraq and Afghanistan, have shown it most clearly. The belief that new security threats cannot be addressed by traditional means brings the EU into a single position, as one of the largest donors of development aid, and thus the soft power to build its role as one of many important actors on the international scene by combining civilian and military means. EU has several advantages when acting in the international arena. First, it is the political legitimacy of the operations performed by the EU. When the Union acts on the international scene, it seems that the consensus shares of the Union are backed by 500 million people. No individual member state possesses such legitimacy. The fact that the EU is acting under the auspices of the United Nations (hereinafter UN), allows this action to accept people in the region who are in crisis, which prevents the action to be taken by other actors (individual state, ad hoc coalition, NATO alliance). When it comes to public opinion about the EU policy, this policy has a wide support. In fact, more than 70% of the EU citizens support the EU's great role on the international stage, which is particularly important because it increases support in the countries which are less enthusiastic about the issue of the European security and defense policy, such as the UK and Poland.[2] Another advantage of the EU lies in the circumstance that EU possesses non-military means of crisis management such as development assistance, humanitarian assistance, legal advice, local government reform, along with possession of the military resources. The Union is the largest donor of development aid in the world. No other organization, including NATO, possesses such a range of additional resources.[3] The only position of the EU on the international stage stems from the successful combination of soft and hard power, or a combination of military and non-military resources in crisis management, and today we have a situation where the complexity of the nowadays crises appear to cause new security challenges and threats as terrorism, civil wars, failed states, etc. This is very important because the traditional military force proves to be totally inadequate in addressing their situation. As already mentioned, the traditional way of military crisis management does not meet the new challenges and threats that we face today. In fact this is the comparative advantage of the EU as a civilian power. While NATO undoubtedly posses

[1] House of Commons, Defense Committee, The Future of NATO and European defense, Nine report of Session 2007-08, p. 14

[2] Nicole Gnesotto, The need for a more strategic EU, What ambitions for European Defense in 2020, EU Institute for Security Studies, p. 29

[3] Ibid, p. 30

incomparably greater military capabilities, it still needs the EU, because none of today's crisis can be solved solely by military means. Such examples we have seen in Iraq and Afghanistan.[1] On the other hand, the EU has gained legitimacy as an organization that possesses a wide range of non-military instruments for crisis management, development assistance and to dispatch police officers, judges around the training of local authorities, etc. NATO leaders adopted a new Strategic Concept in November 2010 in Lisbon. The purpose of the new strategic concept is redefining the role of NATO in accordance with the new security challenges and threats posed by the 21st century. In the introduction to this document it is stated that NATO will continue to play a unique and crucial role in ensuring collective defense and security.[2] This strategic concept will guide the next phase of the evolution of NATO which would continue to be effective in the modern world, against new threats, with new capabilities and new partners.[3] The concept emphasizes that the political and military ties between Europe and North America contribute to the success of NATO since its inception in 1949; the transatlantic relationship remains strong and important to preserve the Euro-Atlantic peace and security more than ever before. The security of NATO members on both sides of the Atlantic remains indivisible.[4] Furthermore, the concept says that active and effective European Union contributes to achieving the overall security of the Euro-Atlantic space. This EU is a unique and important partner of NATO. These two organizations share the greatness of their members and all members of the two organizations share common values. NATO and the EU can and should have a complementary and mutually invigoration role in maintaining international peace and security. To this end, NATO will strengthen the strategic partnership with the EU in the spirit of mutual openness, transparency, complementarity and respect for the autonomy and institutional integrity of both organizations.[5] The new strategic concept of NATO says a lot about the change in the relationship between this organization and the EU. The EU recognizes the autonomy and its role in the defense and security policy, and it is recognized as a strategic partner of NATO. If we compare this with the strategic concept of NATO in Washington in 1999, we can see that it highlights the development of security and defense identity within the EU and NATO in

[1] Jacek Sarysuz-Wolsky, Security and Defense in the enlarged Europe, What ambitions for European Defense in 2020, EU Institute for Security Studies, p. 153

[2] Žaklina Novičić, News in the external and the security policy of EU after the Lisbon Agreement, Discussions and Articles, August 2010, p. 404

[3] http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf

[4] Ibid, p 2

[5] Aleksander Stubb, In search of a smart power, What ambitions for European Defense in 2020, EU Institute for Security Studies, p. 153

accordance with the decision of the Alliance in Berlin in 1996. This process requires closer cooperation between NATO, the Western European Union (WEU), and when needed the EU as well. This will enable European allies to contribute more coherently and effectively at the missions and activities of the Alliance in accordance with the principles of shared responsibility. Furthermore, this will strengthen the transatlantic partnership and will help European allies to act alone on the principle which will be determined on a case-by-case basis and on the basis of consensus in operations in which the Alliance is not by its own will engaged, but it is under the political control and strategic leadership by the Western-European Union or by other means agreed, taking into account the full participation of all European allies.[1]

CONCLUSION

This is a world of new dangers and new opportunities. In most developing countries, the process of globalization has been accompanied by poverty and diseases, economic failures and political problems of fierce clashes which caused suffering and serious security problems. The European Union has the potential to significantly contribute to confronting threats, but also to help in the achievement of the possibilities. Active and capable European Union would have a corresponding impact on a global scale. Thus would contribute to an effective multilateral system which will combine the capabilities of the NATO member states with those of the EU institutions. For the purpose of the three identified strategic objectives, the EU uses a wide range of tools for crisis management and conflict prevention. Furthermore, the EU implemented numerous political, diplomatic, military, and civilian activities of trade and development activities. Also the EU is developing a strategic policy that supports an early, rapid and when necessary - strong military intervention.

The transnational and asymmetric nature of the modern challenges, risks and threats to security, affect the fact that security is indivisible. It was obvious that no country is able to independently solve increasingly complex problems of preserving and strengthening national security. Therefore, security in modern conditions is increasingly perceived globally, while national security is significantly related to the security situation in the near and distant surroundings. The answer to the transnational profiled asymmetric threats lies in the integration of the national security systems, strengthening of multilateral forums and collective security system, and international security. They are key factors in ensuring peace, stability and democratic development of the countries in the modern world. In such

[1] http://www.nato.int/cps/en/natolive/official texts 27433.htm

circumstances, the need to strengthen co-operative approach to the preservation and promotion of security is based on cooperation and pooling of the capacities of national security of the states. The top threats described in the paper are common threats on the contemporary security, and international cooperation is necessary. We need to accomplish our goals through multilateral cooperation in the international organizations and in partnership with the key stakeholders. The transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can create an extraordinary force for good in the world. Our aim should be an effective and balanced partnership with the USA. It is an additional reason for the EU to further develop its capabilities and increase its coherence. Respect for common values will reinforce progress towards the strategic partnership.

Dealing with the contemporary security threats requires a better exchange of intelligence between the member states, implementation of operations, realization of joint disarmament operations, support for third countries in combating terrorism, and reforms in the security sector.

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SEVERAL OPTIONS FOR THE USE OF OUR NAME IN THE UNITED NATIONS

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Abstract

For two decades now, under the auspices of the United Nations Organization (UN) Macedonian-Greek negotiations on the naming issue have been held, which, without any progress whatsoever, are still at their starting point. For that reason, conclusion can be drawn that the dialogue has reached a stalemate and that it cannot lead to solution of the naming dispute, and therefore, I consider that the time has come for the Republic of Macedonia (RM), in accordance with the international law and the UN legislation, to institute proceedings for fulfilment of its internationally lawfully recognized right to be named in the UN under its constitutional name. Therefore, the central issue in this paper is the elaboration of the legal mechanisms that are available to the RM for restoration/use of its constitutional name through four principal organs of the UN: the Secretariat, the Security Council, the General Assembly and the International Court of Justice.

INTRODUCTION

The Republic of Macedonia joined the UN under its temporary name "Former Yugoslav Republic of Macedonia" on 8 April 1993, after the Security Council had adopted the Resolution 817 on 7 April 1993, which recommended admission of RM into the UN under a name that is different from the constitutional name of the country. The admission of RM into the UN presupposed undertaking of an *ultra vires* act by the General Assembly and the Security Council as the key organs of the UN had overstepped their powers establishing two additional conditions (RM to accept the reference "FYROM" and to seek a solution for its name) that do not have legal character and are contrary to the conditions set out in the UN Charter for admission of a state to membership, as well as to several absolutely mandatory principles of the general international law, as, for example, the principle of legal equality of the countries based on their sovereignty and the principle of self-determination of nations.

Careful analysis of the UN legislation explains that legally and technically, the fulfilment of the RM's right to use its constitutional name in the UN is possible by undertaking the required activities through the four main organs of the Organization. Nevertheless, in its attempt to return its constitutional name through the UN legal mechanisms, RM is facing the possibility of formal and legal

complaint (on the part of Greece or on the part of any of the UN organs) for the reason that RM, by accepting the Resolution 817 of the Security Council and the Interim Accord with Greece from 13.9.1995, has committed to start negotiations under the auspices of the UN. Hence, it is highly probable that these international acts shall be used as argumentation in the abnegation of the legal grounds of the RM's request for establishment of its constitutional name, in order to prove that RM had committed to reach final / agreed solution through political talks.

Therefore, legally and technically, the essential issue for RM is related to the accentuation and finding of relevant argumentation which shall annul/remove such procedural denotation of Resolution 817 and the Interim Accord. Taking into consideration the space provided for this paper, I shall here only mention that my idea how to annul these two procedural obstacles is presented in my book "Macedonia and Greece – Battle for the Name" where I present the argumentation from my research, which on the whole, makes it clear that there is no longer any obligation for RM to discuss its own name in the context of Resolution 817, as the interim timeframe has been exhausted as well as the arguments for overcoming of the procedural meaning of the Interim Accord.

On the other hand, the starting point in the presentation of the legal mechanisms is the fact that there has never been will on the part of RM for the name dispute to be transferred from the political to the legal terrain where it belongs, although this dispute, seen both through the prism of Greece and from the Macedonia's angle – has always been a legal matter, as there is mutual denial of claims and positions. In my analysis I start from at least three assumptions that I consider as a definite fact, *first,* the existence of political will on the part of RM to initiate proceedings for use of its inalienable and by nothing limited internationally legally recognized right to bear a name by its own choice, *second,* development of a sound legal strategy, and, *third*, unrelenting lobbying to the states that had recognized us under our constitutional name, in order to fortify the assurance that for these states our constitutional name is definitely a closed issue.

Herein further I shall present the idea about the legal mechanisms for restoration and use of the name - Republic Macedonia in the UN through four main organs of the Organization: the Secretariat, the Security Council, the General Assembly and the International Court of Justice.

RESTORATION OF THE CONSTITUTIONAL NAME THROUGH THE SECRETARIAT

Shall the Republic of Macedonia decide to initiate the restoration of its constitutional name through the UN Secretariat; the first step would be to submit a formal-legal notification to it, requiring in the future to be called by its constitutional name in the UN. The history of the UN shows that the practice so far regarding the change of a state's name has not gone any further than informing the Secretary General that the state in question has made changes to its name in accordance with its internal constitutional procedures. Nevertheless, truth be told, it should be mentioned that there has not been any political disagreement among the UN member states in any of the cases of a state changing its name up to this point.

Here from arises the *first dilemma*, whether such practice based on the usual notification to the Secretariat would be sufficient also in the case of the Republic of Macedonia. To solve the formulated dilemma two things are important, *first*, the specifics and the controversy of our constitutional name and the commitment on the part of the Republic of Macedonia to discuss its name in the sense of the Resolution 817 and the Interim Accord and, *second,* the involvement of the Secretary-General in the name issue by providing good offices and mediation.

Hence, the notification of the Republic of Macedonia to the Secretariat should include the above mentioned legal argumentation for annulment of the formal-legal meaning of the Resolution 817 and the Interim Accord. In this way narrows the possibility for potential objection by the Secretary-General in the sense that these international acts are procedural obstacles to the Macedonian notification about the use of its constitutional name in the UN.

Nevertheless, besides the argumented annulment of the formal-legal meaning of the Resolution 817 and the Interim Accord, it seems that the road to effectuation of the Macedonian request to use its constitutional name in the UN is not yet opened, as the *second dilemma* arises, whether in a hypothetical situation of annulment, that is, without any procedural obstacles whatsoever, the Secretary-General shall observe his competencies and shall inform the UN members and organs about the change that refers to the RM's use of its constitutional name in the UN.

In all likelihood, even in such case the Secretary-General would not immediately communicate the RM's notification to the UN members and organs, because, obviously in the performance of his functions, in certain cases he has also political (diplomatic) prerogatives in whose room for manoeuvre certain calculations are possible. In the case of RM, they proceed from his role for providing good offices and advocacy/ mediation in the name dispute.

Therefore, the Secretary-General may decide to calculate with the political (diplomatic) character of this role of his, and to keep the RM's notification pending, as, in the performance of this very important role of providing good offices and advocacy or mediation, the emphasis is put on his autonomy, impartiality and integrity, and therefore he can refer to impartial treatment of both parties (the Republic of Macedonia and Greece).

Taking into account the political character of another role of the Secretary-General, he can communicate the Republic of Macedonia's notification to the Security Council in case he considers that the issue represents a threat to the peace, because of the Council's powers to examine each dispute or situation that can pose a threat to the peace. On the other hand, the RM's notification to the Secretariat can also come to the General Assembly if the Secretary-General considers the provisional denotation "FYROM" as a precondition for admission of RM in the UNO, due to the Assembly's powers to discuss and decide on any state's admission in the UN.

In general, most likely the Secretary-General shall keep on stand-by the Republic of Macedonia's notification about the use of the name "Republic Macedonia" in the UN. Anyhow, Republic of Macedonia should take into account the behaviour of the Secretary-General at the time of its admission in the UN, when

the same, inadmissibly and beyond his duties, kept on standby the Macedonian application for admission in the UN submitted on 30.7.1992, for which reasons RM submitted another (second) application for admission in the UN on 7.1.1993.

In this context, the Secretary-General calculated with the application of RM for admission in the UN until the non-formal consultations that were imposed by the proposal of Great Britain, France and Spain for admission of RM under the provisional reference "FYROM", following which, our application entered into the procedure for admission in the UN. Hence, it is highly probable that the Secretary-General would repeat such behaviour. All the more, the name talks are carried out under the auspices of the UN, and on their behalf acts the Secretary-General, who represents the UN as a whole, and, probably, in this context he would calculate with impartiality.

Tactically observed, following the submittance of the notification to the Secretary-General that in future RM wants to use its constitutional name, it would be recommended the Macedonian representatives in the General Assembly to start using the constitutional name on their name plate in the UN without delay. This, somehow provoking activity, to which it is in advance clear that Greece would respond, shall enable us to acquire a preliminary picture of the reaction in the plenary meeting of the General Assembly, and above all, in relation to the behaviour of the UN member-states that have so far recognized the Republic of Macedonia under its constitutional name.

RESTORATION OF THE CONSTITUTIONAL NAME THROUGH THE SECURITY COUNCIL

In accordance with the UN legislation, the Republic of Macedonia's procedure for use of its constitutional name in the UN can be brought before the Security Council by external entities or, from within, i.e. by the Council itself. Thus, in the context of the external ways, the Republic of Macedonia's case can be brought before the Council through the Secretary-General or the General Assembly, or, otherwise, through RM or any other member state of the UN.

Therefore, if the Republic of Macedonia shall initiate the procedure, first, through the Secretary-General or the General Assembly, these UN organs, in their consideration of the Macedonian notification for use of its constitutional name, may decide that they should refer the case to the Security Council because of at least two reasons: *first*, if they treat the Macedonian request as an issue of membership, due to the Council's responsibility under the Chart to make recommendations for admission in the UN, and *second,* if the Secretary-General or the General Assembly treat the Republic of Macedonia's procedure before them as an issue that could threaten international peace and security because of the Council's responsibilities to examine the existence of threats to the peace. In addition, the Republic of Macedonia's case can also be brought before the Security Council based on initiative by RM or any other member state of the UN, as the issue of international peace and security is indivisible and each member state of the UN may refer to the Council or to the General Assembly any dispute or situation that could threaten the international peace and security.

On the other hand, within the so-called internal ways, the case of RM may be brought before the Security Council based on the possibility the Council itself to undertake examination/initiative if it shall treat the Republic of Macedonia's procedure as an issue related to its membership in the UN (considers that the provisional reference "FYROM" is a precondition for membership), or, otherwise, it represents an issue that provides a basis for dispute or situation that can escalate into dispute, and here from the Council should establish whether the continuation of such dispute or situation may threaten the international peace and security.

In this context, in relation to the membership in the UN, the Republic of Macedonia should emphasize that it is a definitive fact and a closed issue and that there are no bases for re-consideration of the Republic of Macedonia's membership in the UN. To be precise, it is exactly in accordance with the Council's views in the Resolution 817, that the Republic of Macedonia fulfils the criteria for admission and the additional conditions related to the name represent breach of the Charter. The admission of the Republic of Macedonia in the UN is not carried out based on a postponed condition, thus, herefrom to require creation of a condition (agreement on the name) and starting from such creation of a condition the admission in the UN to be valid.

Furthermore, it is highly probable that Greece would insist to impose this case before the Security Council as a dispute or situation that could lead to threatening of the international peace and security and in such manner achieve the Council's recommendation to continue with the settlement of the name dispute by use of political/diplomatic techniques under the auspices of the UN, in which case the settlement by compromise would become an imperative and RM would face the challenge of changing its name. Therefore, the Republic of Macedonia should also emphasize the solid legal and political basis that the name does not threaten international peace and security, but only serves as a front to the Greek negation politics towards Macedonia and the Macedonians. That is, to explain that Greece once more presents the same objections that has previously presented in the attempt for the Republic of Macedonia to be recognized by the EU. And it is exactly the EU Arbitration Commission that in its Opinion No. 6 from 11.1.1992, stated that "the use of the name 'Macedonia' cannot therefore imply any territorial claim against another State".

Therefore, the Republic of Macedonia can also raise the issue about the inadmissible behaviour of Greece in the sense of its responsibility as a member state of the UN conscientiously to fulfil its obligations set out in the Chart, in its attempt to use the name issue to create a virtual/false threat of international peace and stability. Nevertheless, this is an old practice of Greece, seen ever since Macedonia has obtained its independence. For example, the trade embargo on RM placed in February 1994 was justified by Greece in the EEC precisely by the allegations that the use of the name "Macedonia" was by itself a factor that threatened Greece's security. At the same time, Greece referred to articles 223 and 224 from the EEC Treaty which in essence can be reduced to the fact that any member state of the EEC may take the measures which it considers necessary for the protection of its interests.

However, the remaining EEC member states ruined the Greek intention to misuse its powers set out in the articles 223 and 224 mentioned above, and in the sense of article 225 of the Treaty, initiated a procedure against Greece before the Court of Justice of the EEC for violation of the rules for free trade competition, in this way providing certain confirmation that Greece creates false threats of its interests by the use of the name "Macedonia". Hence, on the other hand, in case Greece reaffirms its threats that in different periods during the last twenty years were occasionally directed to Macedonia, and which mean direct violation of the Charter, then RM, as a member state of the UN, can undertake corresponding activities before the Security Council in the sense of its powers in accordance with the Charter of the UN to issue sanctions (Chapter VII of the UN Charter).

Therefore, the Republic of Macedonia should make maximum efforts to avoid the possibility its request to be brought before the Security Council as an issue that provides a basis for dispute that can threaten the maintenance of international peace and security.

RESTORATION OF THE CONSTITUTIONAL NAME THROUGH THE GENERAL ASSEMBLY

The Republic of Macedonia can initiate the procedure with its request for restoration/use of its constitutional name in the UN at first through the General Assembly. The first step in this direction would be an initiative or request by Macedonia for including a corresponding item for consideration in the agenda for the plenary session of the General Assembly, that is, a request to be allowed to use its constitutional name in the UN. The procedure is reduced to submitting the proposed item to the Secretary-General, who, in his capacity of a chief administration officer, would communicate the Macedonian initiative to the General Committee which draws up and makes recommendations about the agenda for the plenary sessions of the General Assembly.

In this context, on a plenary session the General Assembly discuses the agenda and the organization of the plenary session recommended by the General Committee and adopts the same by voting. Therefore, after the proposed item has been approved, Macedonia should additionally submit a draft resolution with which it requests to be enabled to use the name „Republic of Macedonia "in the UN. Certainly, the draft resolution, apart from the key request for permission to restore and use the constitutional name in the UN, should also contain the above-mentioned argumentation for annulment of the procedural meaning of the Resolution 817 and the Interim Accord.

All the more, it is highly probable that Greece shall obstruct the process and if it fails to block it in some previous phase, the final attempt in this direction would follow during the vote at the plenary session of the General Assembly on the proposed draft resolution by Macedonia. This draft resolution is not an issue of vital nature and therefore its adoption would require a decision by a majority of the members present and voting.

Nevertheless, the UN procedure provides the member states of the UN with the possibility to try to characterize every issue of their interest as so-called

important question, and in such case it is required to be decided by a two-thirds majority of the members present and voting. Still, if a UN member state should request certain question to be considered as important, it does not mean that the question would automatically receive such character. In that case, the decisions for determining the supplementary categories of questions, as so-called important question, are made by a majority of the members present and voting. If Greece shall succeed to impose the question regarding the draft resolution of Macedonia as an important question, then the resolution should be decided by a two-thirds majority of the UN members present and voting.

It is important to highlight that the Resolution 817 and the Interim Accord does not affect the existence of the right of Macedonia to use any name that it shall choose, and therefore, the Security Council should not obstruct the implementation of this right. In accordance with this argument, the execution of the right starting from that moment onwards rests within the General Assembly. This undeniably is a strong argument in favour of the Republic of Macedonia, from the aspect of the possibility the Security Council to submit a potential complaint for the activities undertaken by Macedonia to any other organ of the UN, regarding the procedure for restoration of its constitutional name, and without previously communicating this question to the Council for consideration.

Therefore, Macedonia should propose a draft resolution for restoration or use of its constitutional name which would be decided in the General Assembly by voting. It is highly probable that Macedonia would be able to ensure passage of its draft resolution as at the time being it is recognized under its constitutional name by more than two-thirds of the member states of the UN.

RESTORATION OF THE CONSTITUTIONAL NAME THROUGH THE INTERNATIONAL COURT OF JUSTICE

The International Court of Justice (ICJ), as opposed to the Secretariat, the Security Council and the General Assembly, does not have any direct powers to allow the Republic of Macedonia to use its constitutional name, but its capacity includes a possibility to influence the making of the decision for restoring the constitutional name of Macedonia by implementation of an advisory procedure. Nevertheless, for practical reasons, the title above also includes the term "restoration" of the constitutional name though the International Court of Justice.

Macedonia has more favourable prospects if it should request an advisory opinion from the ICJ through the General Assembly, as such opinion would in that case be requested by an UN organ that does the same more frequently than the Security Council (in the history of the UN so far, only on one occasion has the Council submitted a request to the ICJ for advisory opinion), as well as because of the fact that that more than two-thirds of the members of the General Assembly recognize us under our constitutional name.

Here, two options are possible, *first,* after the Macedonian request for use of its constitutional name has been submitted to the General Assembly, the Assembly to request additional opinion from the Court, and, *second,* in case when Macedonia has not initiated a procedure for use of its constitutional name, but, as a member

state of the UN would request the General Assembly to request advisory opinion from the ICJ. The formulation would be reduced to, for example, *"Whether the request of RM to be allowed to restore/use the name "Republic of Macedonia" in the UNO is in accordance with the international law"*, or, *"Whether in the case of admission of the Republic of Macedonia in the UN, the UN legislation has been violated by the General Assembly and the Security Council by formulating two additional conditions contrary to article 4 of the Charter which specifies the criteria for admission".* However, the advisory procedure before the ICJ presupposes previous procedure of strong lobbying on the part of Macedonia, as the effectuation of this procedure requires a resolution by the General Assembly with which it would request opinion from the Court.

Nevertheless, the first step that the Republic of Macedonia should take is the submission of a formal act or letter (through its permanent representative in the UN) to the Secretary-General of the UN, which would communicate the Republic of Macedonia's initiative in the agenda for the following session of the General Assembly to be included an item that refers to a request for an advisory opinion from the Court.

The Macedonian request for including its item in the agenda is communicated to the General Committee, which prepares a report for the UN on the regular session of the General Assembly, the adoption of the agenda and the order of the items to be considered with recommendations for (non)inclusion of the received proposals for the agenda. If the item initiated by Macedonia and recommended by the General Committee is adopted on a plenary session of the General Assembly, then RM (alone or in co-sponsorship with other states) shall submit a draft resolution with the question for which advisory opinion from the ICJ would be requested.

The General Assembly on a plenary session considers the Macedonian draft resolution, and the decision, in accordance with the Chart, is made by a majority of the members present and voting, as this decision does not refer to any so-called important question. The advisory opinions of the ICJ are not obliging and do not have legally binding force, nevertheless, they have heavy legal-political and moral weight and they have been observed in the UN's practice so far.

Taking into account that Macedonia can obtain advisory opinion from the ICJ through the General Assembly, this initiative is recommended for several reasons: *first,* the General Assembly, taking into account that the talks of twenty years have not led to any visual progress to the settlement of the name issue, in the present circumstances can completely validly characterize the RM's initiative for an advisory opinion to the ICJ as the best possible way to close the name issue. *Second,* it is highly likely that the procedure before the ICJ shall result in a positive outcome for Macedonia, all the more that the Court shall consider only the legal aspects of the name issue as a legal issue (the Court is obliged to make its decisions in compliance with the international law), and precisely the legal arguments are on our side, all the more that the choice of a country's name is a question of its internal circumstances, and not of the international law *Third,* in its practice so far, the ICJ has already considered issues in relation to the membership of states in the UN, and therefore, the Court would not have any reason why not repeat what it had previously stated, on the occasion of refusal of admission of other states in the UN.

Namely, in accordance with the advisory opinion of the ICJ, from 28.5.1948, the Court had decided that the refusal of admission of any state in the UN should not be based on any other reasons than the non-fulfilment of the conditions set in the Charter.

As a conclusion, my attempt to present the idea for international legal mechanisms that are available to Macedonia does not mean that I see these mechanisms with the eyes of a legal idealist, at the same time not paying attention to the international political circumstances in which they should be initiated. On the contrary, in question is a very complex process, which will bring out into open the characteristics typical for such situations: bargaining, conflicts, honesty, dishonesty, cynicism, bravery, stupidity, wisdom… Great efforts are required in relation to the preparation of the process for restoration or use of the constitutional name in the UN, which means preparation of a solid legal strategy, in combination with vehement lobbying to the states that had recognized us under our constitutional name, in order, first, to introduce them to the problem, and second, to understand its long-term implications. On which of these international legal mechanisms would the state leadership possibly decide is certainly a question of its political estimation about which of these legal mechanisms provides the greatest likelihood to prove successful. Nevertheless, if the procedure is implemented wisely, it is highly probable that the procedure of great expectations in the UN would be finalized in favour of Macedonia, to fulfil its right to be called by its name – Republic of Macedonia.

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THE WESTERN BALKAN YOUTH'S PERCEPTION OF THE PROCESS OF EUROPEAN INTTEGRATION

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Abstract

According to many surveys most of young people think that the EU accession of their countries is going well, but not as well as it actually could. There is a lack of credibility about some reforms that in some aspects are doing well, in some not as well, such as corruption or reform of judicial system. Problems like unemployment are hitting especially the young people in Western Balkan and for the governments these issues still remain the main challenges in order to face the future.

In the other side, there are very sensitive key issues for the development of their countries, such as: large administration and bureaucracy, enlargement, democratic deficit, crisis of values, nationalism, and common monetary and fiscal policy. Despite all difficulties a front of them, there is a vast majority of young people from the Western Balkans thinking that their countries should join the EU. Referring to so called "the cost of transition" there is a pessimistic scenario, about the time when this countries will be member of the European countries.

In this paper the main results of the survey made in Albanian universities and high schools on the perceptions of young people on integration of European process, and the meaning and future of the EU, in front of the similar issues that are treated in whole region will be analyzed. It looks at the attitudes and perceptions of respondents aged 18 to 22 based on snowball sampling among young people in higher education. For this purpose a questionnaire composed by 12 different questions was prepared. The questionnaire survey is applied to 488 young people during late autumn 2012 to early spring 2013.

Key words: youth, Western Balkan, European integration process, perception

INTRODUCTION

It is true that despite the fatigue caused by a long transition, the European Union still remains a final road for Balkan countries because all

argue that it represents freedom of movement, and the "European values" such as cultural diversity, peace and freedom of opinion.

In this context the question is whether young people in the Balkans feel as if they are a part of Europe. According to many data, the position of youth as actors in the integration processes in the Western Balkans is not valuated or underestimated. In many surveys we can see a vain interest and poor knowledge of young people about the EU project. This is real especially about their own rights and possibilities as future EU citizens. An optimistic overview shows that young people from the Western Balkans tend to share a positive image of the European Union (EU) and its future.

Many analyses shows us that despite all problems that are still present, the majority of young people from the Albania, and Western Balkans too, think that the EU membership would contribute to the democratic consolidation in the region, as well as to the necessary reforms in all fields of economic, social and political areas.

According to many surveys most of them think that the EU accession of their countries is going well, but not as well as it actually could. There is a lack of credibility about some reforms that in some aspects are doing well, in some not as well, such as corruption or reform of judicial system. Problems like unemployment are hitting especially the young people in Western Balkan and for the governments these issues still remain the main challenges in order to face the future.

Analysts have warned that the increasingly complicated and drawn-out enlargement process shows the contrast between the EU's plan to accept the Western Balkans and its actual implementation. This is where "enlargement fatigue" within the EU meets "evaluation fatigue" in the Balkans: the increasingly negative economic environment in the EU, coupled with the inevitable drawing out of the accession process, has resulted in the erosion of popular support for EU accession in the Western Balkans, as the population of these countries is finding it more difficult to maintain enthusiasm for the convergence process. (Ibid).

A survey conducted by Gallup Balkan Monitor in November 2010 disclosed a largely pessimistic population with little trust of domestic institutions and falling enthusiasm for the EU. Although the majority of citizens of the region still see the EU as the only long-term option, enthusiasm for joining the EU was generally on the decline, mostly due to what the population perceived as "a lack of concrete commitment" on behalf of the EU. However, the Western Balkan region is not a monolithic group with uniform views of Europe. Surveys show a considerable divergence of opinions, ranging from enthusiasm (Albania and Kosovo) to skepticism (Serbia and Croatia). Crucially, even in the more "enthusiastic" candidates, support has fallen compared to previous years. (Manchini, 2011:163-168).

According to Manchini, this lack of enthusiasm could also translate into lack of commitment to the necessary reforms regarding the political, economic and acquit criteria in the Western Balkans. In many cases, political elites of the region pay lip service to EU membership, conditionality and reforms but in reality they are concerned with safeguarding their position domestically and with business as usual, which means rent seeking and clienteles rather than genuine reform effort. Economic stagnation is thus accompanied by political standstill and in one or two cases backsliding towards authoritarianism. The loss of enthusiasm on behalf of the Western Balkans is also fuelled by the uncertainty regarding the characteristics of the Union these countries are trying to join. Will it be multi-leveled, multi-speed; less democratic, less tolerant of failure, with diminishing solidarity between member states, and with the Western Balkan states firmly entrenched in the "periphery of the periphery" (Manchini, 2011).

In the other side, there are very sensitive key issues for the development of their countries, such as: large administration and bureaucracy, enlargement, democratic deficit, crisis of values, nationalism, and common monetary and fiscal policy. Despite all difficulties a front of them, there is a vast majority of young people from the Western Balkans thinking that their countries should join the EU. Referring to so called "the cost of transition" there is a pessimistic scenario about the time when these countries will be member of the European countries. This study aims to show the conviction of Western Balkan Youth, especially Albanian youth, about the integration of the whole region in the EU.

MATERIAL AND METHODS

In this paper the main results of a survey made in Albanian universities and high schools on the perceptions of young people on EU integration and of European process, and the meaning and future of the EU, in front of the similar issues that are treated in whole region will be analyzed. It looks at the attitudes and perceptions of respondents aged mainly from 18 to 22 years old based on sampling among young people in higher education. For this purpose a questionnaire composed by 12 different questions was prepared. The questionnaire survey is applied to 488 young people during late autumn 2012 to early spring 2013. The first part of the questionnaire is focused on the socio-economic data like gender, age and education. Then there were 12 questions on young people perception for different issues regarding European integration of Albania and Western Balkans.

All the analyses are done by SPSS package program. The results taken through this survey are compared to similar studies conducted in Albania and other Western Balkan countries.

RESULTS AND THEIR DISCUSSION

The Euro-barometer 76 (published in December 2011) showed that only 36 percent of the surveyed population of the EU-27 supported the idea of further enlargement (down from 47 percent in May 2009, before the full brunt of the crisis was felt throughout Europe).

Clearly the shock of the Greek crisis and the subsequent contagion to other South European states has made most EU member states even more hesitant to embrace more "dysfunctional", unreliable states. If the euro zone (and maybe even the EU itself) is willing to shed "deviant" members, the consensus is that it will be slow to accept other, potentially precarious states and growing "evaluation fatigue" (Panagiotou, 2012:64).

In our survey, asking about region image in EU, 58.6 % of interviewed Albanian students have seen improvement of this image, for 10.2 % it is deteriorated and just for 3% it had been remained equal (Figure 1).

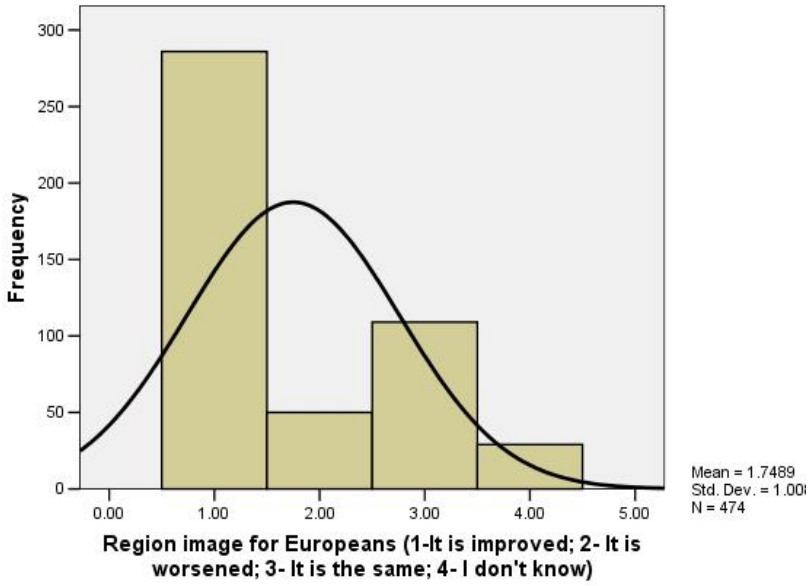

Figure 1: Perception of Albanian young people on the image of Europeans on Western Balkans

Young people are generally in favor of European integration, but many are skeptical of the political and administrative machineries that go along with it (Chisholm and Kovatcheva, 2002:7).

Most young people across Europe support European integration, especially those in southern Europe and those living in regions with distinctive language and cultural traditions. Currently, this support is coupled with a greater awareness of national identity. Young people in the CEE

countries have been particularly positive, placing more emphasis on the cultural aspects of integration in terms of shared values and traditions. (Chisholm and Kovatcheva, 2002:8).

The first reports on the situation of young people in Central and Eastern Europe became available in 2000. (Ibid:11) Over the years, surveys have repeatedly shown that young people everywhere are rather more positive about European integration than are their elders, but also that they are less likely to hold nationalistic views, are more tolerant and more cosmopolitan in their outlook. In the early 1990s, young people in CEE countries were very enthusiastic indeed about European integration, undoubtedly unrealistically so. For the population as a whole, the decade saw the EU become an increasingly positive symbol throughout the region The sense of a shared European identity was much stronger amongst young people than older adults, and they held more positive ideas about 'Europe' than their western peers did. It is notable that young people in this part of Europe have been more likely to see European integration in cultural rather than in purely economic terms – in other words, their commitment has been oriented towards shared values and traditions. This, too, differs from the views of young EU-Europeans, who are much more likely to see European integration in pragmatic terms and are more skeptical of the idea of shared European identity. Being a citizen of the EU means, above all the right to study, live and work in any Member State, together with equal access to health and social security rights. The concrete and personally relevant aspects of European integration are what young people find important: the single currency, mobility and employment opportunities. Here, too, education makes a difference. Those who have continued their education beyond the age of 20 display richer understandings of what European integration means – they can relate to a broader spread of elements, both pragmatic and idealistic, and they are probably more realistic about what the EU can and cannot achieve. They are less convinced than their less well-educated peers, for example, that the EU is a way to create jobs. (Ibid:40).

The Gallup Balkan Monitor (GBM) shows that this development has had an impact on the people living in the countries in question: over the last two waves of the survey - 2006 and 2008 - it can be seen that while support for EU membership remains at a high level, in most countries it has slightly decreased. However, the majority of countries in the region still feel they would be welcomed by both the EU-27 and the European Commission; only Croatia and Bosnia and Herzegovina seem to feel that they would be greeted less warmly.

According to our survey, 40.6 % 0f Albanian youth are skeptical on EU institutions, 53.9% believe on the EU institutions, and 3.9 % do not believe on EU institutions (Figure 2).

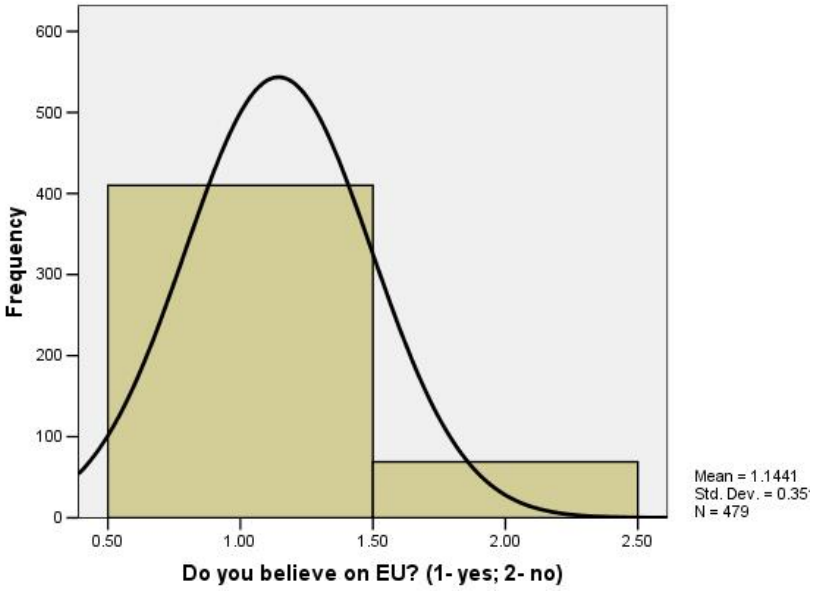

Figure 2: How many young Albanians believe on EU?

In the light of the political developments on the Western Balkans within the process of European integration, it is of prior importance to know what young people themselves think about the European Union, about their lives and their place in the future society. The survey gathered data on young people's views of their participation in society, their rights and opportunities as citizens of the EU and the meaning and future of the EU (Europolitan, 2013).

The majority of young people from the Western Balkans say that they are interested or very interested in politics and current affairs at local, regional, national and EU level. Participating in debates with policymakers is the most significant political action to ensure that their voices are heard, according to a large number of young people.

Overall, young people from the Western Balkans tend to share a positive image of the European Union (EU) and its future. Most of them associate the EU with the freedom to travel, study and work anywhere within the Union (Ibid).

According to Europolitan, the majority of young people from the Western Balkans think that the EU membership would contribute to the democratic consolidation in the region, as well as to the necessary reforms in all fields of economic, social and political areas. It will open new opportunities not only for individuals (education, health care, travel), but also for companies (single market) as well as for the country itself (access to EU funds). According to the young people who participated in the survey, joining the EU is one of the best things which could happen to all countries

in the Western Balkans. On the other side, someone mentioned that it is good because the alternative is worse.

Generally, majority of young people from the Western Balkans think that the EU accession of their countries is going well, but not as well as it actually could. In some aspects it's doing well, in some not as well, such as corruption or reform of judicial system.

In this survey we found that only 11.7 % relate EU with the hope for a better economy alone, but 55% of Albanian Youth relate EU with free movement, Euro, better economy, better security all together. (Figure 3)

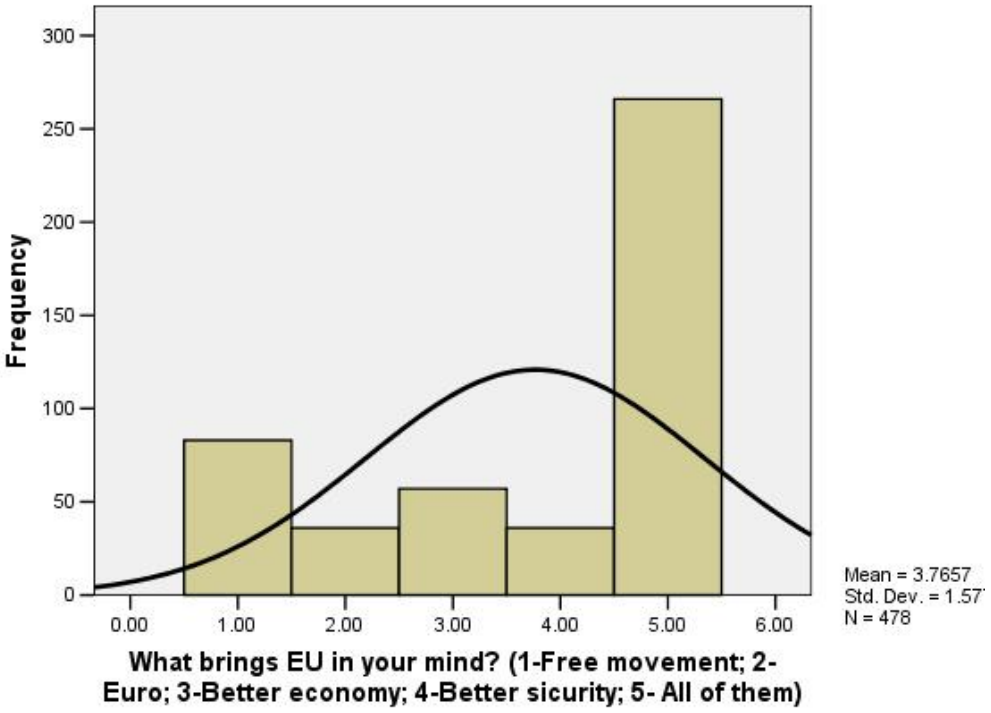

Figure 3: Albanian young people's perception on EU

When asked about the main challenges for the EU in order to face the future, 30% of young people from the Western Balkans state that it is unemployment 45% of young people from the Western Balkans state that they are informed or very well informed about the European integration process. Only small percentage of them state that they are not informed. In our survey 79.3 % of Albanian youth knows about EU institutions, and 18.2 have no information about them. (Figure 4)

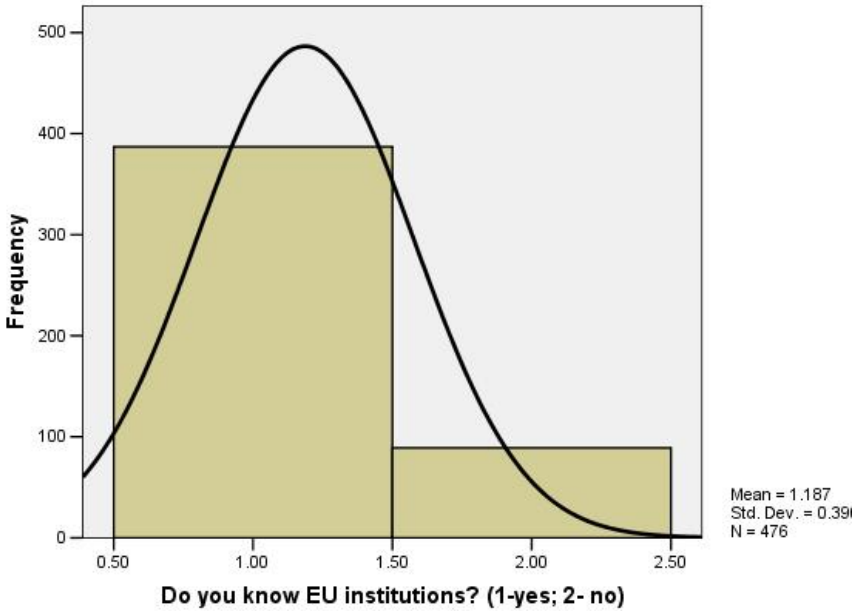

Figure 4

A vast majority of young people from the Western Balkans think that their countries should join the EU. We find that 84% of Albanian youth believe on the EU institutions, 14% of them do not believe (Figure 5).

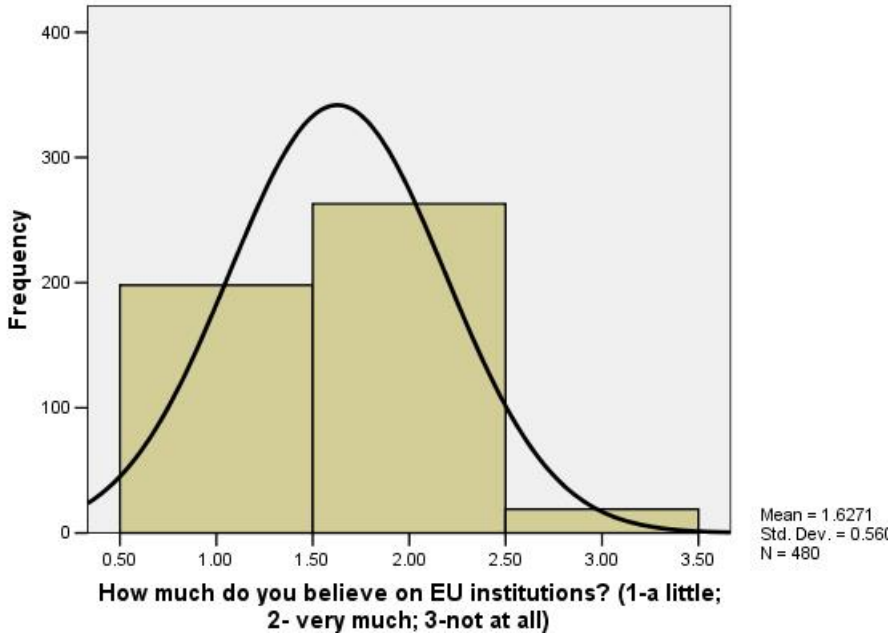

Figure 5: Albanian youth confidence on EU institutions

Only one fifth of youth does not support EU membership of their country. When we asked them in which year their country will be a part of the European Union, we found a large scope between the most optimistic scenario and the most pessimistic scenario, going from the "next decade" to "never".

Generally, the majority of young people from the Western Balkans think that the fulfillment of the preconditions is going well, but not as well as it actually could. In some aspects it's doing well, in some not as well, such as corruption or reform of judicial system.

Asked if EU integration is a priority for Albanian politics, 89.3 confirm and only 8.6 think different (Figure 6).

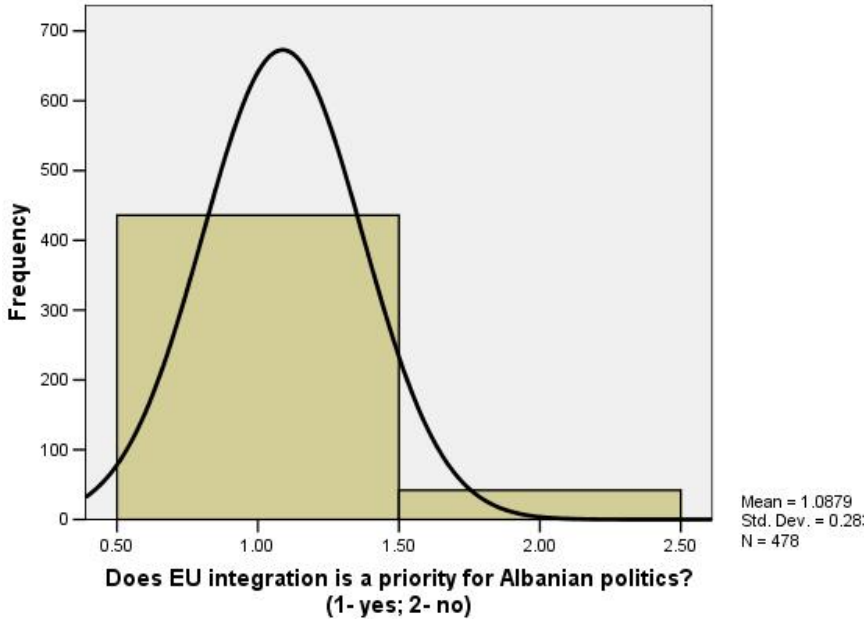

Figure 6: EU integration is a priority for Albanian political parties

An optimistic overview shows that young people from the Western Balkans tend to share a positive image of the European Union (EU) and its future.

Despite all problems that are still present in this area, the majority of young people from the Albania, and Western Balkans too think that the EU membership would contribute to the democratic consolidation in the region, as well as to the necessary reforms in all fields of economic, social and political areas.

According to many analyses all of them think that that the EU accession of their countries is going well, but not as well as it actually could. There is a lack of credibility about some reforms that in some aspects it's

doing well, in some not as well, such as corruption or reform of judicial system.

Problems like unemployment are hitting especially the young people in Western Balkan and for the governments these issues still remain the main challenges in order to face the future. In this context, the most interested social groups for the EU process are youth (78.4%) and the other categories (21.6%) (Figure7).

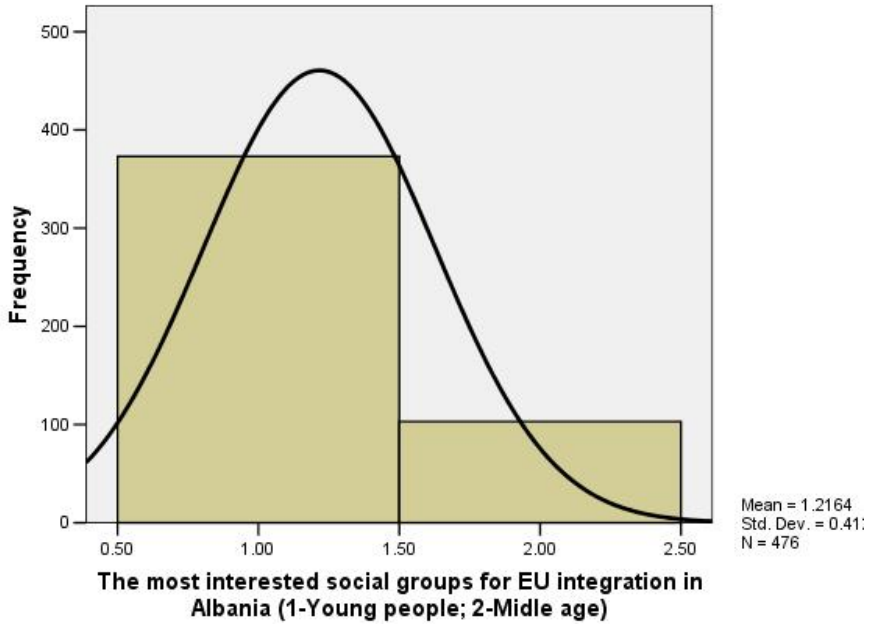

Figure 7: Young generation is the most interested social group for Albania integration to EU

In the other side, they are very sensitive in key issues for the development of their countries, such as: large administration and bureaucracy, enlargement, democratic deficit, crisis of values, nationalism and racism, growing extremism, rise of right-wing parties, common monetary and fiscal policy.

The EU has shown a long-standing commitment to supporting mobility and youth exchanges. The first EU initiative for young people – Youth for Europe – was launched in 1988, and since then action in this field has developed towards bolstering co-operation and involving young people more in matters affecting them. In 1996, another important step was taken by adding a new dimension to mobility and youth exchanges: the European Voluntary Service (EVS) was created to stimulate a spirit of solidarity among young people (Youth in Action, 2007).

As a matter of fact – in line with the Thessaloniki Declaration recognizing EU membership perspective to the Western Balkan countries -

the Youth in Action programme opens up the possibility that the Western Balkan countries participate in the programme on an equal footing with the EU Member States in the future. (Youth in Action, 2007:10)

A lot of projects involving partners from South East Europe have been organized (Ibid:12)

There is a strong political will in SEE countries to join the EU. Candidate countries are going through a lot of changes in order to fulfill all requirements for joining the EU. It is important that young people question what that means for them. How will joining the EU influence their lives (privately and professionally)? What benefits and responsibilities will that bring for all of them?

Through that dialogue of sharing and exploring these issues, new generations of citizens, that will shape and develop the policies of our countries in the near future, will be encouraged to express their own doubts and thoughts. They will realize that differences exist (cultural, religious, ethnical, economical, physical and mental).

Young people from the SEE region should develop their European identity as hopefully sooner than later, they will become a part of the EU family. Unfortunately, many of our beneficiaries – young people in SEE – have fewer opportunities than many other young people in Europe (Ibid: 22)

It is a well known fact that the position of young people in South East Europe could be a lot better. All that has happened in the last 20 years has left its mark on the young people. The possibilities for the development of individuals, as well as the society on a whole, have been reduced and are not comparable with modern European standards. It is necessary to find new methods to approach young people and make them more active in their communities.

It has been emphasized for a long time that young people have to participate in decision making processes. This is important, but now that they actually can do that, they are not interested. Why? An organized system for the social engagement of young people does not exist and not enough young people are interested in working on youth related issues (Umicevic & Zolja, 2010: 26)

The Western Balkan countries go through different stages regarding their Europeanization and democratization processes and their accession statuses reflect their progresses towards their EU membership. However, Albania's evolution is quite different from the other countries of the region. Indeed, the democratization process in Albania is one of the most difficult ones given its tumultuous historical legacy, its difficult economical situation and above all, given its extreme domestic political polarization (Nasho, 2011).

The country has made important progress on this issue, which has been confirmed by the European Commission annual progress reports. However Albania still meets significant obstacles on its way to Europeanization and democratization.

To summarize the process of democratization in Albania we quote Bogdani and Loughin who are among the few authors who recently worked on the relations between the EU and Albania. ” There are still big challenges in terms of political and government stability, good governance, reinforcing democracy and ensuring free and fair elections, respecting and enforcing the rule of law, upholding human rights, developing a sound judicial system and public administration and an independent media » (2007: 85).

The students and youth were the first who demanded political pluralism and the abandonment of communist symbols. When we asked the Albanian students about how much they have heard about Western Balkans, only 10% of them responded negative.

Table 1: How much have you heard about Western Balkans?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very much	179	36.7	37.4	37.4
	A little	251	51.4	52.4	89.8
	Not at all	49	10.0	10.2	100.0
	Total	479	98.2	100.0	
Missing	System	9	1.8		
Total		488	100.0		

Since the first measuring of perceptions and thinking on EU integration in 2003, Albanians support for the EU has never reached below 80% levels, a level of support which has never been achieved in any of the member states or non, of the EU. In 2009, a relative decrease in support was observed (From 95% in 2008, to 88,7% in 2009) which was thought to signify the start of some sort of skepticism in the Albanian society regarding the European integration process, an accompanying trend throughout the whole history of the EU. Furthermore, it was hoped that this decrease would be a warning for a clear understanding of the process and the reforms, changes and factors which prepare a country for membership in the European Union (Albanian Institute for International Studies, 2012).

Asked about the beneficiaries of EU integration, 65.3% of the Albanian youth think that it is important for the future of the region, 29.5 % evaluated the stabilization of the region and 5.2 % think that there is no value.

Table 2: Beneficiaries of EU integration

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Region Stabilization	141	28.9	29.5	29.5
	No impact	25	5.1	5.2	34.7
	A better Future	312	63.9	65.3	100.0
	Total	478	98.0	100.0	
Missing	System	10	2.0		
Total		488	100.0		

From the perspective of necessity of the modernization of society, or rather, the emancipation of Albanian society "*voting against membership*" could be useful and necessary in mainly two aspects: Firstly, because it could encourage a debate related to European Integration, and secondly, on the more broader perspective of society, it could represent the beginnings for the nurturing of a sense of critical thinking in the Albanian society (Ibid).

We ask on what you believe more; in nation or in the EU structure. And we find that 46% of the Albanian youth believe more in nation, in front of the 51.2 % that believe in EU structure.

Table 3: Nationality and EU structures

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Nation	225	46.1	47.4	47.4
	EU	250	51.2	52.6	100.0
	Total	475	97.3	100.0	
Missing	System	13	2.7		
Total		488	100.0		

However, the above mentioned assumptions were proved wrong after only one year. Survey result in 2010 showed more or less the same support, 93.4%, as in previous years of high support (2006, 2007, and 2008). In 2011, votes for the membership of Albania in the EU seemed to reach the lowest point in the last 10 years, but it is still a popular vote, 80.7% and as we have said before, unmatched by any member state (or none) of the EU. This "low point" of support for Albanian's membership could not, under any circumstances, be explained by any kind of skepticism for the usefulness and possibility of Albania's membership to the EU, and even less so, represent the beginning of an ideological opposition to the EU and integration process. The reason behind the fall of support to 80.7 % was then argued, and

rightfully so, to be related to the removal of the visa regime with EU countries.

It was hoped, that with the removal of the visa regime, support for the membership to the EU would be more "normal", meaning lower, and the fundamental argument, undisputable at the time, was that Albanians identified membership to the EU and the whole process of integration with the free movement opportunity and therefore support was popular.

It was hoped that a "normal" support, similar to that of other countries, could warn of a sense of critical thinking in the Albanian society, away from so high results of more than 90% which bring back memories of election results during the communist regime (Ibid). Such a trend, would also suggest a clear and proper understanding of the process of Albania's preparation for integration to the EU. However, the fall of support (2011) amidst the opportunity of Albanian citizens to move freely in Europe, was almost insignificant, or at least insufficient grounds upon which the above mentioned hypothesis of critical thinking and understanding of the process as a set of internal reforms which would transform society, politics, economy and the functioning of state and democracy could be built.

Finally we ask: Do you believe on EU and the answer was definitely clear there are not any respondent that does not believe at all on EU institutions but just 14.4% believe very much; at any case, 84 % of the Albanian youth still believe on EU.

Table 4: How much do you believe on EU institutions?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Some how	410	84.0	85.6	85.6
	Very much	69	14.1	14.4	100.0
	Total	479	98.2	100.0	
Missing	System	9	1.8		
Total		488	100.0		

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TURKISH STRATEGIC INTEREST IN THE BALKANS: THE REPUBLIC OF MACEDONIA – A CASE STUDY

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Abstract

The Balkans, especially the Republic of Macedonia, as form historical perspective and contemporary geopolitical conditions, is one of the zones for which the Republic of Turkey shows particular interest in. Turkey is leading a policy of "regaining" the territories that were under the occupation of the former Ottoman Empire. The aim of the paper is to identify the interest of the Republic Turkey to Macedonia through analysis of the five main entry points: ***economy, religion, culture, education and politics****. On the* ***economic plan,*** *stand out more capital investments of Turkey in Macedonia, including the construction of Alexander the Great Airport - Skopje, the skyscrapers "Dzhevahir Holding" in Skopje, until construction of the ordinary student boarding in Shtip, for accommodation of Turkish students. In* ***religion****, IRC is influenced by the Turkish way of practicing Islam, which is basically good. This is clearly seen in the celebration of Kurban Bayram in 2012, when some of the countries that are unaffected of Turkey celebrated the holiday on Thursday, and those under the influence of Saudi Arabia celebrated on Friday. On* ***cultural level****, full coverage of the Turkish movie series, the presence of the "Turkish Cooperation and Coordination Agency" (TIKA) are operating in more than 100 countries on 3 continents, organized activities of more than 30 (about 33) Turkish NGOs in the Republic Macedonia jointly organized under the umbrella of the "Union of Turkish NGOs in Macedonia (MATÜSİTEB)", and act in many spheres of social life: through education and sports to religion, achieving various goals*

*that are of interest to the Turkish state and nation[1] etc.. On **political plan**, through Turkish parties in the Republic of Macedonia, the target group is Turkey's population which numbers about 3.9% of the total population.*

Keywords: *Turkey, Geopolitics, Interest, Sphere of influence, Macedonia*

INTRODUCTION

Turkey is a country that geographically extends in two continents (Europe and Asia). The European part of Turkey is a part of the Balkan Peninsula. Other states whose territories are considered geographically part of the Balkan Peninsula are: Macedonia, Greece, Bulgaria, Albania, Kosovo, Serbia, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia and part of Romania. Turkey borders: Armenia 268 km, Azerbaijan 9 km, Bulgaria 240 km, Georgia 252 km, Greece 206 km, Iran 499 km, Iraq 352 km, Syria 822 km. Also borders the Black Sea (Where has an exclusive economic zone to the maritime boundary agreed upon with the former USSR), Aegean Sea and the Mediterranean Sea in total 7,200 km coastline. Turkey's area in total is 783,562 sq km (land: 769,632 sq km, water: 13,930 sq km) and is a 37 country by area compared to the rest of the countries in the world. Turkey has a strategic location controlling the Turkish Straits (Bosporus, Sea of Marmara, and Dardanelles) that link Black and Aegean Seas, also Mount Ararat, the legendary landing place of Noah's ark, is in the far eastern portion of the country[2]. Until the First Balkan War (the First Balkan War begins on October 18, 1912 with attack of Montenegro against the Ottoman Empire. The biggest battles took place on the territory of Macedonia. Allied forces - Serbia, Bulgaria and Greece coming out as winners and split the territory of Macedonia, thus squeeze the Ottoman Empire from the Balkans) and second Balkan War, Ottoman Empire directly manages a large area of the Balkan Peninsula for about five centuries. Modern Turkey was founded in 1923 from the Anatolian remnants of the defeated Ottoman Empire by national hero Mustafa KEMAL, who was later honored with the title Ataturk or "Father of the Turks." Under his authoritarian leadership, the country adopted wide-ranging social, legal, and political reforms. After a period of one-party rule, an experiment with multi-party politics led to the 1950 election victory of the opposition Democratic Party and the peaceful transfer of power[3]. Today (data refer to 2012) Turkey is Seventeen economy in the

[1] Ivan Ristov, phenomenological features of smuggling and the illegal trade of weapons, ammunition and explosives on the territory of the Republic of Macedonia in the period 2001 – 2010, MA thesis, Faculty of Security – Skopje

[2] https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html [08.02.2014]

[3] Ibid.

world with GDP 789,257 millions of US dollars[1] and continuous accelerated economic growth. As a military force, Turkey maintains one of the largest militaries in the world and take 11th place in the world according to the index of Global Fire Power[2]. Economic and military power that possesses Turkey and diplomatic perfidy led to cultural, economic and political "resurrection" of the former Ottoman Empire, through a strong impact in countries that were formerly under their management, are Muslim, Muslim populations reside or have Turkish minority.

It is evident the presence of Turkey in the Balkans, especially in Bosnia and Herzegovina, Kosovo [3] and Macedonia. Bosnia and Herzegovina and Kosovo[6] are de facto countries where Islam is the dominant religion. In Macedonia, the situation is reversed, and Islam is the second religion in minority representation. The paper will be analyzed as "penetration" of Turkeys interest only in the Republic Macedonia, through five key points: economy, culture, education, religion and politics.

TURKISH "PENETRATION" IN THE REPUBLIC OF MACEDONIA

Strategic targets of the Republic of Turkey in the Republic of Macedonia are the ethnic Turks, Bosniaks, Macedonian Muslims, the Roma population in Eastern Macedonia and other citizens of the Islamic religion as Albanians etc.. and in small portion the rest of the people through indirectly imposition and promotion of Turkish culture and values.

According to the 2002 census, in Macedonia live 2.022.547 inhabitants of which 77,959 are Turks, or 3.85%.[4] Data from the terrain indicate that there is a trend of converting arbitrary young Roma from Eastern Macedonia in Turkish ethnicity, mostly because of the benefits that they would have received under the Ohrid Framework Agreement.

Education

Under Macedonian laws and the Ohrid Framework Agreement, Turks (as other ethnic minorities) enjoy the right of teaching in primary and secondary education in their native language. This led to the formation of a

[1] http://databank.worldbank.org/data/download/GDP.pdf [08.02.2014]

[2] http://www.globalfirepower.com/country-military-strength-detail.asp?country_id=Turkey ŕ08.02.2014]

[3] In 2013, in Kosovo, the Turkish Prime Minister Erdogan addressed saying Kosovo Turkey!

[4] State Statistical Office, Census of population, households and dwellings in R. of Macedonia, 2002, Skopje, May 2005. Available at: http://www.stat.gov.mk/Publikacii/knigaXIII.pdf [08.02.2014]

separate Turkish (separate Macedonian, separate Albanian, etc) classes in which there is no ethnic diversity, which in our opinion in the very beginning of children education impose an inception of prejudice against different from themselves.

The analysis or the higher education institutions revealed that: The oldest university in the Republic of Macedonia, University "Sv. Kiril and Metodij" within the Faculty of Philology "Blaze Koneski" exists "Department of Turkish Language and Literature". In this department exists 4 different modules of study, in terms of whether the student has Turkish as their mother tongue or not. In this department, with competition[1] for enrollment of new students to the academic 2013/2014, it is planned to enroll a total of 130 students of which 65 students speak Turkish as their mother tongue. On the other hand, at the Faculty of Education - "St. Kliment Ohridski" - Skopje exist study program "Teacher in Turkish class - elementary school and preschool special education"[2] competition of 2013/2014 provides 30 students for the program "Teacher in Turkish classes"(elementary school) and 20 students "Tutors in Turkish groups" (preschool), or a total of 50 students. For comparison, the number of provided vacancies for students of elementary school and pre-school groups in the Macedonian language is 70.

From a total of 79 international students enrolled at the University "Goce Delchev" - Shtip, in the academic 2013/2014 year, 61 are citizens of the Republic Turkey[3]. It can be assumed that some of these students after graduation will continue to live and work in the Republic of Macedonia. Also, on the same university, in 2009 is established and functioning "Department of Turkish Language and Literature" as part of the Faculty of Philology, where students study on first and second cycle [4]. On the competition that is announced for admission of new students for the academic 2013/2014 year, there is place for a total of 55 new students in the first cycle on studies "Department of Turkish Language and Literature."[5] At this faculty, despite foreign students, Macedonian students that studied the Turkish language and Turkish literature are also enrolling.

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1 http://www.ukim.edu.mk/dokumenti_m/158_Konkurs%20za%20objavuvanje_I_ciklus.pdf [07.02.2014]

2 http://www.pfsko.ukim.edu.mk/ssubcat.asp?ssubcatid=10 [07.02.2014]

3 https://www.ugd.edu.mk/images/UPISI_2013_2014/stranski_studenti/konecna-lista-za-priem-na-stranski-studenti.pdf [07.02.2014]

4 https://www.ugd.edu.mk/index.php/mk/fakulteti/ff/katedri/turski-jazik-i-knizevnost# [07.02.2014]

5 https://www.ugd.edu.mk/pdf/konkursi/2013-2014/Konkurs-I-upisen-rok-2013-14.pdf [07.02.2014]

On the private university "MIT" – Skopje study and enroll students from the Republic of Turkey. On the website of the university's published program and requirements for studying at this university is a brochure in Turkish language.[1]

In the Republic of Macedonia there is also the "International Balkan University" (IBU). IBU was founded by Skopje Education and Culture Development Foundation (SECDF). SECDF is founded by cooperation of Macedonian and Turkish businessmen. The University started its education in preparatory school in 2006 – 2007, and in 2007 - 2008 with two faculties besides preparatory school. IBU has 5 faculties: Faculty of Economics and Administrative Sciences; Faculty of Engineering; Faculty of Letters, Faculty of Art and Design, Faculty of Communications. According to the State Statistical Office on the University in the academic 2012/2013 on undergraduate studies (1, 2, 3, 4 year of study) are studying 380 students total.[2] This University collaborates with 16 different Universities in Turkey; Macedonian municipalities: Saraj, Cair, Arachinovo, Lipkovo, Kumanovo; Some Macedonian companies; MATÜSİTEB; Epoka University in Tirana, Novi Pazar Univerzity in Serbia; Kosovo State University in Kosovo; With Macedonian universities: FON, SEEU, UKLO, Tetovo State University; and with serbian minicipalities Novi Pazar, Tutin, Presevo, Bujanovac.[3] From the presented facts it is evident that the University actually strategically partnered with municipalities where the population is dominated by Muslims.

Culture

The Republic of Macedonia and the Republic of Turkey, because of their historical ties and the fact that on Macedonian territory Turkish population has lived more centuries, have linked culture. In the Republic of Macedonia persists the Turkish International Cooperation Agency and Development (TIKA).The number of TIKA Program Coordination Offices that counted 12 in 2002, has reached a total of 33 today. TIKA's actions cover 5 different continents.[4] Through donations TIKA in Macedonia

[1] http://www.mit.edu.mk/Websites/92/Documents/MITBrochureTurkish.pdf [07.02.2014]
[2] State statistical office, Enrolled students in higher schools and faculties in the Republic of Macedonia in the academic year 2012/2013 (first cycle of studies). Available at: http://www.stat.gov.mk/pdf/2013/2.1.13.25.pdf
[3] http://www.ibu.edu.mk/node/137 [07.02.2014]
[4] Ivan Ristov, phenomenological features of smuggling and the illegal trade of weapons, ammunition and explosives on the territory of the Republic of Macedonia in the period 2001 – 2010, MA thesis, Faculty of Security – Skopje

refurbished larger number of objects Ottoman period [1]. TIKA functions are on the basis of the concept of cooperation. Therefore, it places importance on the political priorities of partner countries, paving the way for sharing information and experiences. The concept of cooperation also enables the efficient use of resources. During the process of realizing projects, the developmental priorities, needs and socio-economical structures of countries are taken into account[2]. TIKA's main fields of operation are: Project/Program Assistance, Technical Cooperation, Education, Health, Water and Sanitation Improvement of public and civil infrastructures, Cultural Cooperation, Restoration activities, Shelter and housing and Agriculture. About how important organization is TIKA for Turkey, speaks the fact that the former head of TIKA from 2003 to 2007 - Dr. Hakan Fidan, is the current Undersecretary of the National Intelligence Organization (MIT)[3]

In the capital of the Republic of Macedonia Skopje, exists a Turkish theater with rich tradition and history and on the repertoire are performed plays in Turkish language.[4] Established for the first time in 1950 with a performance "Somnitelno lice". At the beginning of 2014, in the presence on Deputy Prime Minister on Turkey Mr. Emurllah İşler and Prime Minister of the Republic of Macedonia Nikola Gruevski, was laid the foundation stone on the new building of Turkish theater, it will be a center for the promotion on Turkish culture, and basis to deepen cultural cooperation between Macedonia and Turkey.

If we analyze the data on published books[5] and brochures [6]as part of the publishing activity in the Republic of Macedonia we observe that in 2012 were publish 9 titles Turkish language publications, from which 7 are textbooks for primary school, 1 novel and 1 other. These 9 different titles were released in circulation in 8000 samples[7]. In 2012 there were 4 Turkish artists - participants at the organized fine art exhibitions in Republic of

[1] Since the identification of Turkey's cultural assets abroad, the determination of their legal status and their restoration had been carried out by their various different public agencies and institutions. Pursuant to the Prime Ministry Directorate no. 2008/15, the task to establish cooperation and coordination among public agencies and institutions and NGOs, to develop strategies and to guide restoration activities was assigned to TIKA.

[2] http://www.tika.gov.tr/en/fields-of-activity/2 [07.02.201]

[3] http://www.mit.gov.tr/eng/mustesar.html [07.02.2014]

[4] http://www.turktiyatrosu.mk/index.php/mk.html [08.02.2014]

[5] A book is a non-periodical printed publication of at least 49 pages, without the cover pages.

[6] A brochure is a non-periodical printed publication of at least 5 but not more than 48 pages

[7] State Statistical Office of the Republic of Macedonia, STATISTICAL REVIEW: Population and Social Statistics, Culture and public informing, 2012; Available at: http://www.stat.gov.mk/Publikacii/2.4.13.19.pdf [08.02.2014]

Macedonia[1]. By the data, we can see that in 2012 was broadcast radio program in Turkish language and broadcasted by the Public broadcasting enterprises on a national level 1040 hours (for comparison in Macedonian 9292 and in Albanian 3047 hours), and by the Commercial broadcasting companies[2] on a local level 3437 hours.[3] Same year, broadcasts of TV program in Turkish language is by Public broadcasting enterprises on a national level 927 hours and by Commercial broadcasting companies on a national level 2660 hours and local level 3456 hours.[4]

Another aspect on the influence of Turkish culture in Macedonia is displaying Turkish serial movies that are shown on private TV stations with national coverage. If we perform the analysis on the two most watched private television in the Republic. Macedonia "Sitel TV" and "TV Kanal 5" will note that at the time of writing on paper (07/02/2014) on "TV Kanal 5" display six different Turkish series[5], including: "Magnificent Century", "Silence", "Medusas passions", "Five Sisters", "My child", "Father and sons", and "TV Sitel" broadcast the following Turkish series: "Karadaj", "Convicted of Love", "Prime Minister", "Destiny of Fatmagjul"[6]. Simple analysis suggests that a large proportion of ether of the mentioned watched television in the R. Macedonia show Turkish series, through which indirectly promote Turkish culture, religion and moral and ethical values.

Religion

In the Republic of Turkey the dominant religion is Islam (Sunni Islam), even 99.8% of the population[7] are Muslims. In the Republic of Macedonia, according to the 2002 census dominant religion is Macedonian Orthodox 64.7%, followed by Muslim 33.3%, other Christian 0.37% and other and unspecified 1.63%.

The Muslims in the Republic of Macedonia are under the umbrella of the Muslim community. IRC actually is a community of Muslims population. IRC is separate into 13 Mufti on the territories of the R. Macedonia. Under IRC are Islamic secondary school "Isabeg" and the Faculty of Islamic Sciences - Skopje. IRC is influenced by the Turkish way

[1] Ibid.
[2] Commercial broadcasting companies are in private ownership, while the public broadcasting enterprise at the national level (Macedonian Radio-Television) and the public broadcasting enterprises at the local level are in state ownership.
[3] Ibid.
[4] The hours of music and rebroadcast program are not included because they are not monitored by language.
[5] http://kanal5.com.mk/serii.asp [07.02.2014]
[6] http://sitel.com.mk/mk/gledajte-na-sitel [07.02.2014]
[7] https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html [08.02.2014]

of practicing Islam, which is basically good. This was clearly seen in the celebration of Kurban Bayram in 2012 when some of the countries that are under influence of Turkey celebrated the holiday on Thursday, and those under the influence of Saudi Arabia celebrated on Friday[1].

Turkey's influence through religion is reflected by the reconstruction of religious buildings from the period of the Ottoman Empire through TIKA, although done under the guise of cultural inherited values.

Financing and support of religion is done through official Turkish NGOs formally organized under the umbrella of the "Union of Turkish NGOs in Macedonia (MATÜSİTEB)"[2] Activities of Turkish NGOs in the R. Macedonia in recent years is quite organized and enhanced. In year 2013, around 33 Turkish NGOs together organized acting, apart religion, in many spheres of social life such as education and sports, achieving various goals that are of interest to the Turkish state and nation. Although there is still a final court judgment, the arrested CEO of the Turkish state bank "Halk Bank", Suleyman Aslan, in his home was found 4.5 million dollars of illegal money for which he made a statement that 1.5 million is earmarked for financing and construction of religious schools in Macedonia[3].

Politics

Turkey is a country that recognizes the Republic of Macedonia under the constitutional name, and there are correct diplomatic cooperations between the two countries. Besides the historical relationship between the two countries, interest in diplomacy and cooperation required by the common "enemy" which have two states, and it is R. Greece (Cyprus issue and The Name issue).

In the Republic of Macedonia have several Turkish parties that exist in the political sphere. The current composition (2011 - 2014) in Parliament has two MPs, who are ethnic Turks.

[1] Ivan Ristov, phenomenological features of smuggling and the illegal trade of weapons, ammunition and explosives on the territory of the Republic of Macedonia in the period 2001 – 2010, MA thesis, Faculty of Security – Skopje

[2] *http://www.*matusiteb.org.mk

[3] http://www.bloomberg.com/news/2013-12-23/halkbank-says-role-in-iran-gold-trade-legal-after-ceo-arrested.html; http://www.hurriyetdailynews.com/fresh-resignation-in-turkeys-ruling-akp-over-graft-scandal-.aspx?pageID=238&nID=61825&NewsCatID=338

Economy

As mentioned above, Turkey is on the 17th place in the world economy with GDP 789,257 millions of US dollars[1] and constant rapid growth. This allows to Turkey as a country, but primarily to the private Turkish businessmen to invest in Strategic selected countries in key areas.

Analysis of the data shows that foreign direct investment form Turkey in Macedonia in the period of 1997 to 2012 were 603.55 million.[2] Following view of the growth of Turkish direct investments in the period of the 1997 to 2012. Shown data are in millions of euros.

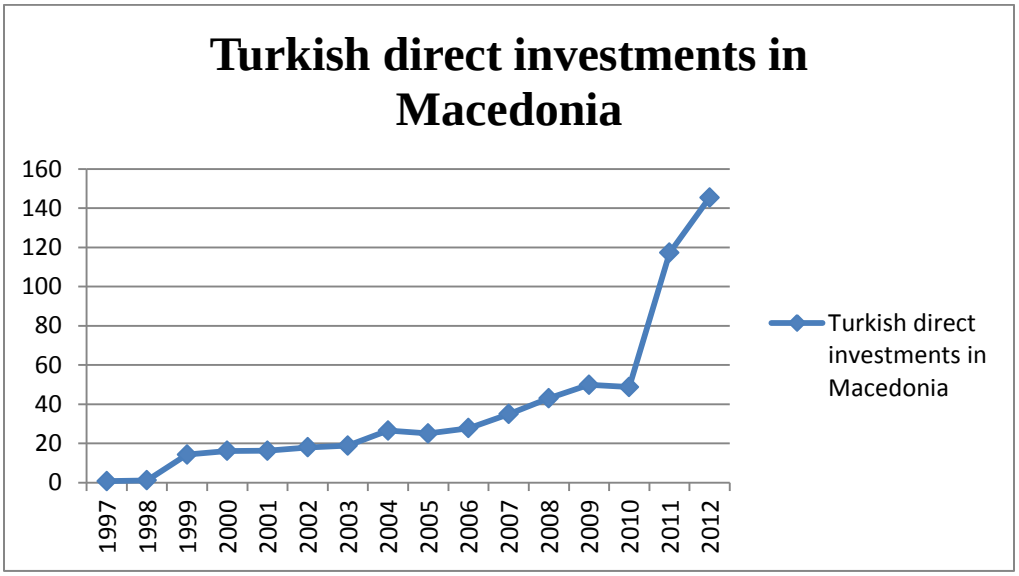

Figure 1: Turkish direct investments in Macedonia in the period 1997 - 2012 in millions of Euros

Analyzing direct investments per year, notes that in recent years they have especially intensified. Compared 2012 with 1997 have increased of the 144.32 million. Capital investments of Turkey in Macedonia, includes the construction of Alexander the Great Airport - Skopje and the skyscrapers "Dzhevahir Holding" in Skopje. Imports of goods into the R. Macedonia from Turkey is also growing. We will mention only that in 1997 imports of goods in Macedonia amounted to 49.52 million, while in 2012 it had risen to 323.95 million[3],or 314.494 million in 2013, and compared to the export of

[1] http://databank.worldbank.org/data/download/GDP.pdf [08.02.2014]
[2] http://www.nbrm.mk/?ItemID=132C0210574E1A46A3B53952FD9FF05D [08.02.2012]
[3] http://www.nbrm.mk/?ItemID=529E21A79694BB4DBB68D3DDA1E7D78D [08.02.2014]

goods from Macedonia to Turkey in 2013 is only 71.68 million.[1] Arrival of tourists from Turkey to Macedonia is also rising. In 2008 is noticed the arrival of 15561 tourists from Turkey to Macedonia, already in 2009 the number of 16,962 tourists is growing up, to reach a maximum of the 50,406 tourists in 2012 [2].The visit of foreign tourists is always a direct benefit for the economy of a particular country, in this case it is Macedonia.

CONCLUSION

The paper moves towards highlighting 5 key entry points through, which Turkey has achieved its strategic interest in some of the Balkan countries, with special reference to the Republic of Macedonia. Analysis of the level of direct and indirect influence of Turkey in Macedonia in the area of economy, religion, politics, culture and education has been done.

It is evident that in recent years the Turkish presence and influence is increasing in R. Macedonia. In economics have drastically increased Turkish direct investments, where only 14 years have increased of the 0.7 million in 1997 to 145.32 million in 2012. These direct investments are in several areas (construction, air transport ...). Trade with Turkey is also on the rise, which have dramatically increased imports of goods from Turkey, which increased of 49.52 million in 1997 to 314.494 million in 2013. The growing presence of Turkish tourists is also evident. Strategic choice is the education of Turkish citizens in higher education institutions in Macedonia, especially in the University "Goce Delchev" - Shtip, whose degrees are credible in Turkey. These students initially learn one year the Macedonian language, and then continue their education in the Macedonian language. Muslim community as an organized community of Muslims in Macedonia is evidently influenced by the Turkish way of practicing Islam, which certainly is basically good, because it's not radical Islam. More Turkish NGOs organized a union fund and support more projects in the field of religion, education, sports, culture. State Agency TIKA evidently is present in Macedonia. The data that was previously presented in the paper, which is that the former director of TIKA's is current Undersecretary of the National Intelligence Organization (MIT), only indicates the size of the agency and reference to a different way of understanding things. Construction of the new Turkish grand theater in the center of Skopje is a bridge that connecting the two cultures and cultural point of impact and promoting Turkish values in Macedonia, and through Macedonia and the Balkans. Macedonia's relations

[1] http://www.stat.gov.mk/PrikaziSoopstenie.aspx?rbrtxt=78 [08.02.2014]
[2] State statistical office, Tourism in the R. of Macedonia, 2008-20012, Skopje, June 2013. Available at: http://www.stat.gov.mk/Publikacii/8.4.13.01.pdf [08.02.2014]

with Turkey are correct and strategically. We should not forget that Turkey is a NATO member and the 11th place of the most powerful army in the world and 17th place in the economy, such a strategic partner of Macedonia it is more than required. Just again, in the policy governing the interests and desires of the market is not playing, and every subsequent move Turkey to withdraw would be to have more influence and presence in Macedonia and the Balkans.

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CRIMINAL JUSTICE, CRIMINAL POLICY AND VICTIMIZATION

CITIZENS PERCEPTION OF CORRUPTION AS A SECURITY RISK AND CHALLENGE

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Abstract

Corruption is one of the sources for threatening the state. It occurs as an autonomous source of threatening. Along with other forms of threatening it lingers like a red thread that connects all other threats. Actually comprehensive analysis shows that corruption performs integration of those operations and activities that are usually not considered to be mutually connected. Subject of analysis will be how effective is the current way of dealing with corruption and providing security that is based on the military and law enforcement mechanisms? Do institutional capacities provide such security guarantees that protect the social good, providing continuous development of the society as a whole? What should be the concept of security, if any, and what is the priority, namely what kind of security concept is necessary to prevent corruption?

Therefore, in this paper will vary some of the research results related to citizens' perception of corruption in 2013 and 2014, as well as assessments of security risks and security in Republic of Macedonia.

***Key words**: Corruption, Risk, Security risks, Threatening, Erosion of moral norms*

INTRODUCTION

Corruption is defined as "a symptom of serious disease in the society, which indicates that the actual diagnosis of malignant processes are growing fast in the direction of: concentration of functions, wealth and prestige, suppression of democracy and strengthening undemocratic and autocratic regimes, total erosion of the principle of legality and other basic postulates of the legal state"[1]. Corruption is derivative of other social deviations, such as red tape - manifested by uncontrolled proliferation of administration, recruitment of staff based on the recommendation of the party, and the lack

[1] Zoran Mateski: Sociological Aspects of Organized Crime and Corruption, p. 5; www.fes.org.mk/.../Zoran%20Matevski,%20SOCIOLOSKI%20ASPEKTI%20NA%20ORGANIZIRANIOT... [accessed on 31.12.2010]

of control and commercial restrictions, the emergence of monopolies (and political, specifically a party monopoly), nepotism, cronyism, clientelism etc. and "behind all this primordial role played the materialist conception of gaining greater power and wealth[1]".

The analysis treats corruption as a phenomenon that is latently embedded in the organization and the system, i.e. it is present in some institutions more, in other less. Exactly, this situation is considered to be one of the reasons why it is difficult to be recognized and revealed. It is considered a normal component, or assumption, i.e. probability of each organization, as a possible abuse of position or authority, as an isolated incident, moral pollution of the individual, a play that costs the individual for which there is a legal penalty[2]. It is an approach regulated in the criminal law.

Here it is more important corruption to be explained as a phenomenon of the society, the existence, expansion and incorporation into the system. We are interested in corruption as a risk and threat to the community safety and the man, as a phenomenon that should be limited, prevented and suppressed. One of the questions is how came to the emergence of mass feeling that corruption exists[3]? It can be concluded that it is a reality that may be subject to the formula "that exists in people's minds as witnessed reality" has clear and specific practical and material consequences. Corruption is not being "disclosed" because it becomes visible, but because it becomes dangerous, and is not just supplemental element and parallel phenomenon which can be concealed and ignored. There is corruption in Macedonia, not because it did not exist before, but because the procedures have become unacceptable, and the norms and values and standards have changed. Thus, in the previous system were known examples of socialization of the losses, then the existence of "beneficial misuses*" action "if you have home return the (social) apartment", "green credits", possession of private firm overseas through which is made the trade with the domestic company (which is a social or state) and numerous forms of swag and other forms of bribery. In the previous system there were many breaks against personal enrichment, which were weak against the concentration of political power. Service, rather than for money, exchanged for influence. The motive was fear (and then the threat), or the desire to gain more power. Actually, thus was the way to make progress in the social scale. In the new social conditions, a significant portion

[1] Ibidem… p. 5;

[2] Josip Kregar: Corruption in Courts, p. 2 - 4;
www.pravo.hr/_download/repository/korupcijasudstvo.cg.doc [accessed on 26.04.2011]

[3] „Accordingly, for the current sociological theory may set up the following question: how is it possible the subjective meanings to become **objective factual situation**?" P.L.Berger, T. Luckman, The Social Construction of Reality, Penguin Books, London, 1985, p. 32.

of these corruptive forms are present, not only because the dominant political power is not undermined, but also for the practice the central lever of political promotion to be the party committee and its recommendation. In this period, aspirations are bought and the money becomes means for achieving them. Political influence or political positions can be bought. It is expressed as a personal investment in the political process or a sponsorship, which later will be materialized through the receipt of public procurement and other state-funded businesses. Concomitant explosion of material aspirations and the erosion of values and norms are a dangerous combination that leads to a general atmosphere of anemic condition. It is manifested as a form of functioning of provisorium. Institutions are only forms, actions and the activities they take are loose, unorganized and do not have judicial finish. The norms are applicable rules for somebody, and are not applied to others. When it will be added to this the way privatization was carried out to create the conditions for illegal enrichment and to turn the state capital into private (method of assessment, interest rate policy, management buyout and related activities), denationalization and other forms of transformation of the social (state) capital, excluding certain social strata and professions of the privatization process, weak control of state control mechanisms (police, customs, tax authorities), the emergence of direct stealing from public funds and enterprises, marked the transition states and the Republic of Macedonia, as part of the process.

Despite these occurrences, the dispersion of the institutions capacity and the loss of their effectiveness are significant for the blooming of corruption, especially those institutions that are responsible for detection, prosecution and punishment of corruption. Therefore, when certain retrospective will be made, we can conclude that corruption and its prevalence are phenomena that deserve attention and analysis. In the post-communist societies and in Macedonia as part of them, the corruption has become a profitable business. It is usually equated with "capability", with knowledge to take advantage of the opportunities, but also with the statement that someone "managed well". Therefore, poses the view that "smuggling commerce" philosophy is the basis for social progress and success. Durkheim believes that "crime is normal because is impossible the society to get rid of it completely... that is, in a given society to stop performing actions that are declared criminal would be needed the feelings they offend... the community with its integrity to sympathize with them more expressed. If this feeling becomes so strong ... the violation will be subject to stronger conviction that will contribute some of the simple moral mistakes to become

crimes“[1]. Even without serious analysis of the causes of corruption can be seen that a serious consequence, namely loss occurs in the visible or explicit erosion and trust in the institutions.

It should be taken in mind that corruption is not just a legal or criminological phenomenon. It is both and sociological, political, asphaliological, but and a colloquial term[2]. However, corruption is category - expression used for political manipulation. The corruption is expression with a clear negative charge. It is a derogatory term with strong expressive and symbolic charge. In the history there are examples of manipulation, organized with campaigns against corruption, which are not dangerous because they do not have any effects, but also because of the big damages, owing to the loss of sense of the campaign, as well as for the loss of trust among individuals[3] and groups, citizens and institutions[4] in the power of law and a society organized to combat them. Experiences from such efforts are bad. It should not be demotivating, and manipulation shall not be an excuse to avoid the debate on corruption. The public, i.e. the critical attitude towards it, is not a process principle but it is a responsibility to the democratic public, independence and accountability of the authorities and function holders whose primary task is to fight corruption.

In the Republic of Macedonia certain activities are conducted organized by the society to deal with the various types of corruption.

[1] E. Dirkem, **On the normality of Crime**, see T. Parsons “**Teorije o društvu**”, Vuk Karadžić, Belgrade, 1969, p. 827

[2] For the notion corruption: M.Jager, On Definition of Corruption, also look at: Corruption in Central and Eastern Europe at the Turn of Millenium, OSI, Ljubljana, 2000, p. 105 - 121; J.Kregar, Appearance of predator capitalism and corruption, Rifin, Zagreb, 1999, p. 91 - 94; J.Kregar, Phenomenon of Corruption, Croatian Compilation for Criminal Law, 4, 1, 1997, p. 23 - 43; D. Derenčinović, Mit (o) korupciji, NOCCI, Zagreb, 2001, p. 33 - 43

[3] For example look at: Judiciary Council Blue Book, www.vheadline.com/9909/6967 [accessed on 11.02.2013];

[4] For example look at: J.Kregar, Devolution of the political system of Ghana: an example of a perspective, Compilation PFZ, 41, 2 - 3, 1991, p. 239 - 261;

Table N.1 Perception of the corruption by Transparency International			
Rank	*Country / Territory*	Score 2012	Score 2013 (change)
43	Slovenia	61	57 (-4)
53	Turkey	49	50 (+1)
57	Croatia	46	48 (+2)
67	**Macedonia**	**43**	**44 (+1)**
67	Montenegro	41	44 (+3)
69	Romania	44	43 (-1)
72	Bosnia and Herzegovina	42	42 (0)
72	Serbia	39	42 (+3)
77	Bulgaria	41	41 (0)
80	Greece	36	40 (+4)
111	Kosovo	34	33 (-1)
116	Albania	33	31 (-2)

Source: www.transparentnost.org.rs/index.php?...indeksa...transparency-internati... [accessed on 7.02.2014];

Such a social action affected Republic of Macedonia to improve its position in the ranking lists of *Transparensy International*. So, in 2013, both Macedonia and Montenegro were ranked on the 67th place with an index of 44, immediately after Saudi Arabia and Jordan, and before Italy[1]. The data shows that in the index of this organization, Macedonia was ranked 69th with an index of 43, which means progress of two places on this rank. It indicates that in the country are created certain conditions and are achieved results in the fight against corruption.

Despite such action of the organized society, in recent years, the intensity and the focus on this issue is with reduced intensity or is absent in practice. Therefore, the research team determined to recognize the citizens perceptions about corruption, primarily the way of informing about them, the knowledge of what is corruption, the perceptions of corruption and (the models) how to deal with it.

The term security is usually taken in relation to the notion of state. Thus, Mirko Grcic, despite the fundamental state functions, such as service, economic, legal, social and ideological, lists and the security function. So, security is identified as a function with the coercive function of the state, bound to preserve the vital values of society: the sovereignty, territorial integrity and independence, and the fight against all types of criminal acts[2]. According to Ramo Maslesha, "security is essential social aim without which

[1] Corruption Perceptions Index 2013, стр.3; http://www.transparency.org/cpi2013/results [accessed on 7.02.2014];

[2] M. Grčić: *Political Geography,* Faculty of Geography, Belgrade, 2000, p. 133;

there is no survival of the society and this term is used into almost all areas of life and work and hence, all efforts are directed towards the establishment of an appropriate balance between security and the man"[1]. For Sinisa Tatalovic security is "a structural element of the existence and activities of the individuals, societies, the states and the international community and it is one of the basic life functions"[2]. Mitko Kotovchevski believes that "security can be treated as a condition in which is secured the balanced physical, spiritual, mental and material survival of the individual and of the community in relation to other individuals, communities and nature, and in fact security is immanent structural part of the society that implies a certain condition or particular features of the condition, and also an activity or a system"[3]. And for Trajan Gocevski security, in the broadest political - legal sense comprises measures and activities for the conservation and protection of all types of threats to the independence and territorial integrity of the country and protection of the internal state and legal system.

In the literature there is no identical and clear determination for the linguistic term that would determine the content of the security, said Jordan Spaseski[4]. It is not always clear what is the meaning of the notion "security". In the professional and theoretical papers, and even more in the free speech, are used a maximum of three terms: security, safety and protection in order to presume the same content, or to equalize them according to their importance. However, it is not so, and we need to make distinction between them regarding their content. According to him, the term security is used to explain that the values of society are protected as a result of the functioning of a whole system which regulates the overall relations with legal and moral norms, as well as the operation of a complete security system through measures and activities that "create" security, save it and improve it[5]. According to Abraham Maslov's theory about the hierarchy of the human needs, security stands next to the need for food and minimum biological existence. "When we say that we live safely, then we think of the general "milieu" in which the man realizes his life and his work - creative existence. When there are no threats under what we call "normal" - which can be tolerated, then we can say that there is an average safe condition"[6].

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[1] Ramo Masleša*: Theories and Systemes of Security,* Magistrat, Sarajevo, 2001, p. *7;*

[2] SinišaTatalović: *National and International Safety, political culture,* Zagreb, 2006, p. 11;

[3] Mitko Kotovcevski: *National Security of the Republic of Macedonia,* Part I, Macedonian Civilization, Skopje, 2000, p. 21

[4] Jordan Spaseski, *Macedonia – a pillar of security and peace on the Balkans,* Obnova - Kocani, Skopje, 2005, p. 37

[5] According to the theory of hierarchy of human needs of Abraham Maslov, security stands at second place, right below the need for food and biological subsistence minimum.

[6] J. Spaseski, quoted work p. 37.

The security is inseparably associated with the state and its organization, its bodies and function. Contemporary debates on security extended to the social and political sphere. Although, when we mention the notion of security, first of all, associates with the inner peace and peaceful life of the citizens, or as freedom from threats, but also points out to the state of defense against external enemies and endangering of the sovereignty[1]. So, the central interest of the notion of security is the state, which may be threatened by internal shocks, economic and social disturbances, especially in communities that lack a sense of endangerment to the identity and social cohesion. Hence, it can be concluded that "freedom is nothing if there is no security" and "test for freedom is the safety of minorities"[2].

Risk is assumed, expected, possible future acting, occurrence or omission caused by man, technological process or natural phenomenon, which under certain conditions, causes or occasions may cause some form of threat to people, property or any other cultural or natural goods[3].

The security system in one country is strong and effective if its elements exercise their functions within the democratic system with respect to the mechanisms of control and surveillance that provide accountability, transparency and accountability. The security system practices legal decisions and responsibility towards the society as a whole. That way, it strengthens the social responsibility of the security institutions and contributes to gain public confidence into them, to establish cooperation and mutual respect. In this "the democratic control of the security system will not work if the institutions within the security system are not democratic by themselves[4].

The control and supervision is realized through the use of series of specific instruments intended to provide political accountability and transparency of the security system. These instruments include: the constitutional principles, legal rules and institutional and logistical provisions, as well as the most common activities aimed at fostering good relations between different parts of the security system on one hand, and

[1] Cane Mojanoski and others. "Security as a subject of research" Contemporary Macedonian Defense, No.23, Ministry of Defense, Skopje, 2012

[2] Lord Akton: History of freedom, Slovo, Skopje, 2001, p. 70;

[3] Jordan Spasevski, Pere Aslimoski, Sasho Gerasimoski, "Private Security" Skopje 2008, p. 68;

[4] Sector "Democratic Control of Armed and Security Forces", Information on the International Conference: "*Implication of the armed and security forces in democratic societies*" held from March 29 to April 1, 2005 in Cotonou, Benin, преземено од http://www.kas-benin.de/mil/index-eng.html [accessed on 10.02.2012]

political powers (executive, legislative and judiciary) and the representatives of civil society (NGOs, media, political parties) on the other hand[1].

Corruption is identified with organized crime. The debate usually takes place simultaneously. However, these two phenomena are not completely the same in nature. Organized crime is treated as undertaking state affairs by criminal groups[2]. Thus, according to Gambet, the core business of the mafia is private provision of protection, primarily the protection of the private property rights. He considers that instead the state to provide legal order and to protect the private property rights; it turns into a commercial business whose services are charged directly by the users. Payment is carried out on the basis of a contract that is signed voluntarily or under duress. Thus security becomes a business and a contract. Consequently, it is classified under the strict laws of the business. So, the profit becomes the driving force. The fact that this activity begins business does not mean that "in the case of organized crime does not come to corruption, it can be and is a growing part of the activities of the private sector that provides protection, but these two phenomena should not be confused[3]. An illustrative example which is particularly analyzed is the history of the Sicilian Mafia. This example shows that it arose as a kind of withdrawal of the state from its own operations (activities), primarily from the provision of the legal order, and opened space for entry of the new private organization which began to provide protection on a commercial basis. However, issues related to this topic are not subject to our immediate analysis.

To answer the questions asked we will focus on the definition according to which organized crime is "an organized criminal activity composed of a group of three or more persons, which acts for an extended period of time to carry out serious crimes, with varying degrees of organizational structure, mixing legal and illegal business by investing the proceeds of crime into legitimate businesses or other legal transactions, with impact on the state administration, police, judiciary and politics, which in certain situations can be found under the complete control of organized crime, implying direct involvement of the state political structures, to completely control or influence over certain media and non-governmental organizations, wherein, methods of violence are used if the perfidious methods of the pressure and corruption do not give the expected outcome. The purpose of organized crime is gaining financial and/or other property

[1] 7th point, Recommendation 1713 (2005), Democratic oversight of the security sector in member states, Parliamentary assembly, Council of Europe

[2] Boris Begović: Economic Analysis of Corruption, Centre for liberal – democratic studies, Belgrade, 2007 p. 67;

[3] Ibidem… p.68

benefit and/or acquisition and/or maintenance of the political and/or social power"[1].

MATERIALS AND METHODS OF RESEARCH

In addition is performed a secondary analysis of the survey results of UNDOC (United Nations Office on Drugs and Crime) conducted in the country in 2011 and the field research "Attitudes of the citizens of the Republic of Macedonia about corruption". Studies have been conducted in the period of January 8th to 20th in 2013 and in 2014, on the territory of Republic of Macedonia in 38 municipalities in 2013, and respectively in 32 municipalities in 2014. The survey in 2013 included 1210 respondents. The survey in 2014 included 992 respondents. The selection of respondents was made so that each municipality established research cores (blocks, neighborhoods). In each of the research cores is selected every 5th house and the 20th apartment. The selection of respondents was made on the principle closest birthday in the family. Were selected only persons at the age of 18 years or older. Was applied a structured interview person in person. The instrument (Basis for conversation), is structured for a few blocks questions. Also, the subject of their analysis are the results of the survey of UNDOC conducted in 2011 on the territory of the Republic of Macedonia on a sample of 3500 people on the age from 18 to 64 years.

RESULTS AND DISCUSSION

In the research of UNDOC came to the conclusion that citizens in all regions rank highest the unemployment, or think that it is the most important problem facing the country (42% of the adult population), it is followed by poverty or poor living standard (24%) and corruption (13%). According to this research, three quarters of respondents (75%) had direct contact with public administration at some point during the year. In fact, in the last 12 months before the survey 10.8% of the population had been exposed to the experience to give bribery to a public official - directly or through a family member. Such direct experience with corruption had 6.2% of the citizens who had contact with the public officials at that time. It was estimated that the prevalence of the bribery was 5.3% for women, compared to 7% for men. In fact, anyone who paid bribes at least once makes it 6 times in a year on average or every 2 months. Then, it concludes that almost half (45%) of the bribes are paid in cash, and a quarter (25%) in the form of food and

[1] Labovic, Nikolovski: Organized Crime and Corruption; Faculty of Security, Skopje, 2010, p. 59;

beverages. It is estimated that on average the bribes paid in the country in 2011 was 28.813 MKD, or about 470 euros. It concluded that about one-third (32%) of the cases of bribery, the citizens initiated the pay, whereas it is explicitly requested of them in one of four cases (25%). The main reasons for paying bribery is to speed up the procedure (50%), the finalization of the procedure (12%) or to get better treatment (11%). However, 12% pay bribery without any particular aim.

The concern about corruption in the public sector is confirmed by the experience of those who in the last three years before this research, were employed in public administration: 6% of them were employed with the help of bribes.

Table N.2: ***Percentage representation of bribes paid according to the modality of request / offer of bribes****, in urban/rural areas, gender* ***and age,*** *(2010)*

In %	Urban / rural areas %		Gender %		Age %			
	Urban	**Rural**	**Male**	**Female**	**18 to 29**	**30 to 39**	**40 to 49**	**50 to 64**
Explicit request from the public clerk	23,0	29,4	25,0	25,8	**36,2**	17,8	31,6	16,1
Implicitly requested from the public clerk	26,1	15,0	20,5	24,4	18,7	30,3	19,0	15,5
Explicit request from third party	19,3	8,0	13,6	17,7	7,6	20,5	10,9	21,8
Bid of the citizen	26,5	43,0	33,6	30,7	32,2	29,1	34,5	36,3
Do not remember	5,0	4,6	7,3	1,3	5,3	2,3	4,0	10,2
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**

Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_Report_fYR_Macedonia_Macedonian_web.pdf [accessed on 11.02.2012] p. 53;

From the data we can conclude that the bribes paid according to the modality can be stated among the explicit request of the bribes by public official dominate the respondents of the countryside with 29.4%, followed by young people up to 29 years with 36.2%. This distribution is due to the fact that most of the respondents on this age are unemployed and in a position to resolve certain issues related to employment, career development or

resolution of some of the issues associated with construction, business or other services.

If we look at the distribution to whom the citizens paid bribes, to which public officials, can be concluded that dominate doctors in rural areas with 69.5% and in urban areas with 50.9%. Second on the ranking list of public officials that accepted bribes are the police officers. There is no doubt that these indicators are indicators that only point to the possibility of abuse of power, because they by nature of their tasks are in constant contact with citizens, but also because they perform tasks that are directly related to the health or the satisfying of a public interest, or satisfying a need.

Table N.3: Percentage representation of citizens who paid bribes to certain types of public officials in urban/rural areas and age in Republic of Macedonia (2010)

	Urban/rural areas		**Gender**	
	Urban	**Rural**	**Male**	**Female**
Policemen	**40,2**	**25,9**	**51,7**	**11,9**
Judges/Prosecutors	18,1	10,9	15,4	15,8
Cadastral officers	16,4	18,9	17,0	17,7
Tax officers	5,8	9,9	9,3	4,3
Customs officers	15,2	17,4	22,5	6,9
Officers for utility services	7,4	14,8	8,9	11,6
Municipal officers	16,2	13,4	14,6	16,1
Physicians	**50,9**	**69,5**	**50,0**	**67,9**
Nurses	18,5	11,5	10,5	23,8
Teachers	21,1	10,4	14,0	22,0
Officers for social protection	9,1	4,7	7,6	7,5
Officers for vehicle registration	4,8	1,5	3,3	4,0
Representatives elected at local elections	6,2	10,4	11,5	2,4
Total	**100%**	**100%**	**100%**	**100%**

Note: *The sum is greater than 100% because citizens might have paid bribes to more than one public official in recent 12 months before the survey*.
Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_Report_fYR_Macedonia_Macedonian_web.pdf [accessed on 11.02.2012] p. 53;

The results indicate that more than half of people who give bribery in Macedonia give bribes to doctors (58%), while more than a third to the police officers (35%). From those citizens who refuse to pay bribes, almost 30% refuse to pay to doctors, while one in five cases (18%) to police officers. Less than 1% of the citizens who pay bribes actually reported it.

Citizens often do not report paying bribes because have benefited from it (17%), paid bribes voluntarily as a sign of appreciation (13%) or because it is considered a good practice (13%).

According to this research, bribery is more prevalent than other crimes such as theft, assault, threat and robbery. They are at especially low level in Republic of Macedonia where people feel safe at home after dark and do not use advanced security systems to protect their homes[1].

Corruption is not free of charge. It is defined as illegal or punishable, which assumes specific and additional transfer costs.

Table N. 4 : Indicators of bribery, by region, Republic of Macedonia (2010)

	Regions								**National average**
	Vardar	**East**	**South west**	**South east**	**Pelagonian**	**Polog**	**North east**	**Skopje**	
Percentage of population that had contact with public administration	88,7	66,7	58,3	71,6	88,2	74,9	81,5	73,4	74,7
Prevalence of bribery	8,2	2,4	5,5	12,4	4,8	5,1	3,0	7,3	6,2
Average number of illegal payoffs	6,94	6,52	4,23	7,04	3,73	3,87	**12,59**	5,72	5,86
Average amount of the bribes	84040	38202	12422	18236	15385	14765	34859	27782	28813
Average amount of the bribes EUR	**1371**	**623**	**203**	**298**	**251**	**241**	**569**	**453**	**470**

Source: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_Report_fYR_Macedonia_Macedonian_web.pdf [accessed on 11.02.2012] p.53;

From the offered distribution can be concluded that the average pay in bribes in Macedonia to complete an activity or achieve certain right is 470

[1]http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Corruption_Report_fYR_Macedonia_Macedonian_web.pdf [accessed on 11.02.2012]; p. 7 - 8;

euros. The highest average bribe paid is in the Skopje region with average of 1371 euro, followed by the Eastern, and the Northeastern at the third place. This distribution is due to the fact that in the Skopje region are located the state institutions, i.e. these three regions have institutions and activities to which citizens are most commonly oriented. These indications are an indicator that needs to be analyzed deeper through further research.

Lobbying however is a specific agreement that undertakes obligation for strategic influence to the state policy through legal, legally permissible funds.

Table N.5*: Percentage representation of the adult population who were asked to vote for a particular candidate in the last national elections in exchange for money, goods or services, by region in Republic of Macedonia (2010)*

	Regions								**National average**
	Vardar	**East**	**Southwest**	**Southeast**	**Pelagonian**	**Polog**	**Northeast**	**Skopje**	
Yes	**4,1**	**6,2**	**5,1**	**4,0**	**5,3**	**4,8**	**8,7**	**5,0**	**5,3**
No	95,9	93,8	93,3	95,5	94,7	95,0	91,3	95,0	94,5
Do not know	0,0	0,0	1,6	0,5	0,0	0,2	0,0	0,0	0,2
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**

Offer of goods, services and money to attract voters was registered during the parliamentary and local elections in 2008 and 2009: it was offered to 5% of the population at the recent local and 5% at the last parliamentary elections. Thus, the data indicate that 5.3% of the respondents said they had been offered bribes to vote for a particular candidate at the parliamentary elections. So, now arises the question - whether conducting the election campaign is the same as lobbying? The answer is not, of course. However, certain activities that are "normal" for lobbying constitute banned "zone" during the elections. In that sense, the question arises what is the inter-relationship of the transaction costs for lobbying and corruption, or the possibilities in the operational definition of the differences based on transaction costs. Analyses show that these two types of costs can be used to distinguish the corruption and lobbying. They differ in that corruption has illegal character, and lobbying has legal. The distinction between them indicates that lobbying is transparent, while corruption is a secret activity, i.e. public is limited to one or two subjects. Therefore, Jain believes that

transparency is to be established as a criterion in differentiating between corruption and lobbying. Lobbying, unlike corruption is transparent, is performed publicly, based on previously defined rules (is known more or less what is allowed and what is not), which leads to two important consequences[1].

Corruption is groso modo, infringement of the law. In almost all countries in the world it is a crime, or is determined to be a criminal act. In that sense, it is reasonable to assume that the depth analysis of crime can provide an appropriate framework for examining the factors of corruption. The analysis of crime has occurred in response to the alternative theories of crime, which are based on assumptions about whether criminals are irrational, or are passive victims of their (unfair) social environment.

So, what are the perceptions of citizens about its resolving?

Table N.6 Based on your opinion, what is the contribution of the citizen (the individual) in the development of the system for combating corruption?

	2013		2014	
	No	Yes	No	Yes
1. To consistently respect the laws, ethical norms and codes	168	1042	177	815
2. By avoiding the situations for corruption	232	978	232	760
3. Education and information about corruption and the fight against corruption	245	965	209	783
4. Willingness to report acts of corruption	215	994	223	769
5. By participating in the work and the activities of anti-corruption bodies	318	890	337	655
6. Proposing of measures and activities for the improvement of the system for combating corruption	252	958	266	726
Structure %	No	Yes	No	Yes
1. To consistently respect the laws, ethical norms and codes	13,88	**86,12**	17,84	**82,16**
2. By avoiding the situations for corruption	19,17	**80,83**	23,39	**76,61**
3. Education and information about corruption and the fight against corruption	20,25	**79,75**	21,07	**78,93**
4. Willingness to report acts of corruption	17,78	**82,22**	22,48	**77,52**
5. By participating in the work and the activities of anti-corruption bodies	26,32	**73,68**	33,97	**66,03**
6. Proposing of measures and activities for the improvement of the system for combating corruption	20,83	**79,17**	26,81	**73,19**

[1] Boris Begović: Economic... quoted work, p. 167;

If we make a rank to the question what is the contribution of the citizen (the individual) in the development of the system for combating corruption in 2013, it will be as follows:

To consistently respect the laws, ethical norms and codes	**86,12**
Willingness to report acts of corruption	**82,22**
By avoiding the situations for corruption	**80,83**
Education and information about corruption and the fight against corruption	**79,75**
Proposing of measures and activities for the improvement of the system for combating corruption	**79,17**
By participating in the work and the activities of anti-corruption bodies	**73,68**

Respondents to the same question in 2014 will be:

To consistently respect the laws, ethical norms and codes	**82,16**
Education and information about corruption and the fight against corruption	**78,93**
Willingness to report acts of corruption	**77,52**
By avoiding the situations for corruption	**76,61**
Proposing of measures and activities for the improvement of the system for combating corruption	**73,19**
By participating in the work and the activities of anti-corruption bodies	**66,03**

Changes in the order of attitudes occurred in 2014, compared to 2013 in terms of the willingness corruption to be reported. Namely, this attitude falls from 2nd to 3rd place, and the avoidance of the situations from 3rd in 2013 moved to the 4th place in 2014. In both distributions the most positive attitude as an individual's contribution in the development of the system is the consistently respect of the laws, ethical norms and codes, and the least is the participation in the work and the activities of anti-corruption bodies.

CONCLUSION

The previous discussion shows that the study of the corruption, as a complex social phenomenon, is a serious challenge. Not only because in every research project, no matter how complex it is and how complex research procedure is applied, but because of the open issues related to the opportunities for measuring social phenomena such as corruption. The

measurement of particular social phenomenon is one of the most important scientific questions. How to measure the observed phenomenon, whether there is an alternative procedure, which procedure ensures bigger accuracy, or reliability of the measurements, but also greater precision? Whether the results of the measurements are sufficiently reliable to be able to conduct empirical analysis on their basis? How long is performed the measurement for the obtained data to be comparable in the time?

These and other questions are relevant for the understanding of the problem of measuring corruption, while measuring corruption is tied to one of its inevitable attributes - hiddenness. Considering that corruption is unlawful or illegal activity, and then all of its participants had an incentive to perform corruptive activities away from the public, on the hidden way. In fact, this inevitable feature of corruption, usually does not lead to serious doubts, but brings in question, namely under suspicion and the possibilities for its measurement. So, one of the questions for which we always do not have reasonable answer is how to measure something that is hidden and as such (hidden) thing to identify its important features?

Finally, the question arises whether the indicators on corruption relate to the prevalence (frequency) of corruption or its intensity, measured by the total value of the corruptive works. To answer this question, and the answer to certain previous questions, as in the definition that it is a situation that despite the low level of corruption, its appearance or increase lead to increased political risk, or political instability, because the threshold of the public tolerance towards corruption is particularly low. Contrary, in countries where corruption is widespread and commonplace, at which all are used and the threshold of tolerance to corruption is high, corruption is not a political risk.

Corruption, with the spread and coming into reign of numerous relations and functions, especially the absence of control mechanisms emerges as a serious obstacle to the normal functioning of the system and the performance of the assigned tasks. Therefore, it is considered that is an indicator which indicates the degree of reliability and endurance of a certain system and order. Functioning of the principles of good governance, in particular, the rule of law means that the analysis of risk, particularly security risk means identifying the potential risks and assessing the likelihood of realization of any threat and this by using data with the help of statistical analyzes systematic observation, expert knowledge or intuition. When it comes to risk analysis are applied multiple approaches, but usually it is a technical (quantitative) approach, the approach to the analysis of the decision (and the risk).

The analysis is done in the form of tree trunk of errors and tree trunk of occurrences. In the case of the analysis of the trunks of errors, it assumed

that the error has occurred, and requested the cause of the error, i.e. what caused the case.

One of the most commonly used analyses is the cost-benefit analysis. It is developed for analysis of the impacts and the consequences of the governmental decisions (for example, the public works).

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WARTIME AND POSTWAR TRENDS IN JUVENILE CRIME: THE CROATIAN AND THE SERBIAN PERSPECTIVE

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Abstract

The main purpose of the paper is to reveal how the broad social changes that have taken place in the Eastern Europe over the last three decades have influenced trends in juvenile crime in two countries: Croatia and Serbia. Using data from the national police services and country statistical yearbooks, authors compare changes in trends in reported juvenile crime in Croatia and in Serbia for the period between 2001 and 2011.. During the first half of the period observed, respective data in Croatia do not show steady and recognizable rise of juvenile crime, although the public perceptions is quite different. Over the entire 11 years of the observed period, juvenile crime in Croatia increased by 18,6%.and in Serbia by 18,8%. In Croatia, the juvenile crime against property (relates to two thirds of the total juvenile crime) increased by 26,1% while in Serbia it decreased by 16,2%.. But, there are some more significant changes in juvenile violent crime over the observed period: juvenile crime against life and limb quadrupled in Croatia and doubled in Serbia. In 2011, compared to 2001, juvenile crime against public order increased three times in Croatia and eight times in Serbia.

Key words: juvenile crime, war, post-war, transition, juvenile crime trends

INTRODUCTION

It is often assumed that social changes caused by political and economic transformations, lead directly to the upturn in crime and other forms of deviance. The same is true for post-socialist countries: there are popular beliefs of dramatic increase in crime rates across Central Eastern Europe since late 1980s. Although these ideas are strongly supported by media coverage, and, generally speaking, confirmed by official crime statistics, they are too simplified and incomplete for any meaningful discussion. Such cursory review obscures some significant differences among post-socialist countries as well as some similarities which all is indicative when speaking about crime and deviance under conditions of intensive social change. As Stamatel (2002: 641) claims, "an examination of crime rates across countries, years, and types of crime paints a much more complex picture". The same author (Stamatel, 2002) offers an example of data from the "*United Nations World Surveys on Crime Trends and Criminal Justice Systems"* which show a large jump in the reported homicide rate in Bulgaria from 1989 to 1990 which continued to increase to the mid-1990s, in contrast to a higher pre-transition reported homicide rate in Romania. Another example according to Stamatel (2002) is related to property crime: while reported theft rates in Croatia, Hungary, and Slovenia were on the highest levels in 1991 and 1992, and then substantially declined, theft rates in Bulgaria, Romania, and Slovakia continuously increased from 1989 to 1994.

According to all these introductory remarks, the main goal of the paper is to reveal how the broad social changes that have taken place in Eastern Europe over the last three decades have influenced trends in juvenile crime in two countries: Croatia and Serbia.

EFFECTS OF WAR AND TRANSITION ON JUVENILE CRIME: THEORETICAL FRAMEWORK

According to Cajner Mraović (2002:981) "war, as a phenomenon of social disorganization, followed by paralyzed or biased formal social control, usually creates favourable conditions for an increase in the crime rate; it weakens inhibitions, encourages primitive impulses, and, in this way, contributes to the temporary transformation of the rate, structure, and nature of crime". The real mechanisms at play in the causal relationship between war and crime, might be better understood through relevant criminological theories. The changes that have taken place under conditions of war and transition in Croatia and Serbia, as well in other post-socialist countries, have

affected every aspect of life. There is no single cause of changing crime rates under such specific conditions, and the literature on the subject often cites several explanations and theoretical perspectives (Stamatel, 2002:642). Here we highlight three theoretical models that are in our opinion the most important for a proper understanding and research in this field: social control or bonding theory, drift theory and theory of anomie.

Social control or bonding theory

According to social control theory, conformity to the rules of society is produced by socialization and maintained by ties to people and institutions – to family members, friends, schools, and jobs (Schreck, Hirschi, 2009:305), and crime is result of person's weak or broken social bonds. The social bond consists of four elements: attachment, commitment, involvement, and belief.

Individual's attachment and sensitivity to conventional others is linked to the individual's ability to internalize norms and to develop a conscience. The attachment to parents is the most important protective factor making young person to behave according to social norms and expectations and preventing her to commit criminal acts. The social control theorists believe that the stronger the ties of affection and respect young people have to parents, teachers, and friends, the more likely that they will develop commitment to conventional activities and involve themselves in such activities. Committed young people who are involved in pro-social activities develop belief and respect for the values of law and social norms and they take this into consideration when they are tempted to violate norms.

This causal chain from attachment to parents, through concern for the approval of persons in positions of authority, to belief that rules of society are binding on one's conduct, might be disrupted by specific war and post-war social conditions.

Theory of (institutional) anomie

Several researchers have pointed to anomie theory and general normlessness of society following a war or transition. According to Stamatel (2002:642) "citizens in Central Eastern Europe were frustrated by the social upheaval, economic difficulties, and social inequalities and, therefore, some turned to illegitimate means to achieve their goals. Society was also disorganized in terms of the social institutions providing social control. Family units were disrupted, the education system was in crisis, and many youth organizations and child-care centres were closed, leaving juveniles without constructive activities or supervision". When we talk about transitional society, we are actually talking about disintegrated society in

which conformity both to cultural goals and institutionalized means of reaching them is absent. As Stamatel (2002:642) continues: "The state and all its formal control mechanisms – the law, courts, corrections, police, and the military – were in state of flux that created opportunities for increased criminal behaviour".

Drift or neutralization theory

Authors and followers of drift theory assume that criminal activity is linked to person's feeling of discrimination and injustice. Matza (1964:28) claims that the process of becoming a delinquent begins when an individual neutralizes him or herself from the moral bounds of the law and drifts to crime. The same author warns that "the breaking of the moral binds to law arising from neutralization and resulting in drift does not assure the commission of a delinquent act" (Matza, 1964:181). The missing element is will to commit crime, and it might be activated on everyday occasions, but particularly under some extraordinary conditions because they usually produce injustice, discrimination, and desperation among large number of people. Youth are especially vulnerable to this process: under conditions of rapid social change, they might feel pushed around, and need to make something happen to restore the mood of humanism. Engagement in criminal act then enables the young persons to see themselves as cause rather than as effect, and to dissociate themselves from society which treat them unfairly and in discriminatory manner.

CRIME UNDER CONDITIONS OF WAR AND TRANSITION: EMPIRICAL FINDINGS

It is generally assumed that political and economic transformations of society cause the upturn in crime and deviance, but empirical evidence that supports this assumption is scarce. War and post-war periods, as well as periods of transition, are prominent but poorly investigated incubators of juvenile crime.

Results of comparative research

Although the idea that war fosters crime and deviance, not only among juveniles but also in the general population, has a long history in both public discussions and scholarly forums, contemporary criminological research has not attended in detail to the complex social, material, moral, educational, and emotional connections between war and juvenile crime.

In past centuries, Erasmus, Sir Thomas Moore, and Machiavelli each claimed that wars left a legacy of increased crime and lawlessness. Such speculation has occasionally been supported by later research (Cajner Mraović, 2002:982). A sharp increase in violent crime in England in the mid-1300s is shown as a result of wars in some studies (Hanawalt, 1979). Studies of crime changes in France after the Revolution of 1848 as well as in France and Germany following the Franco-Prussian War of 1870 have revealed comprehensive connections between war and various offences (Durkheim, 1957). A review of six nineteenth-century wars has attributed abrupt changes in post-war period, including surging crime rates, to numerous factors as the war's outcome, its location (at home or abroad), and its popularity (Sorokin, 1928). According to the relevant accounts (Nevins, 1924), the American Revolution produced increase in horse-stealing and highway robbery in many states, and the American Civil War produced an upsurge in incarcerated population in eleven states (Abbot, 1927). Studies concerning the influence of World Wars on crime and deviance which were made in different countries, led to different and even inconsistent findings, due to methodological difficulties. Available studies are complicated to view from a comparative perspective, because of crucial differences in focus and source of data. Some studies are focused on crime and deviance during war; others are concerned with post-war crime and deviance. Some studies explore war or post-war changes in crime generally, while some studies are focused on war and post-war changes in certain types of crimes (Cajner Mraović, 2002). Another serious problem with these studies is the limited usefulness of official wartime criminal statistics because of the confusion of criminal acts with acts of resistance, possible changes in the boundaries of warring nations, and the fact that regular record-keeping is often more or less interrupted during wartime. From our current point of view, there is also substantial lack of criminological research focused specifically on changes in trends and structure of juvenile crime during the war and after it.

The same limitations one can find in studies of crime changes during recent wars: there are few of them, with different methodological approaches and unanswered questions. The increase in violent offences during the Vietnam War is noted among all other social turmoil during this period of American history (Tanter, 1969). Similar to that, when reviewing the historical waves of violent crime in the United States, it was cited that the third such wave commenced near the beginning of U.S. involvement in Vietnam (Gurr, 1981). Cajner Mraovic and Akmadzic (2002) examine wartime and post-war changes in nature and scope of juvenile homicide in Croatia. The research brings together two insufficient fields of criminological research: the effect of war on crime, and juvenile homicide. Juvenile homicide is a topic on which most people have strong feelings and,

often, few useful facts. Croatian media have exaggerated the scope of the problem, creating unnecessary fear and sustaining a lack of perspective about the juvenile violence situation. The research seeks to compare the Croatian trends in juvenile homicide and perpetrator's profile before, during and after the war to juvenile homicide trends and perpetrator's profile in other transitional and non-transitional European countries. Research in Croatia following the war of the 1990s, reveals also some significant differences in the modus operandi and background of juvenile robbers before, during, and after the war (Cajner Mraović, Radovanić, Akmadžić, 2000).

The existing body of research in the field of war and crime resorts only to the impact of war on warring nations. The possible impact of specific war and post-war circumstances on countries that are not directly involved in war is not even tackled (Cajner Mraović, 2002), although there are some objective reasons for such research question, (e.g. Killias at all). (2004:111) warn that "all sources consistently point to a massive increase of offending among juveniles; particularly for violent offences during the 1990s" in most European countries and that "explanations should be sought at the European rather than the national level."

Juvenile crime trends in Central Eastern Europe at the end of 20th and the beginning of 21st century

Cajner Mraović and Stamatel (2002) compare trends in juvenile delinquency in transitional Central Eastern European countries in the 1990s with a select group of Western European countries and the USA within the framework of institutional anomie theory. Using data from international and country specific sources they show that juvenile crime trends are more stable across time in Western Europe than in Central Eastern Europe, and that juvenile delinquency is higher in Western Europe than Central Eastern Europe, and highest in the USA. The same authors also examine the impact that the social changes in Central Eastern Europe have had on juvenile participation in criminal activities: we will discuss these results later when incorporate them into the interpretation of our results.

Sijerčić-Čolić (2012) studied changes in juvenile crime in Central Eastern European transition societies over the recent decades referring to data on juvenile criminal offences registered by state authorities: police, prosecutor's offices, courts, offices of statistics. In the period from 1990 to 1999, she found a more or less sudden and then continuous increase in reported juvenile crime followed by gradual or even significant decline in most of observed countries: Croatia, Czech Republic, Hungary, Poland, and Serbia. In the same period she found a moderate increase in the number of reported juvenile offences in Slovenia and oscillating rates of reported

juvenile crime in Bosnia and Herzegovina. According to the same author (Sijerčić-Čolić, 2012), during the first decade of twenty-first century, there were also quite similar, mainly declining trends in juvenile crime in the most of Central Eastern European post-socialist countries. A consistent downward trends in reported juvenile crime during observed the second period she found in Czech Republic, Serbia, and Slovenia, while in Bosnia and Herzegovina, and Croatia she found continuing increase from previous observed period, and then declining slowly. Less stable trends in juvenile reported crime at the beginning of twenty-first century, this author observed in Hungary (a decline followed by slight increase to persistent high levels) and Poland (gradual decline with occasional slight increases).

The results of the study of self-reported juvenile crime in six member states that joined European Union in 2004 (Czech Republic, Estonia, Lithuania, Poland, Slovenia, and Cyprus) reveal quite similar decreasing trends in juvenile crime at the beginning of twentieth-first century (Steketee, Gruszczyńska, 2010).

Comparing trends of juvenile violent crime between 2000 and 2006 in cities of Czech Republic, Germany, Poland, Russia, and Slovenia, based on official crime statistics as well as on self-report crime studies, Enzmann and Podana (2010) made a conclusion about the trend of stabilization of juvenile violence during observed period in comparison to considerably increasing trends between 1990 and 1999.

It is also important to compare trends in juvenile crime as opposed to trends in adult crime, to get as complete as possible picture of juvenile crime in certain country. The results of research conducted in transition countries reveal that "trends in juvenile delinquency compared to trends in adult crime suggest that juvenile delinquency did not contribute significantly to a growth in the overall number of recorded offences in recent decades (Sijerčić - Čolić, 2012:234). The same author points out that "despite surveys and statistics indicating that during the period observed, an increase in adult crime rates in transition countries was higher than in juvenile delinquency (e.g. in Slovenia, the number of crimes committed by adult offenders increased by 100% in the last 10 years, while the share of juvenile delinquency in the overall crime figures have been decreasing, juvenile offenders are given greater public attention and concern"(Sijerčić-Čolić, 2012:234-235).

METHODS

Official crime statistics are the most accessible source of data on juvenile crime and they are often used in cross-national comparative research, despite of their problematical use and limitations resulting from

citizens' reporting behaviour and from levels of criminal justice system functioning. The alternative source of data for such comparative analysis of juvenile crime are self-reported studies and victim surveys, which has advantage that they are independent in relation to national or even local judiciary and police practice. The problem is a limited number of such studies because of their complexity, as well as reducing validity of comparative data over time.

According to Estrada (1999:25) "a sensible way to begin comparative study is to take advantage of the analyses already carried out by researchers in the relevant countries" because it is "reasonable to assume that these people know a good deal about the factors which affect their domestic crime statistics".

The analysis in this paper is based on official crime statistics which is related to reported juvenile offenders, because it is "better to use those statistics that lie "closer" to the crime – statistics relating to the suspected rather than convicted offenders" (Estrada, 1999:27). Reported juveniles are juvenile perpetrators of criminal offences against whom the legal proceedings based on crime report have been concluded. Because of the rule of appropriate scope for discretion is to be allowed at all stages of proceedings and at different levels of juvenile justice administration, police data on reported crime are the most appropriate official source of data on juvenile crime.

The main goal of the paper is to reveal how the broad social changes that have taken place in Eastern Europe over the last three decades have influenced trends in juvenile crime in two countries: Croatia and Serbia.

Using data from the national police services and country statistical yearbooks, authors compare changes in rates and structure of reported juvenile crime in Croatia and in Serbia in the period between 2001 and 2011. This period is chosen for several reasons. The goal of the paper is to examine the impact of rapid social changes in Croatia and Serbia on juvenile crime in these two post-socialist countries. On the basis of theoretical and empirical insights, criminologists, as well as psychologists and sociologists suggest that a post-war society might expect to feel the war impact on juvenile crime as long as ten to twelve years, because that is the amount of time that is needed for small children to grow up and be held responsible for criminal acts (Cajner Mraović, 2002:983). Changes in juvenile crime during the war and immediately afterwards have been already discussed in previous research, so now we're interested in further post-war trends.

RESULTS

Oscillations in juvenile crime trends over the recent decades in post-socialist Central Eastern European countries, described in previous sections, led to conflicting assessments of changes in juvenile crime (Sijerčić-Čolić, 2012), and it has been subject of much controversy as we already stressed in introduction of this paper. The following table presents official statistics on juvenile crime in Croatia and Serbia during first eleven years of twenty-first century.

Table 1. Reported juvenile perpetrators of criminal offences (2001-2011) in Croatia and Serbia

Year / Country	**Croatia**	**Serbia**
2001	2846	3640
2002	2822	3251
2003	2909	2415
2004	2731	3120
2005	2630	2945
2006	2830	3041
2007	3191	3434
2008	3419	4085
2009	3188	3497
2010	3270	3747
2011	3376	4323

As one can see from table 1, during the first half of period observed, these data in Croatia do not show steady and recognizable rise of juvenile crime, although the public perceptions was quite different. The least total number of reported juvenile offenders was in 2005 (N=2630) and the biggest number was in 2003 (N=2909). After 2005 there was continuous but not rapid increase in the juvenile reported crime in Croatia. During the entire 11 years of the observed period, juvenile crime in Croatia increased by 18,6%. Almost the same are the findings for Serbia: there were no consistent changes in scope of the juvenile crime until 2005 when it started to increase. There is almost the same increase of the juvenile crime during given period: 18,8%.

Both the experts and the general public are not interested just in trends of juvenile crime rates, but also concerned with structural changes in juvenile crime, as well. It is most likely that war and transition tend to change not only the juvenile crime rate, but also the nature and the origin of juvenile criminal activity. Modern societies, particularly in countries which are going through rapid political and economic changes, face dilemmas over efficient response to varying juvenile crime: whether the juvenile justice system

should get tougher or it should follow the concepts that have provided a framework for dealing with juvenile crime for more than a century (Sijerčić - Čolić, 2012:235). This controversial issue is becoming even more complicated due to the perceived or officially recorded increase in juvenile violent offences. According to the same author (Sijerčić - Čolić, 2012:235), this dilemma is also frequently manipulated by the politicisation of juvenile crime.

The next table contains data on reported juvenile perpetrators in Croatia and Serbia in observed eleven year period, by types of criminal offences which are dominant in structure of juvenile crime.

Table 2. Reported juvenile perpetrators of criminal offences (2001-2011) in Croatia and Serbia, by types of criminal offences

Year	Criminal offences against					
	Life and limb		Property		Public order	
	Croatia	Serbia	Croatia	Serbia	Croatia	Serbia
2001	102	289	1690	2923	61	64
2002	92	369	1614	2374	104	93
2003	129	310	1720	1656	96	89
2004	143	374	1696	2128	103	112
2005	134	402	1659	1994	106	93
2006	135	436	1747	1931	128	115
2007	304	432	2077	2198	154	195
2008	463	592	2191	2471	185	313
2009	525	461	1936	2015	169	366
2010	460	482	1998	2142	146	416
2011	425	582	2131	2450	177	511

From the data presented in Table 2, it is obvious that during the first decade of the 21st century, there were also some interesting features in nature of juvenile crime in Croatia and in Serbia: in Croatia, juvenile crime against property (relates to two thirds of the total juvenile crime) increased 26,1% while in Serbia it decreased 16,2%.. But, there are some more significant changes in juvenile violent crime during the observed period: juvenile crime against life and limb quadrupled in Croatia and doubled in Serbia. In 2011, compared to 2001, juvenile crime against public order increased three times in Croatia and eight times in Serbia.

This paper is built on and confirms previous research which has shown that one of the social consequences of the transition to democratic market societies is related to changes in both the quantity and quality of reported crime. Data on reported juvenile offences during the 1990s in Central Eastern European post-socialist countries, Western European countries, and the United States reveals very similar trends among countries in transition.

According to Cajner Mraović (2002:982) "it seems that global political, economic, and social changes in these countries, as well as wartime conditions in some of them, caused an identifiable increase in juvenile crime".

Based on the obtained results, it can be noticed that rapid social changes of war and transition tend to have long-term impact on juvenile crime rates and structure.

DISCUSSION

In some of previous sections theoretical explanations of causal relations between rapid social changes and changes in juvenile crime have been discussed. Not just already mentioned, but many other social theories, such as frustration theory, cognitive association theory, or social disorganization theory, support the common sense notion that war and transition might produce a legacy of post-war violence, particularly in young people (Boehnke, Berg-Winkels, 2002). There is a mixture of indicators drawn from above approaches that further clarify the causal relationship between rapid social change and changes in juvenile crime.

Among other issues, the effect of war on young person's behaviour depends on the developmental stage of the person before the war. There are considerable age-group variations according children's and juveniles' capacity for understanding the events of the war. For toddlers and very young preschool children the worst effects came from separation from parents or even from loss of contact with one or both of them. Preschool children as well as children of early school age begin to think and behave in terms of war instead of thinking in terms of play and fairy tales. Children of that age learn what is right and wrong: during war children adopt violent models of behaviour and it could be a problem in a post-war period because they retain learned behaviour. Preadolescents and adolescents tend to be directed by an idealized authority. During war, war heroes become role models; this is less appropriate after the war is over: war heroes tend to be forgotten or even pronounced undesirables and deviants, which could be a source of great confusion for youngsters.

Another post-war risk factor is related to increased levels of frustration in a post-war period: after war, people usually have great expectations of new beginnings that are unrealistic because economic, political and all other social resources are often exhausted by war. This typical post-war macro-social process may not only affect adults, but youth as well: under conditions of unemployment, confusion of moral values, and lack of social support, which all reflect the further decline in living standards and quality of life, they feel frustrated and bad, which often make them behave badly. Many

juvenile post-war crimes are motivated by a desire to rectify what these young people see as injustice towards them. Juveniles may be engaged in acts that challenge the capacity of the institutional order or they may even attack representatives and symbols of the institutional order: it is reflected in significant increase in offences against public order.

In post-war period, there is also the increasing risk of domestic violence due to war-induced posttraumatic stress disorder, especially among the male population, and considering some almost typical post-war changes in family structure: men returning from the battlefield in the families who have learned to live without them. All this weakens parental control and nurturance, and increases the risk of juvenile crime and deviance.

One can conclude that a social support to young people is weak at all levels of post-war society: families are under an increased stress, educational system goes through a process of institutional anomie, the social welfare system is overloaded with post-war social problems (unemployment, refugees, poverty), and justice system is focused on war-crime and crime related to current social process of privatization. It is typical post-war social context in which social policymakers and authorities are involved in attending to what appear to them to be more urgent spheres of social life than juvenile problems.

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VICTIMS OF SEXUAL VIOLENCE IN CONDITIONS OF WAR

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Rape must not be a weapon of war.
"The use of rape during wartime as a weapon
is the worst possible form of warfare."

INTRODUCTION – War and Criminality

At times of war, the regular functioning of the system is disrupted; that is to say, warfare gives rise to social disorganization accompanied by inadequate, passive and non-objective work of the police and the judicial organs. Such conditions result in increased possibilities and circumstances for higher levels of criminality, primarily due to the existence of an objective lack of control over the competent institutions and a lack of respect for the public order and the established rules of conduct. Such circumstances encourage primitive urges among individuals, including punitive actions. In the case of members of the armed forces, such behavior is even more strongly expressed as a result of the position and power they have. Social disorientation generally encourages people with past criminal inclinations to continue committing criminal acts and be even more brutal and greedier in such situations; it also encourages criminal activities among citizens who used to be model and law-abiding ones before the war. There are views that these people only "naturally" adapt to the circumstances of disorganization, as this is the only way to survive. All of this contributes to temporary changes in the scope, structure and features of the criminal conduct in warring states; thus, various forms of criminal activities usually take place, starting with conventional ones and all the way up to organized and war crimes.

The situation regarding the practice of reporting criminal acts is also unfavorable, since a substantial portion of such acts is not reported. Here rises the question of sexual violence under conditions of war, which is the subject matter of our paper. The incomplete records of criminal acts primarily as a consequence of the failure of the institutions of the system to function, the fear among victims to report criminal acts, and the lack of

confidence in the institutions, all lead to underreporting sexual crimes, with the dark number of this type of criminality being at the same time on the increase. Under the circumstances of the modern – so-called "new" wars, however, this is changed due to the significant role of the media and their contribution in making the victims of sexual crimes visible, as well as due to the rising number of non-government organizations involved in the monitoring of the phenomenon and in aiding the victims. The example of Bosnia, where the number of victims of sexual violence was even unrealistically augmented, illustrates another type of phenomena when the media place themselves at the service of politics and the authorities.[1]

The rise of criminality in the course of a war may also be explained with the theory of learning and the theory of anomy. People primarily acquire criminal motives through their general social beliefs. Once violence becomes accepted as a legitimate means for conflict resolution, people tend to start believing that they, in the same manner as their leaders, should resolve their mutual conflicts by the use of violence. This form of learning criminal conduct is especially typical of young people; thence, juvenile delinquency escalates. In the process of learning, the role of the media is of particular importance. The theory of anomy, on the other hand, is based on the explanation of a warring society as a typical society of anomies, in which not even the elementary rules of conduct are adhered to and which is characterized by a crisis of the institutions, along with a crisis in the values, i.e. disorientation in the system of values.

Still, when discussing war, one may not avoid the post-war period, mostly because of the consequences of war and the manner in which society is to cope with them. "Following a war, society is faced with the consequences of it, with the most serious ones certainly including widely spread criminalization and victimization, as well as disappearance of the clear boundaries between what is and what is not allowed in terms of behavior. Furthermore, this also leads to one of the warring parties denying its own crimes and simultaneously exaggerating

[1] These are simplified perceptions of the victims and aggressors and the forms of suffering to which the victims – predominantly women – were exposed to in the war; such perceptions were created by the media and this was used for political and military goals, but caused considerable damage to the victims themselves in the first place, on whose behalf and for whose benefit this was allegedly done. This was a result of the negative - as opposed to the indisputably positive – role that the media played during this war. In fact, the role of the media in this war deserves attention in itself and ought to be studied separately.

the ones done by the other party. The response to war crimes includes retributive and restorative forms of response."[1]

This paper's aspiration to debate on the victims of sexual violence at times of war comes as a result of several circumstances: until one decade ago (when it comes to our legislation), crimes related to sexual violence were not recognized as crimes against humanity and some of the forms of sexual violence were not granted the status of war crimes; then, because of the seriousness and long duration of the consequences caused by such crimes, as well as for the purpose of overcoming certain stereotypes when it comes to the application of the principle of incrimination (e.g., that they should be a part of ethnic cleansing). The same significance may also be assigned to the expansion of the notion of sexual violence, which is not determined merely as rape and forced prostitution under the latest legal definitions (the latter having their basis in the international documents). This is also true because of the high incidence of the phenomenon. Namely, according to UN data, between 100,000 and 250,000 women were raped in the course of the 1994 war and genocide in Rwanda. The same source tells us that about 60,000 women were raped during the Sierra Leone civil war (1991 – 2001), more than 40,000 in Liberia (1989 – 2003), around 60,000 in the countries of former Yugoslavia (1991 – 1995), of which the majority in Bosnia and Herzegovina, and close to 200,000 in the Democratic Republic of Congo (since 1998).[2]

INTERNATIONAL DOCUMENTS CONCERNING VICTIMS OF SEXUAL VIOLENCE IN CONDITIONS OF WAR

The issue of the position of victims of sexual violence was raised following the World War II (with regard to the famous Nuremberg and Tokyo trials), but was given special attention during and following the wars in former Yugoslavia and in other parts of the world (for instance, in Rwanda). The establishment of the ad hoc Tribunal in Hague and the charges brought by it had an impact not only on the perfection of the international documents[3], but also on the search for solutions of the

[1] On the relation between war and criminality, see more in Konstantinović-Vilić, S., Nikolić-Ristanović, V., Kostić, M. (2009), Criminology, Pelikan Print, Niš, pp. 357- 359.

[2] ttp://www.bportal.ba/index.php?option=com_content&id=22411%3Ageneralna-skuptina-un-a-usvojena-deklaracija-o-eliminaciji-seksualnog-nasilja-u ratu&Itemid=60#sthash.xt90UOrO.dpuf (accessed on 27.04. 2014)

[3] In this sense, improvement of the status of the victims of sexual violence may already be observed in the Statute of the International Criminal Tribunal for Rwanda

practical problems related to the consistent implementation of such documents.

This is why this section of the paper turns to the Statute and Rules of the International Criminal Tribunal for the Former Yugoslavia (also known as the Hague Tribunal), the Statute of the existing International Criminal Court, as well as to the UN Declaration of Commitment to End Sexual Violence in Conflict (adopted in 2013). In this, we will devote special attention to the protection of victims of sexual violence in warfare. At the same time, it is worth noting that the **international protection against sexual violence** is made part of a wider context in terms of the achievement of justice and recovery of the victims and society as a whole by means of establishing long-lasting peace in the specific country and in the entire region.

We underline that the notion of sexual violence or – as it is otherwise referred to – sexual abuses is not defined merely as rape. Namely, "sexual abuses of women in war, in addition to rape – also include threats of intimidation with rape, various forms of sexual harassment and sexual blackmail, sexual slavery in the sense of forced concubinage, as well as forced prostitution (in brothels for soldiers and as a survival strategy)".[1] This understanding is, therefore, owed to the theoreticians. It was later also accepted in the international documents. The novelties in our Criminal Code (primarily the one in 2004 about which we will speak in more details later on) are also along the lines of such an understanding of sexual violence.

Taken as a whole, the Statute of the International Criminal Tribunal for the Former Yugoslavia (known as the Hague Tribunal) constitutes progress at the international level when it comes to human rights related to the protection of the rights of victims. On the other hand, the shortcoming of the Statute is the fact that rape is explicitly treated as crime against humanity (Article 5 of the Statute), but only when it is systematic and widely spread against the civil population. In other words, rape is treated as a crime against humanity only when committed as part of an ethnic cleansing strategy, but not when it involves individual and even group acts of rape… Rape is not explicitly mentioned in the Statute of the Hague Tribunal as a serious violation of the Geneva Convention, but was – on the basis of the interpretation of feminist lawyers – additionally classified as a serious offence under "inhuman treatment", with the possibility of classifying it under two other serious offences as

[1] Nikolić-Ristanović, V. et al. (1995) Women, Violence and War, Criminological and Sociological Research Institute, Belgrade, p. 37.

well – that of "torture" and that of "willfully causing great suffering or serious injury to body or health" (Article 2).[1]

Regardless of such imperfections, it must be emphasized that the Hague Tribunal will go down in the history of international punitive law and judiciary as the first-ever international tribunal to have initiated proceedings against perpetrators of wartime sexual violence. We have to emphasize especially that, as reported by Nerma Jelashic, spokeswoman of the Hague Tribunal, sexual violence charges were also brought against **almost half** of the 161 individuals accused by the Tribunal.

The benefits for the position of the victims arising out of the solutions in the **Statute of the International Criminal Court** (hereinafter: the Rome Statute), which postulates forced prostitution as a crime against humanity and rape and sexual slavery as both a **crime against humanity** and a **war crime**. It is of particular importance that this was the first time in history of the international (and not only of the international) criminal law that forced pregnancy was incriminated as both a crime against humanity and a war crime. Enforced sterilization and any other form of sexual abuse of such or similar nature in terms of the other explicitly postulated crimes against humanity involving sexual violence also constitute crimes against humanity, but are not defined as war crimes. However, the provision of the Statute related to genocide remains unchanged, but - in the light with the previous practice – it may be expected that it will be construed in such a way that it will also include rape as a powerful genocide instrument.[2]

The advancement made by the Rome Statute in comparison with the one of the Hague Tribunal is that the former treats rape as crime even when it is not a part of a wider ethnic cleansing.

Under the Rome Statute, sexual violence is treated as a war crime and is classified in the group of serious offences of the law and customs applicable in the international armed conflicts (Article 8, paragraph 2 b)

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[1] Nikolić-Ristanović, V. (1998) Victims of Rape in Armed Conflict and the International Tribunal in Hague, "Temida", p. 13. Upon insistence of the feminist lawyers, the American State Department determined that rape constitutes grave breach of the Geneva Conventions and this was subsequently treated by the International Criminal Tribunal for the Former Yugoslavia **as a war crime, more precisely as "willfully causing great suffering or serious injury to body or health", "torture", or "inhuman treatment" (grave breaches of the Geneva Conventions), as well as a violation of the law and customs of war**. Namely, in 1998, Hazim Delic (Chelebichi case) was sentenced to 20 years in prison and this was the first-ever ruling of the Tribunal on rape as an instrument of torture. (Nikolić-Ristanović, V. 2000, Sexual Violence in War: From Nuremberg to the International Criminal Court, ,"Temida", vol. 3 - 4, p. 37).

[2] Nikolić-Ristanović, V. (2000) Sexual Violence in War: From Nuremberg to the International Criminal Court, ,"Temida", vol. 3-4, p. 38

XXII) and in armed conflicts that are not of an international character (Article 8, paragraph 2 d) VI). The difference between the two is that the first case refers to serious violations of the Geneva Conventions in general, and the second one to grave breaches of Article 3, which is common to all four Geneva Conventions.[1]

Pursuant to the Rome Statute, the Court shall act in respect of war crimes, in particular when those crimes are committed as part of a plan or policy or as part of a large-scale commitment of such crimes (Article 8 paragraph 1). In accordance to the Statute, the crimes that shall be treated as sexual violence-related war crimes include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence constituting a grave breach of the Geneva Conventions (Article 8 b) and e)).

In addition to doing so by acceptance of the international documents, our substantive criminal legislation (especially under the 2004 Novelty of the Criminal Code) also accepts the list of acts related to sexual violence, and the forms of such violence, thus treating them both as crimes against humanity and war crimes.

Both incriminations treat the issue of sexual abuse of individuals of both genders in armed conflicts, namely: Article 403-a (crime against humanity) introduced by the 2004 Novelty and Article 404 (War crimes against civilians), also amended in 2004 ("Official Gazette of the Republic of Macedonia" no. 19/2004) and – on top of the already existing acts of forced prostitution and rape – also added the following: sexual **exploitation** or slavery or causing forced pregnancy, enforced sterilization or **any other form of grave sexual violence** (Article 403-a), while Article 404 speaks only of any other form (without the qualification "grave") of **sexual violence.**

In this context, let us also mention yet another international document adopted recently (2013), which has been especially relevant and present in the public discourse as of lately[2]; a document that has already been accepted by 137 countries worldwide (or 70% of the UN Member States) – "The Declaration of Commitment to End Sexual Violence in Conflict"**.**[3]

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[1] Rome Statute of the International Criminal Court ("Official Gazette of the Republic of Macedonia" no. 12/2002)

[2] The relevance of the document is due to the fact that the commitments to its affirmation and consistent implementation (visiting in the process specific states infamous for the large-scale sufferings of the victims of sexual violence) include British Foreign Secretary William Hague and the world-renowned actress Angelina Jolie.

[3] The Declaration was adopted on September 24, 2013. The integral text of the Declaration is available at https://www.gov.uk/.../A_**DECLARATION_OF_CO**... *(accessed on 30.04. 2014)*

Among other things, the Declaration calls for:

- Adequate funding for sexual violence prevention and response efforts;
- Comprehensive, improved, and timely medical and psychosocial care for survivors;
- Exclusion of crimes of sexual violence from amnesty provisions in peace accords;
- Full participation of women in all decision-making processes during conflict, post-conflict, and peace time;
- Strengthened regional efforts to prevent and respond to rape in war;
- Enhanced support for conflict-affected states for national security and justice reform efforts aimed at addressing sexual violence in conflict;
- Military and police training on prevention and protection obligations;
- Improved collection and access to data and evidence of sexual violence during conflict;
- Support and protection of the efforts of the civil society to document cases of rape in war; and
- Development of an International Protocol on the documentation and investigation of sexual violence in conflict.

It may be concluded most precisely that this is a document aimed at improving the care for and protection of victims of sexual violence in conflicts.

Procedural Provisions Related to the Position of Victims of Rape and Other Sexual Crimes

The special Victims and Witnesses Section has a special role in the protection of victims of war crimes, including victims of sexual violence. It is interesting to note that such an organizational solution was introduced with the acts of the Hague Tribunal and was accepted as a good experience in the Rome Statute as well.

Pursuant to Article 34 of the Rules of Procedure and Evidence (of the Hague Tribunal), the activities of the Victims and Witnesses Section shall consist of: 1) recommending protective measures for victims and witnesses in accordance to the Statute; and 2) providing counseling and support for the victims and witnesses. In this, the provision particularly underlines that the Section will provide the counseling and support "in particular in cases of rape and sexual assault", and that "due consideration shall be given… to the employment of qualified women" in

the appointment of staff. According to the interpretation by Niarchos, while there is no special provision to that effect, it may be assumed that the last note suggests the creation of a special unit composed mostly of women, which – in the way that proved to be useful at a national level in many countries – would deal with cases of rape and other sexual abuse.

Another provision of the Rules is of special significance for the victims of rape and other sexual crimes. Namely, Rule 75 postulates that the court shall, whenever necessary, control the manner of questioning to avoid any harassment or intimidation. With regard to this, the provision contained in Rule 96, the intention of which is precisely the protection of such victims, is of particular importance. In this sense, additional evidence shall be required to corroborate the victim's testimony, examination of the victim's prior sexual life shall not be acceptable and – in case the defense claims that there was consent on the part of the victim, the court is to consider factors that may have influenced such consent, including physical violence and moral and psychological limitations. This includes not only threats and pressures to the victim himself or herself, but also to other individuals that are close to the victim or that the latter cares for.[1]

Under the Rome Statute that the Republic of Macedonia ratified by the Law Ratifying the Rome Statute of the International Criminal Court ("Official Gazette of the Republic of Macedonia" no. 12/2002), the Court shall undertake certain measures to protect physical and psychological integrity, dignity, and privacy of the victims and witnesses. The Court shall take into consideration all relevant circumstances of the case in question, including the age of the victims and witnesses, their gender in the sense of Article 7 paragraph 3, their health condition, and the nature of the crime committed. This the Court does particularly, but not exclusively when the specific criminal act involves acts of sexual abuse and abuse of children.

Notwithstanding the principle of public hearing regulated in Article 67 of the Statute, the Court may – for the purpose of protecting the victim, witness or accused – conduct certain procedural activities involving the presence of the stated parties to the proceedings **in a special court room (in camera)** or may allow the evidence to be produced by electronic or other similar means, in particular when a child appears in the capacity of a victim or witness. **The Victims and Witnesses Unit of the Court** is authorized to propose to the

[1] On these and all other procedural provisions contained in the Hague Tribunal Statute and its Rules of Procedure and Evidence related to victims in general, including victims of rape, see more in my article (2001): Rights of Victims – Prerequisite for Successful Cooperation of the Republic of Macedonia with the Hague Tribunal, Macedonian Magazine on Criminal Law and Criminology, vol. 1 - 2, pp. 103 - 106.

Prosecutor **the application of appropriate measures of protection of the stated categories of persons, appropriate arrangements guaranteeing the safety of such persons, counseling for victims and witnesses, as well as other forms of assistance**, in accordance with the provisions of Article 42 paragraph 6.

Namely, pursuant to the above stated Article 43 paragraph 6, the Secretary shall set up a Victims and Witnesses Unit within the Registry. In consultation with the Office of the Prosecutor, this Unit provides the application of protective and security measures and other appropriate assistance for the witnesses and victims appearing before the Court, as well as for others who appear before the Court. What is even more significant for the subject matter of this paper is the provision under which the Unit shall include psychotherapists, including ones specializing in providing assistance to victims of sexual abuse, which in itself evidences the need of specialized assistance for this category of victims, having in mind their position and the consequences arising out of these crimes for such victims.

In cases when - pursuant to the provisions in this Statute - the production of evidence and admittance of information may result in jeopardizing the safety of the witnesses or their family, the Prosecutor is authorized not to disclose the type of evidence and information in question and instead only to present a brief report, for the purpose of conducting procedural actions preceding the proceedings itself. These measures… (Article 67 paragraph 5).

In compliance with the Statute and under procedures of their national law, State Parties are obliged when so requested by the Court to provide legal assistance in the investigation, pre-trial and trial stages, among other things also to the protection of victims and witnesses and the preservation of evidence (Article 93 paragraph 1 j)). The significance of this provision lies in the fact that it overcomes the previously observed weakness of the international legal solutions when it comes to the protection of victims and witnesses, which was reduced to the trial stage only. In this context, the provision would have been complete had it also included the protection of victims and witnesses following the completion of the trial as well, particularly if they are to return to the places of their previous residence.

Features of Sexual Violence in Conditions of War with a Special Focus on Rapes

Under war conditions, various forms of sexual violence are present, primarily such that are aimed at civilians and specifically at women as the most frequent victims of rape and other forms of sexual

violence. "…Women have been sexually abused in regions affected by military actions, as well as in regions not under direct threat of a war, in which the various ethnic groups still live together. Women have been subjected to sexual violence in various situations: during house searches, arrests, escape, in camps, in special premises intended for isolation and rape, etc.[1] It must be, however, noted that rape – as one of the forms of sexual violence in times of war – is by far the most frequent or visible one. In fact, papers in this area are much more focused on rape. This is not to say that the majority of perceptions related to rape do not include other forms of sexual violence as well. Bearing in mind these remarks, we will also primarily speak about rape in this study.

What features of rape may we point to?

a) Rape is primarily committed by members of armed forces, but also by civilians, members of various ethnic groups, and even members of the same ethnic group.

b) Rape is more a result of the imbalance of power and is used as a means for the attainment of goals having nothing in common with sexuality; just like when committed in peace, rape in armed conflicts is more a result of the imbalance of power than it is due to purely sexual motives.[2] There are views that the sexual meaning of rape is of marginal importance during war. Under such circumstances, rape is used as a means of vengeance or humiliation of the victim of rape who is a civilian, causing enforced pregnancy or rape accompanied by enforced prostitution, etc.

c) Rape is the result of a certain policy and strategy of the warring parties and the goal expected to be achieved by the armed forces – conquering a territory, the conquerors also acquired the "right to sexual conquer" that over time came to be an accepted manner of evaluating manliness, i.e. a manner of demonstrating dominance and superiority over women. Still, when the armed forces are predominantly consisted of male members, it is the masculine nature of war that prevails and the gap between the man possessing power and freedom to act as a result of the situation in which he finds himself, on one hand, and the woman deprived of power and with no possibility to protect herself and to resist the man, on the other hand, becomes larger. Rape in armed conflicts is not only a

[1] Nikolić- Ristanović, V. et al (1995) Women, Violence and War, Criminological and Sociological Research Institute, Belgrade, p. 37
[2] Ibid, p. 38.

matter of incidence where the female victim happened to be in the wrong place at the wrong time (Chinkin, 1993).[1]

d) One of the features of rape in wartime is the cruelty of the act, i.e. the cruelty in treating the victim of rape. This cruelty is mainly due to the impact of the circumstance that – in the eyes of the rapist – the victim symbolizes the adversary and that the latter is thus harmed and vengeance is achieved for certain other actions of the enemy; in such cases, women are also considered to be the property of men and the enemy is to be defeated – among other things – also by causing disgrace, deprivation of honor, and humiliation; in other words, by destroying the woman as the property of the man. The women of the adversary combatant are often abducted for the purpose of committing group or repeated rapes and enforced prostitution. The ultimate symbolic expression of rape in warfare may be treated as humiliation of the enemy, since men traditionally perceive rapes of "their own" women as part of their own defeat. The myth of the male protector, activated in most of the wars, is – as Seifert puts it – nothing but a myth.[2]

e) On the use of rape as a weapon in war – the Conference on Prevention of Sexual Violence in Conflicts held in Sarajevo (March 2014) states among other things the following: For a long time it has been assumed that rape of civilians simply happens in war. However, the use of rape as a weapon of war is the worst possible form of fighting. Perpetrators are often aware of their doings. They separate families, with men also being victims. Women must no longer be afraid to go out in the street to take care of their family, fearing that they will be raped. Soldier must be educated how to treat women. Sexual abuse and raping women must not be usual weapon in the wars worldwide." (Angelina Jolie in Sarajevo, 27 March 2014)

f) For the victims of sexual violence, the post-conflict period is also a traumatic one, which is to say that the victimization continues as a rule: the problem of stigmatization and social exclusion of victims of sexual violence in war and in the post-war period is yet another example of secondary or prolonged victimization of the already severely victimized individuals. The victims must be integrated back into society and this is the unquestionable task of every organized society. The following are important elements in this respect: prevention, justice and reintegration (accessed on the internet on 30.03.2014).

g) Victims of wartime rape in the post-conflict period "mainly live in a dire financial situation, do not have the psycho-social support that they

[1] as cited in Nikolić- Ristanović, V. et al., ibid, p. 38.
[2] Ibid, pp. 38- 39.

so much need, no free legal aid, and usually no job… At the same time, the perpetrators of such crimes are still out there living a free life, in some cases even in the same place where these women live. They see each other and their families know each other. It is a small number of women who decide to initiate criminal proceedings against the perpetrator, primarily due to the lack of psycho-social assistance that would make it easier for them, but also due to fear."[1] In this context, the role of the family is rather important; it is the family that must demonstrate understanding for the victim and provide the assistance and support required for their rehabilitation and reintegration. It is the family that must stop the process of prolonged or so-called secondary victimization. Secondary victimization is also a serious problem encountered by the victims, especially in patriarchal environments. It is in this sense that we suggest that work should be done with the families as well, as they constitute a significant link in this process.

Resolving Conflicts Related to Sexual Wartime Violence in the Post-conflict Period

Sexual violence committed during wars inevitably imposes the need to search for possible responses in the post-conflict societies. The conventional response to this issue related to the so-called retributive justice will not be the focus of our interest on this occasion. We will instead turn our attention to the so-called **transitional justice**, as an alternative of more far-reaching goals than bringing the perpetrators to justice. More precisely, its main objectives are tied to the efforts to arrive at the truth and at reconciliation, the ultimate goal being the establishment of a lasting peace in the specific country and the wider region, to prevent the conflicts from "spilling over".

Resolving conflicts related to wartime violence in the post-conflict period is a process requiring time and numerous efforts on part of the opposing parties. The losses suffered and the consequences of the violence and fear gone through at times of war make the resolving of conflicts and their consequences following the end of the armed conflict painstaking and long-lasting. In this context, various forms of resolving violence-related conflicts are used, including the possibilities provided by the truth and reconciliation commissions as an alternative or complementary form of dealing with perpetrators and victims in the post-conflict period. This is about implementation of transitional justice in the so-called transitional countries. In fact, transitional justice embodies a

[1] http://www.bportal.ba/index.php?option=com_content&id=22411%3Ageneralna-skuptina-un-a-usvojena-deklaracija-o-eliminaciji-seksualnog-nasilja-u-ratu&Itemid=60#sthash.xt90UOrO.dpuf

wide spectrum of truth identification mechanisms, such as investigation initiatives and documentation commissions and centers.[1]

An example of this is the setting up of truth and reconciliation commissions (in Rwanda, South Africa or El Salvador). As observed by Minow, it is only if we admit that the prosecution is slow, partial and narrow that we can realize the value of the independent commissions investigating large numbers of crimes and the complex lines of liability and accomplice. These commissions combine restorative justice with the search for truth. The truth speaks of perpetrators and sexual violence committed, i.e. rape and victims suffering consequences of the deed; as a result, the commissions offer amnesty to the perpetrators who have committed crimes following orders, i.e. for political reasons, in exchange for the truth. Amnesty, however, may and must not be granted to all those asking for it. Depending on the crime committed, its graveness and consequences, perpetrators are prosecuted criminally.[2]

In the case of South Africa, the establishment of a Truth and Reconciliation Commission provided a formula – in the words of Bishop Desmond Tutu – between "Nuremberg and amnesty", such that would enable the community to head for a more stable peace by facing the truth. The Commission reduced the number of processes, but did not grant amnesty en bloc. The perpetrators had to publicly admit their doings and face the victims. Justice is, therefore, understood as collectively facing the truth, publicly admitting / confessing on the part of the perpetrator, compensation for the victims, aspiring to achieve forgiveness that would lead to reconciliation / peace in the community… The objective was social, instead of political reconciliation, i.e. justice establishing an inclusive political community, sawing back together the social tissue torn, and re-establishing individual rights instead of being satisfied merely by legally punishing the guilty party.[3]

It is in the context of such work of the truth and reconciliation commissions that we speak of the manners of dealing with the past violations of the human rights in the **transition societies**. Transitional justice is one of the most important instruments in the process of democratization led with the support of the international organizations, so

[1] www.balkaninsight.com/rs/ (accessed on 28.04. 2014)

[2] More details on the essence of this process, especially through the South African Truth and Reconciliation Commission, may be found in Nikolić-Ristanović, V., in the section of the paper with an inspirational title: What next: justice, healing society or all together?, as part of the study entitled Sexual Violence in War: from Nuremberg to the International Criminal Court and beyond, "Temida", Belgrade, 2000/3-4, pp. 38 - 39

[3] Nakarada, R.(2011) Roads to Reconciliation, in the Yearbook of the Faculty of Political Science, Belgrade, vol. 5, pp. 368- 369

that it may function as an efficient catalyst of the post-conflict reconciliation and stabilization.

According to the International Center for Transitional Justice, the basis for the actions of transitional justice include: calling for liability of the offenders of human rights in the past by means of criminal prosecution and out-of-court forms of investigation (as truth finding mechanisms), reparations for the victims and efforts to meet their needs, and transformation of the security systems, so that the perpetrators are liable for past violations of human rights and so that they are potentially removed from public institutions; also reforms of the public institutions to prevent repeated violations of human rights from the past.

Nowadays, transitional justice is often confused with the international justice and criminal prosecution. As this project demonstrates, however, **transitional justice has more far-reaching consequences than simply bringing the perpetrators to court.** Its main objective is to build sustainable peace and assist in the democratization by healing the society and reconciliation.[1]

Can we talk of such experiences in our environment? It may be concluded that, in addition to the court ones, other truth establishing mechanisms have also been initiated in the region, such as national fact finding centers, the regional truth identifying commission RECOM and several fact finding initiatives in the form of various investigation and documentation centers.

The regional coalition of non-government organizations (Coalition) initiated the formation of a regional truth finding commission (RECOM) in 2008. The Coalition consists of a network of 1,500 non-government organizations, associations and individuals, with some of these organizations coming from Macedonia. Still, it may not be said that this initiative has had any significant impact in this country.

At the very end, it may be concluded that the experiences of the Republic of Macedonia when it comes to the application of truth and reconciliation processes – thus also of transitional justice – are indeed too modest for any relevant conclusions to be deducted. Yet, an encouraging sign that things will "get off the ground" is the information that the subject of *Transitional Justice* has been introduced in the latest study program of Criminology and Criminal Policy at the Faculty of Security in Skopje that started in this academic year (2013/14), with the purpose of studying this significant novelty in the implementation of justice on a scientific base.

[1] www.balkaninsight.com/rs/ (accessed on 28.04. 2014)

CONCLUSION

Sexual violence in times of war is a type of crime that has been unjustifiably neglected and even considered to be a "normal" phenomenon or collateral damage wars inflict. Owing to the intensified efforts of the international community – and in particular of the feminist movement – this crime started to be treated as a war crime and a crime against humanity and its definition is being expanded, instead of being brought down to mere rape or enforced prostitution. It is of unquestionable importance to study sexual violence in armed conflict; in this, any specifics in terms of sexual violence in peace are to be especially identified; treatment of this type of violence needs to be determined in the international documents; its features need to be recognized; and one of the possible ways of resolving it in the post-conflict period is to be pointed to (by means of truth and reconciliation). Thence, the need arises to study it further and more deeply.

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THE ROLE OF THE EXPERT ADVISOR IN CRIMINAL PROCEEDINGS*

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Abstract

Nowadays we do not have any doubt about the role of expert witness and importance of his findings and opinion in criminal proceedings, but we do have some about the expert advisor. The expert advisor is completely new legal provision in the Criminal Procedure Code of the Republic of Serbia. Analogue to the role of expert witness who assists the court in understanding professional questions that are beyond it knowledge, the expert advisor actually helps parties during discussion about expert witness`s findings and opinion. Despite numerous similarities between them, there are big differences. First of all, expert witnesses give an unbiased opinion in accordance with the rules of science and professional expertise about certain material facts in criminal proceedings. Expert advisor, on the other hand, is entitled to attend the expert examination, to make remarks about the findings, and opinion of the expert witness and to examine the expert witness at the trial. The expert advisor is not entitled to conduct expert examination. The role of the expert advisor in expert examination increases the trial component of the criminal proceedings and provides efficient protection of rights of the accused. This article deals with the role of the expert advisor in criminal proceedings and it legal nature not only in domestic legal system, but also in comparative legislation and case law.

Key words: *professional consultant/expert advisor; expert witness, criminal proceedings.*

INTRODUCTION

One of the most important principles of criminal proceedings is the principle of adversarial debate, according to which the parties independently and on their own initiative collect proceedings material for judgment and they comment on the

* This paper is a result of realization of scientific research project under the title of "Development of institutional capacities, standards and procedures for opposing organized crime and terrorism in the conditions of international integrations". Project is financed by the Ministry of science and technological development of the Republic of Serbia (no. 179045), and realized by the Academy for Criminalistics and Police Studies in Belgrade; project manager is Professor Ph.D. Saša Mijalković.

processes of the opposing party before the court bases its decision on it (Krapac, 2003). In process theory, this principle is also known as the principle of contradiction, given the right of a party to comment the statement of opposing party, which ends up with the possibility of presenting contradictory statements.[1] The objective of the contradiction principle is to facilitate the establishment of the truth on subject in the trial, because the contradictory proceedings allows the court to use a complete, immediate and versatile (on both sides) sources of information, which provides a better guarantee of judicial decisions and ensures "equality of arms" (Grubač, 2006). On the other hand, the equality of the parties or "equality of arms" is one of the guarantees of a fair trial, which is by the European Court of Human Rights judged as the right of the parties to be aware of and comment on all evidence and observations in the attached file (*Ruiz-Mateos v. Spain*).[2] As a result of strengthening mentioned principles we consider the introduction of the institute of expert advisor in the Criminal Procedure Code of the Republic of Serbia (CPC RS).[3]

Expert advisor is a person who has expertise in the field in which certain expertise is determined (Article 125 paragraph 1 CPC RS). That is a participant of criminal proceedings who undertakes specific tasks in someone else's and not in his legal proceedings[4]. Expert advisor has the right and duty to assist clients in understanding the technical issues that are the subject of an expertise.[5] Thus, unlike the expert who provides the court with expertise required in determining the material facts in the criminal proceeding, an expert advisor provides the parties with necessary expertise required for the proper understanding, critical evaluation and

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[1] Lat. *contra dicere*, contradict, fuss about. Čolić J. *Latin – Serbo-Croatian Dictionary* (Beograd: Vlad. N. Rajkovića i Komp., 1936)

[2] In the context of presentation of an expertise interesting thing is the decision of the European Court on Human Rights, according to which it was determined that a violation of the right to a fair trial exists if the court expert appointed by the defence was not provided with the same benefits as the one appointed by the prosecution or the court (*Bönisch v. Austria*). Judgements are listed by: Mole N. and Harby C., *Right to a fair trial, Guide for implementation of the Article 6 of the European Convention on Human Rights, Guidelines on human rights no. 3* (Belgrade: Council of Europe, Office in Belgrade, 2003), 90 - 91

[3] Official Gazette RS, no. 72/2011, 101/2011, 121/2012, 32/2013 and 45/2013

[4] Parties involved in the criminal proceedings have certain rights and duties in criminal proceedings and are the subjects of the general legal order, but not the criminal procedural relationships in which they do not enter. Grubač, M., *Criminal procedural law*, fourth changed and amended edition (Belgrade: Faculty of Law, Union University and JP Official Gazette, 2006), 67.

[5] Institution similar to an expert advisor was known in the Criminal Procedure of Hungary, which applied it till 1929 in Vojvodina. That was an institute for the control of an expert who has been engaged on the side of the defendant. However, the provision of technical assistance to the defendant by the control expert was in fact an expertise of contradictory nature and not a professional assistance in the narrow sense. Jocić M., *Criminal proceedings (XXXIII legal article from 1886.) and novella on criminal proceedings (XIII legal article from 1914) with interpretation and judicial practices in the courts* (Novi Sad, 1925), 145 and 196. Listed by: Milošević M., *Experts in criminal proceedings* (Belgrrade: Police Academy, 1996), 162.

rebuttal of expert's findings and opinions in order to ensure the correct and complete determination of facts. Additionally, the role of the professional expert advisor is important from another point of view that is manifested in the ability to challenge the competence of an expert, his education and experience.

NORMATIVE DETERMINATION OF THE INSTITUTE OF THE EXPERT ADVISOR IN SERBIAN LEGISLATION

As mentioned above, the expert advisor is a participant of the criminal proceedings who has expertise in the field in which certain expertise is determined. Therefore, that is a person who must have a professional capacity, as well as the expert. The legislature does not explicitly address this issue, but with logical interpretation it can be concluded that the provision on professional skills of experts could analogously be applied to the expert advisor. This conclusion seems justified given that the expert advisor needs to have expert knowledge in the field where certain expertise is determined and that his role is depleted with the assistance to the party in relation to the specific expertise that is carried out in the proceedings.

As a support to this there is the opinion of the authors of the new criminal procedure code that have the view that an expert advisor can be a person who is registered in the Register of experts[1] under the condition that in the concrete case he is not being named as an expert (Ilić, P.G. *et al.*, 2012). This means that in this case it is not allowed to accumulate two functions in a criminal proceeding, i.e. it is necessary to respect the principle of separation of processing functions.[2] However, mentioned authors believe that the expert advisor may engage another person, or a person who is not registered in the register of experts (is not on the list of court experts), provided that there is a risk of delay, that the persons on the list of court experts are prevented from acting or in other circumstances. This is analogue application of the provisions on the involvement of experts (Article 114 paragraph 3 CPC RS) in which the institution of the proceedings when deciding on this issue must take into account the professional and other characteristics that a person has,

[1] Register of experts is led by the Ministry responsible for justice. In the register of experts the following data are being entered: the number of entry, last name, name of one of the parents, and experts name, date of birth, place of residence, address, phone number, occupation, area of expertise and narrow specialty, number and date from the decision on the appointment or dismissal of an expert. Register of experts is maintained in electronic form and is accessible via the web-site of the Ministry. In addition to the Register of Experts, the Ministry keeps the collection of documents for each expert where it stores the documents on which the entry was made in the register of experts, as well as reports filed against an expert, decision on imposed fines and suggestions for dismissing of an expert (Article 16 Law on court experts, Official Gazette of RS, no. 44/2010).

[2] Some authors consider the principle of separation of functions of an expert from all other criminal procedural functions as one of the principles of criminal procedure principles of expertise. Soković S. *Expertise as an evidence in criminal proceedings* (Kragujevac: Faculty of Law in Kragujevac, 1997), 137-152.

and who seems to be most suitable for particular type of expertise or for a specific case (Ilić P.G. *et al.*, 2012).

With further implementation of analogies we come to the conclusion that in the role of an expert advisor we could find an expert who is employed in an appropriate professional institution or public authority, as well as foreign national i.e. foreign expert who performs his work in some foreign specialized institution or state agency. This opportunity is available to the parties under the same conditions as in the determination of an expert, i.e. if there is some complex expertise, or if there is no local experts in the field, or because of the nature of expertise or other relevant circumstances. It remains unclear whether the party could engage more than one professional advisor, especially when it comes to complex expertise, where we have in mind not only the extensive of an expertise, but also the expertise that are multidisciplinary and require the involvement of experts from various educational backgrounds. If we would persist in analogous application of the provisions on expert opinion (Article 114 paragraph 2 CPC RS), then in the expertise of complex cases it should be allowed to engage two or more professional advisors.

The right to engage a selected expert advisor is the exclusive right of the parties, i.e. the authorized petitioner and defendant, which can be realized from the moment when the proceedings body determines expertise bearing in mind the fact that the expert advisor acquires the status of a participant in the process from the moment when the power of attorney is delivered to the proceedings body (Article 125 paragraph 2 CPC RS). Name and address of expert advisors must be stated in the order for expert opinion (Article 118 paragraph 2 RS CPC), which can cause practical problems, bearing in mind that the expert advisor may be appointed only from the time when the expertise is determined and that is made with a written order or verbally with an official record if there is a risk of a delay (Article 117 paragraph 1 RS CPC). But the expert advisor is not mentioned in the order for an expertise that can be compensated by subsequent notification of the expert advisor engaged by the proceedings body.[1]

In addition to the right on selected expert advisor, the parties have the right to submit a request for determination of an expert advisor, therewith that the legislator recognizes this right only to the defendant and subsidiary prosecutor (Article 125 paragraph 3 CPC RS). This solution is justified with the fact that the public prosecutor is the proceedings body in the investigation, which means that he is the one deciding upon the request of a defendant for the appointment of an expert advisor, and after accusations his party property comes to the fore, so for something like that there is no excuse since the representative of public prosecution has funds from which he can provide the engagement of an expert advisor (Ilić P.G., 2012). On the other hand, the private plaintiff acts in relation to criminal offences for

[1] In theory, there is an opinion according to which a party can choose an expert advisor before the order on performance of an expertise or in the moment of passing that order. Bejatović, S., Škulić, M., *et al., Guidelines for the application of the Criminal Procedure Code,* editors: Bejatović, S., Škulić, M., Ilić, G. (Belgrade: OSCE Mission in Serbia, 2013), 102

which the prosecution is undertaken *ex privato*, provided that in such cases the defendant's right to an expert advisor would be acknowledged the (Ilić P.G., 2012).

When deciding upon this request the proceedings body will apply provisions on appointment of a proxy to the subsidiary prosecutor, the defence of a poor defendant, the determination of permanent or *ad hoc* expert and the reasons for the exemption from the duty to perform an expertise. In cases where the proceedings body passes rejecting decision, the appeal is allowed, and the decision upon it is made by the judge for preliminary hearing or deposition chamber, in cases where the charges were already pressed.

The legislator pays particular attention to the disqualification of appointed expert advisors and provides adequate application of rules on the disqualification of an expert. This means that the expert advisor cannot be a person who is excluded or exempt from the duty to testify, or is employed by the injured party or by the defendant, or is together with them or some of them employed by another employer, and the person who was examined as a witness (Article 116 paragraph 3 CPC RS). The last case of exemption was relativized with the introduction of the term "by the rule". The insistence on the impossibility of doubling proceedings roles of witnesses and experts, i.e. expert advisor, is the result of a desire to avoid the impact of direct knowledge on the criminal offence that are possessed by an expert, and that preceded the expertise. "The danger, however, is not that a person was already questioned as a witness, but that he has the knowledge on facts that are the subject of the testimony, wherein is indifferent whether he was interrogated as a witness" (Vasiljević, 1981).

The legal status of expert advisors is determined by the set of his rights and duties. When it comes to rights, we can talk about the rights that the consultant uses before and during the expertise and the set of rights he uses after the expertise, or after the submission of his findings and opinion. The legislator has specifically stipulated that the first group of rights include: the right to be informed of the date, time and location of expertise, to attend the expertise which may be attended by the defendant and his attorney, that during the expertise he can examine papers and subject of expertise and gives suggestions to the expert on taking certain actions. The second group of rights are the right to raise objections to the findings and expert opinion, to question expert witness at trial and the right to be questioned about the subject of the expertise (Article 126 paragraph 1 CPC RS).

Special attention should be paid to the rights that an expert advisor has at the trial (main hearing), starting with the right to attend the presentation of evidence and up to the hearing, with due application of the rules of the examination of witnesses and protected witness (Article 402 paragraph 1 and Article 112 CPC RS). Unlike the explicit prohibition of acting in the same case as an expert and as an expert advisor, when questioning an expert advisor at the main trial there is a duplication of functions of expert advisor and witnesses. Before the questioning the expert advisor will be warned by the presiding judge that perjury is a criminal offence and that he is required to take an oath before the trial or if he did not do it he needs to pledge an oath before the beginning of questioning and is obliged to tell the truth and must not withhold anything (Article 401 of CPC RS). Expert advisor can be directly questioned by the parties, defence attorney, president and members

of the council. The injured party, his legal representative, expert or expert advisor can directly ask questions with the approval of the president of the council (Article 402 paragraph 2 CPC RS). If the questioning of a witness or an expert cannot be done at the main trial, it can, within the prescribed legal cases, be made out of the trial, and expert advisor must be informed of the place and time when that will be done and advised about the rights he is entitled during the trial (Article 404 paragraph 3 CPC RS).

The duties of the expert adviser are not originally defined, but they represent a compilation of duties that belong to the expert and the defence attorney. Namely, the basic duty of an expert advisor is manifested in the obligation to submit the power of attorney to the proceedings body without delay. The fulfilment of this duty is a prerequisite for the involvement of an expert advisor in criminal proceedings and for the performance of the rights that he is entitled too. The second duty is about professional, conscientious and timely provision of assistance, analogous to the duty of attorney to provide legal assistance to the defendant in these ways. Failure to meet these responsibilities may result in revocation of power of attorney or resolution of an expert advisor in situations when he was appointed with the decision made by the proceedings body. Third, particularly emphasized duty of an expert advisor is reduced to determination of prohibition of abuse of rights that belong to him and delay the proceedings. Given that this is the task of the court, appointed expert advisor can be dismissed for violation of this provision, and he could also respond to the court, since he is committed to take care of the trial within a reasonable time (Article 14 paragraph 1 CPC RS).

Since an expert advisor can be questioned at the trial he is obliged to pledge an oath, with which he promises to testify in accordance with the rules of science or the arts, conscientiously, impartially and to the best of knowledge (Article 126 paragraph 2 CPC RS). The law does not contain a provision that would regulate the issue of refusing the oath by an expert advisor but in theory there is an opinion that the failure of the fulfilment of this duty does not entail processing effects, but can be taken into account when assessing the probative value of his testimony (Ilić P.G., 2012).

NORMATIVE REGULATION OF THE INSTITUTE OF AN EXPERT ADVISOR IN COMPARATIVE LEGISLATION

Providing professional assistance to the parties in criminal proceedings in understanding the findings and opinions of expert and the expertise, we encounter in comparative law under slightly different names. The Italian Code of Criminal Procedure provides the possibility of hiring a technical consultant/advisor (*consulenti tecnici, technical consultants*) by the parties or by the public prosecutor. Private plaintiff (direct victim, his legal successors, damaged parties - civil parties) who have no funds (*indigent*) to hire a technical consultant are entitled to have one at the expense of the state. The parties may engage up to two technical consultants who have the right to work with experts and to thereafter submit a report to the court containing their comments and observations on the expertise in that concrete

case. Technical consultant may participate in questioning of an expert who is appointed by the court and propose additional investigations.

Technical consultant can be appointed after the completion of an expertise when he has the authority to review the report of an expert appointed by the court and he can ask the court for the permission to examine a person, place, or items that were the subject of an expertise. The law stipulates an obligation of technical consultant by which he must not use his activities to cause a delay the execution of the report and the conclusion of criminal proceedings (Article 230 CPC). As well as an expert, technical consultant may be questioned at the main trial after the questioning of witnesses and experts. Finally, it is interesting to note that the Italian legislator does not related activities of a technical consultant only to expertise, but also to the performance of technical operations such as photographs and descriptions, as well as photographing and sketching, that can be given to him by the public prosecutor (Di Amato, 2011).

Similar to this solution Macedonian Criminal Procedure Code (CPC RM)[1] provides an opportunity to engage a technical advisor. The public prosecutor, the defendant and his attorney have the right to appoint a technical advisor to assist in collecting data for asking technical questions or to challenge an expert. Parties and defence attorney may engage not more than two technical advisors (Article 244 paragraph 1 CPC RM).

Professional ability of technical consultant is determined in the same manner as the ability of an expert. To be more precise the candidates for this function in the criminal proceedings are recruited from the ranks of experts in the Register of experts (Article 244 paragraph 1 CPC RM)[2]. It was emphasized particularly that the expert advisor cannot be a person who cannot be an expert (Article 244 paragraph 3 CPC RM). These are people who cannot be questioned as witnesses or are exempt from the duty to testify, as well as the persons who were the victims of a criminal offence (if one of these people should be engaged as an expert the court cannot base its decision on his findings and opinion). The reason for the exclusion of the expert applies also to a person who, together with the defendant or victim is employed by the same body or other legal entity, and a person who is employed by the defendant or victim. A person who was previously questioned as a witness cannot be appointed as an expert (Article 283 paragraphs 1-3 CPC RM).

The defendant and his attorney have the right to use the appointed expert advisor, in situations where the defence of the poor is allowed, and the cost of his engagement is covered by the budget of the Republic of Macedonia (Article 244 paragraph 2 CPC RM). Defence of the poor is permitted in a situation where there are conditions for mandatory defence, a where the defendant cannot afford to bear

[1] Criminal Procedure Code, Official Gazette of the Republic of Macedonia, no. 150/2010.

[2] More on professional competences, assumptions and procedure for the appointment of an expert can be seen in: Kesić, T.,Žarković, M., Bjelovuk, I. "*Assumptions and Selection Procedure (Appointment) of Experts"*. International Scientific Conference *The Balkans between Past and Future: Security, Conflict Resolution and Euro-Atlantic Integration*, Vol. 1(Skopje: University "St. Kliment Ohridski" – Bitola Faculty of Security – Skopje, 2013), 212 - 228

the costs of the defence requires an attorney, provided that the interests of justice, in particular the gravity of the offence and the complexity of the case justify an attorney for the poor person (Article 75 paragraph 1 CPC RM).

The rights and duties of the technical consultants are contained in an article of the law, which provides him with the right to attend the expertise, to make proposals or makes notes in relation to the expertise, which will then be included in the report. Since the technical consultants can also be appointed after the finished expertise, their right to inspect and review the findings is recognized and they can request the proceeding body to authorize them to inspect or examine the person or to review the items or the place that were the subject of an expertise (Article 245 of the CPC RM).

Similar to the solutions in Serbian CPC, Macedonian legislator predicts the possibility of questioning the technical consultant at the main trial, and according to the provisions on the questioning of an expert (Article 387). This means that before the questioning the court will warn him to state his opinion in a clear manner and in accordance with the rules and warn him that the false statement is a crime. Also, the technical consultant will be required to make a demand oath.

CONCLUSION

The introduction of an expert advisor, as a participant in criminal proceedings, with the aim of providing assistance to the parties during and after undertaken expertise, is a positive step towards strengthening the contradictions, equality of parties, and thus the fairness of the criminal trial. The incorporation of this institute actually "legalize" also the previous engagement of experts by the parties, whenever it was necessary to correctly interpret and understand the scientific, professional or technical terms important to clarify the relevant facts in the court proceedings. Despite the differences presented in the name of this institute, the fact is that there are many similarities in its standardization. Expert advisor (technical consultant or technical advisor) is engaged for the prosecution or for the defence, in order to provide expert discussion on the expertise and quality assessment of the evidence. We believe that an expert advisor with his knowledge and experience can properly evaluate and challenge the competence of experts and used scientific methods and tools. A confirmation of his engagement an expert advisor gets with the possibility to be questioned at the main trial, and that his opinion and statement he provides can be used as evidence in criminal proceedings.

Special attention is raised by the question whether this participant should be allowed to recognize the presence to the investigation that is analogous to the same rights of an expert. Namely, during the performance of crime scene investigation traces or materials are found that need to be examined so the presence of an expert is justified by the fact that it would be

beneficial for his opinions and findings (Article 133 paragraph 4 CPC RS, Article paragraph 2 CPC RM). We could agree that the presence of an expert advisor could also be beneficial since he could directly be introduced with the subject of expertise and the performance of investigation - securing of traces and items that needs to be examined (*chain of custody*). If the suspect would chose an expert advisor or make a request to the public prosecutor to appoint an expert advisor for him, the obligation of notification on his right to be present at the crime scene would be the duty of the public prosecutor, according to the existing obligation to inform an expert advisor about the possibility of attending the expertise (Article 300 paragraph 5 CPC RS). The justification for the omission of this right of an expert advisor can be found in the fact that the investigation is an urgent proofing action that is usually undertaken in the absence of the suspect, which still is not an impediment for its stipulation.

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PRELIMINARY INVESTIGATION ACCORDING TO CROATIAN CRIMINAL PROCEDURE ACT

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Abstract

Republic of Croatia adopted the new Criminal Procedure Act in 2008, and by this act the Republic of Croatia left behind the accepted model of mixed criminal procedure and oriented to a party formulated model. In that period important changes to the original text of the Act were made, and the last one was made during 2013 under significant influence of Constitutional Court Decision on discrepancy of Article 4 of the Act with Constitution of the Republic of Croatia. An important influence on the most recent changes has been exercised by decisions of European Court with regards to the Republic of Croatia and practices during criminal procedure.

This paper analyses normative framework for implementation of preliminary investigation of criminal offenses. During preliminary investigation, which is performed before criminal procedure begins, there are performed various categories of actions. Most often they belong to 2 categories: measures and acts of detection and evidentiary actions. These are investigating measures and acts which are also standardized in Croatia by Police duties and Powers Act, but these are also evidence gathering procedures, procedures of restricting and depriving suspects of freedom, and special evidence gathering procedures. In this paper legal basis and conditions of their implementation are also being analyzed, as well as, relationship between subjects of implementation and status of the suspects during preliminary investigation.

Key words: criminal offenses investigation, preliminary investigation, evidentiary actions, criminal procedure

INTRODUCTION

In 2008, Croatia adopted new Criminal Procedure Act, and afterwards there followed five changes and amendments to this Act, of which the last one – from 2013 is particularly important. Starting premises of changes and amendments to Criminal procedures Act are being conditioned by Decision of Constitutional Court of Republic of Croatia number: U-I-448/2009 from 19. July 2012., Official Gazette 091/2012 (On 19.07.2012 Constitutional Court of Republic of Croatia issued decision number: U-I-448/2009, U-I-602/2009,U-I-1710/2009, U-I-18153/2009, U-I-5813/2010, U-I-2871/2011, by which the Court established that 43 provisions of Criminal procedure Act/08 were discrepant or contrary to Constitution of Republic of Croatia (Criminal Procedure Act is in contradiction with 18 articles of the Constitution and 6 articles of European convention for fundamental rights and freedoms protection, according to the decision of the Constitutional Court).

Criminal procedure act from 2008 (CPA/08) was a reform of the pre-trial criminal procedure. In the pre-trial procedure are: criminal prosecution, investigation and indictment are arranged, that is, defined as new legal institutes. Less innovation was made in the trial provisions. Some changes were made with regards to the way the witnesses were interrogated during the trial, summoning the witnesses and in the course of the trial. Evidence initiative is in hands of the parties while the court has a minimum possibility to propose evidences. Provisions on legal remedies have not been changed significantly too; however special legal remedy with regard to special mitigation of punishment is changed.

Following the systematic of the previous regulation from CPA/08, Criminal procedure Act /2013 (CPA/13), has divided the provisions of the act (from the pre-trial procedure) into subdivisions: a) Preliminary investigation and investigation (Chapter XVI: article 204. 215.); b) Inquiry (Chapter XVII: article 216. – 239); c) Evidentiary actions (Chapter XVIII: article. 240. – 340.) and d) Indictment (Chapter XIX: article 341 – 367). Preliminary Investigation includes provisions on: a) criminal charges; b) preliminary investigation; c) urgent evidentiary actions and d) evidentiary actions regards to unknown perpetrator.

The most important subject of the entire pre-trial procedure, as well as of the preliminary investigation has remained the state attorney, who is helped by police and the investigator who acts according to the state attorney's orders.

Basic power and main duty of the state attorney is prosecution of criminal offenses of perpetrators for which the criminal procedure is to be initiated ex officio. In order to fulfill its duty, during all criminal procedure, state attorney has numerous powers. He or she issues or brings about the decision on initiation of the procedure while the decision on starting the procedure is issued by the Court.

Differentiation between initiation and starting the criminal procedure that is their normative arrangement in CPA/13 in relation to existing solution of CPA/08 brought about defining the inquiry as a phase of criminal procedure. In procedures with no inquiry, the procedure starts by confirming the indictment. In the same time (in addition) for such criminal offenses "inquiry" is being introduced as a pre-stage which does not oblige state attorney to issuing formal decision on starting criminal

procedure, as in inquiry, but oblige him to inform the suspect on undertaking evidence gathering procedures against him (Article 213. paragraph 2. CPA/13).

PRELIMINARY INVESTIGATION

The legal area which refers to preliminary investigation is immensely complex and its detail elaboration is beyond the scope of this article hence the focus here will be only on the most important parts of the last reform of the criminal procedure.

If we are to consider the term preliminary investigation, it can refer to a part of the pre-trial phase of criminal procedure, but it can also refer to part of the procedures that are being undertaken in that phase, which are mainly informal character. Unlike the old Criminal procedure act from 1997. (OG 110/97, 27/99, 112/99, 58/02, 143/02, 62/03, 178/04, 115/06) when such practices were partially listed in Criminal Procedure Act itself, they are now regulated or provisioned for in *Police duties and Powers Act,* (OG 76/09) and in the same time this is one of the innovations of the reform.

Preliminary investigation is an inclusive part of the pre-trail phase of criminal procedure and their normative regulation can determine efficiency of investigative authorities and legal security of the citizens as well. In practice they are often perceived as power and duty of the Police. They are activities which the police undertake where there are reasonable suspicions that criminal offenses were committed are prosecutable ex officio. Their purpose is to find the perpetrator of the criminal offense, to prevent hiding and escape of the perpetrator or participants, detection and collection traces and objects which can serve to establish the facts and gather all information that can be useful for successful conducting of the criminal procedure (article 207. paragraph 1 CPA).

So, they have preliminary character and by the last amendment they are clearly separated from inquiry. This is exactly one of the important deficiencies to which Constitutional Court pointed in its decision on 19. July 2012, in paragraph 40.2 pointing out to a need for clear demarcation of preliminary investigation from criminal prosecution. The importance of such demarcation is also emphasized by Đurđević due to necessity for securing due process rights of defense and necessity for court protection from unlawful prosecution (Đurđević, 2013).

The last reform of the criminal procedure can be considered as another shift on the scale of relations amongst the subjects in charge of criminal prosecution. In modern history there were several such shifts, and it was always the case that real possibilities in daily situations would create balance. The issue of relations between the subjects that are authorized and obliged to conduct preliminary investigations is determined by personnel, material and organizational capacities of the bodies. In that sense the most significant capacities are in possession of the Police which has been undergone an adaptation in the recent period in order to be able to perform such activities. Thus the expansion of competencies of state attorney to the area of conducting preliminary investigation should be look upon as exclusivity, and not the rule that is to be applied in daily practice. We should know that if the legal norm does not reflect real possibilities of authorized state bodies in any time their

application will be distorted and there will be created a practice that is corresponding to reality.

Effectiveness of preliminary investigation should be also improved by protection of privacy of the information obtained by performing the activities during investigation. Often sensible data obtained during preliminary investigations would be made available to public way too soon and thus directly harm progress of detection and resolving of the criminal offenses. Namely, by the latest CPA changes – in article 206 there has been decreed that the procedures during the preliminary investigations are secret, and the body conducting the procedures is obliged during the preliminary investigation to inform persons participating in the procedure that revealing the secretes is a criminal offense.

In addition, there is decreed an obligation to compose a written note in the protocol or other document and certify with signature of such person confirming that the person understood the warning. However, considering this provision in terms of applicability it could be expected to cause a significant administrative load, in the first place of police officers, which will be obliged to document such warning after every investigative action. It will be particularly visible with more complex criminal investigations when for example it is necessary to gather information from numerous citizens.

A significant innovation in the last reform of the procedures during investigation is ability to apply force in order to bring to police station person who is found on the crime scene with elements of violence or criminal offense that threatens public security, and for which there is a possibility that he possesses the information on circumstances in which the criminal offense is committed or information on the perpetrator. As additional prerequisite for forceful bringing of persons to police station there are stipulated: inability or significantly hard conditions for gathering of information in the place where the person is found, and it is reasonable to believe that delay in gathering of information from such person would be harmful to progress of criminal investigation (Article 208, paragraph 6. CPA).

Time of detention of such person after forceful bringing is restricted to 6 hours from the moment of arrival to the police premises. The purpose of forceful bringing is to gather information from citizens. The Provision of the act provides different levels of coercion towards such person. Before coercive bringing, such person should receive request for coming to the police station followed by police officers, and only if the persons refuses to come to the police without valid reason only then it could be made to coerce to the police station. The coerced person should be informed that it has the right to interpretation and translation, and that it has no obligation to give information and that after gathering of information is completed or 6 hours after bringing to police station has passed they can leave.

In order to prevent possible manipulations with time of the arrest of the potential perpetrators the act provides that if person who is coerced into police station be arrested afterwards, the time of arrest starts from the time of bringing the person into police station.

Preliminary investigations of the defense

Besides police and state attorney as main subjects conducting investigative actions it is necessary to mention the act provided possibility to undertake investigation actions by the defendant side. Namely it is a provision from article 67. CPA which allows gathering of information from citizens, besides victim and person harmed by the criminal offense, with the purpose of preparing defense that can be undertaken by the defense. Defense lawyer may even call upon such persons for the purpose of gathering information provided he states the reason he is calling upon the persons, however without warning persons to consequences of not responding to the summon.

"Property investigations"

An innovation in legal provisions of investigations is so called "property investigations" (Gluščić, 2013). What this is all about is actions that are being undertaken when there are reasonable doubts that there has committed a criminal offense which is prosecutable ex officio, and by this criminal offense material gain is acquired.

URGENT EVIDENTIARY ACTIONS

A significant change of the last amendment of the Criminal Procedure Act refers to possibilities of conducting urgent evidentiary actions. Namely, Criminal Procedure Act from 1997 provided a possibility for police in the article 184, in case of danger of delay to conduct inquiry, even before inquiry has begun (been initiated), to temporary seize objects, conduct procedure of recognition, takes fingerprints and prints of other body parts and in case of danger of delay to order necessary expertise except autopsy and body exhumation.

Police authorities were obliged to inform the state attorney on everything they did. However the reform from 2008 left that position in such an extent that the police was completely disallowed to conduct urgent evidentiary actions on their own incentive. And despite practical viewpoints with regards impossibility of conducting such model due to inadequate capacities of state attorney office and non existence of satisfactory normative and practical arrangement of investigator, as new subject in criminal procedure, were almost unison, such law proposal was accepted.

Practical application of Criminal Procedure Act brought about expected change in viewpoints in that sense and police started to get their urgent evidentiary actions gradually back. In that respect the last amendment made the farthest step back. It can be said that it is a significant step back to the previous solution. Greater independence of police in conducting urgent evidentiary actions is provided for criminal offenses from jurisdiction of municipal court, while conducting urgent evidentiary actions from jurisdiction of district court (except for temporary seizure

of objects) requires order to be issued from state attorney to police or investigator, in case the state attorney is not able to conduct them himself or herself.

With regards to the criminal offenses from municipal court jurisdiction a distinction has been made between criminal offenses for which threatening punishment is prison up to 5 years and those for which the punishment is prison sentence greater than 5 years. List of evidence gathering procedures performed by police before criminal procedure initiation, when there is a danger of delay, is limited to: search, temporary seizure of objects, crime scene investigation, taking fingerprints and prints other body parts.

The purpose of this distinction is that for the first group of the lighter, criminal offenses police is able to undertake urgent evidentiary actions on its own initiative, while for the other more serious group of criminal offenses from jurisdiction of municipal court state attorney need to be informed, and only he could undertake urgent evidentiary actions or leave it to the police. The obligation to perform such informing is required for search and crime scene investigation, while for two other urgent evidentiary actions this is not necessary. There remains the obligation for police to inform the state attorney on such conducted procedures without delay.

The essence and purpose of standardization of the urgent evidentiary actions after the last amendment stayed the same with only necessary corrections which according to decision of Constitutional Court (articles 129., 133. and 137.) should have been made considering the earlier regulation of home search without warrant while performing the crime scene investigation, conducting the home search during night and searching for a person.

According to the problematic provision of article 246 paragraph 1 CPA, there existed a wide possibility for state attorney, investigator or police within 8 hours of the detection of the criminal offense and during crime scene investigation, to perform search of the crime scene that is prosecuted ex officio except if it is a home or premises whose search is determined by special laws.

By this change such a possibility is restricted to situations when it is indispensable for urgent removing life and health threatening situations or saving the property of huge proportions or in order to secure traces and evidences which are directly connected to criminal offense for which the crime scene investigation is performed in the first place.

In a similar way it was introduced a limitation in the possibility of performing the search during the night, making it a rule that it is possible only “when there is a danger of delay” in stipulated situations (it started during the day, urgent searches, approval of the person in whose premises the inquiry is being performed, written approval of the judge of the inquiry), which was not the case previously.

Also, the provision with regards to possibility search of person, transport vehicles i.e. the person’s uses and premises it resides in (article 251. paragraph 1. CPA) is made limited to the interpretation that premises in which the victim resides cover also the home as a category that is specially protected by the Constitution.

Special significance in conducting urgent evidentiary actions in the stage of pre-trial phase of criminal procedure is given to the case when the perpetrator of the criminal offense is unknown. Namely, state attorney is allowed according to article

214 CPA to conduct by himself or to give order to the investigator to conduct evidence gathering procedures if they may lead to discovering the perpetrator or if there is a danger of delay. In case when the investigator was conducting the evidence gathering procedures, state attorney should be informed on this as soon as possible.

SPECIAL EVIDENTIARY ACTIONS

Special evidentiary actions have found their way back into Croatian criminal procedure through CPA/98 provisions and from then on until today with certain changes and amendments they represent a fundamental tool for proving serious criminal offenses. Conditions for their determination are defined as general and special, with explicit normative standardization of proving value. General conditions refer to:

a) existence of conditions from which it can be concluded that inquiry cannot be conducted in any other way or its conducting would be possible but only with huge difficulties,

b) minimum legal standard – a reasonable doubt that the criminal offense has been committed which must be directed toward a particular person, because measures are to be determined according to person whose identity is known,

c) criminal offenses listed in CPA (article 334.) catalog consisting of 3 groups of criminal offenses with regards to their severity, way of perpetration (the offense is committed), victim and obligations from international treaties,

d) can be decreed only based on written elaboration request of state attorney (article 332. paragraph 1.) which must contain evidences necessary for issuing decision by judge of the inquiry, and they refer to information available on person against which special evidentiary actions are being applied, facts from which follows a necessity to conduct and the time limit that must be appropriate to goal accomplishment as well as way, extent and place of conducting the procedure,

e) the order must contain a precise description of the procedure whose conducting is being approved of, available information on person against whom special evidentiary actions are being conducted, the facts from which follows the necessity for conducting the procedures and the timeline/time limit that must be appropriate to accomplishment of the goal as well as way, extent and place of conducting the actions.

f) the order is being executed by police officers, in the course of conducting a certain special procedures of monitoring communication devices, postal workers are obliged to secure all the technical support necessary for performing the action. Police is obliged to compose daily reports and documentation of technical record during conducting the actions and submit it to state attorney upon his request and

g) person against whom the procedure is conducted against is being informed of conducting the procedure in two ways. First, ex officio, after the procedure is completed, second, upon his request even before the completion of the procedure if progress of the criminal procedure calls for it.

Special conditions standardized by the act, refer to conducting of certain measures and conduct of the police during performing of the measures and they are

even additionally prescribed according to measures and persons toward which they can be applied.

Special evidentiary actions are being performed if investigations of criminal offenses canott be conducted in any other way or if it is possible only with disproportionate difficulties and only for certain criminal offenses. One of the news is that formulation of competencies and powers of state attorney to issue warrant for conducting the evidentiary actions for a time limit of 24 hrs. Such a warrant state attorney can issue in case if conditions are met referring to existence of danger of delay and assessment of the state attorney himself that he will not be able to obtain a warrant of investigating judge, but not for the procedures requiring entering a home.

These procedures require court warrant. When state attorney issues order he must confirm the same with investigating judge no later than 8 hours after issuing the order, otherwise (in case investigating judge doesn't accept it) the results cannot be used as an evidence in the criminal procedure. Information gathered based on the order of state attorney, which is not confirmed, are to be submitted to the investigating judge immediately who is obligated to destroy them and leaves a written record with regards to it (article 332. CPA/13).

Special evidentiary actions can be ordered only for offenses decreed in article 334. CPA/13. The catalog of criminal offenses is structured in 3 points according to criterion of severity of criminal offenses determining possibility of general determination, conductibility of special evidentiary actions. The catalog is keeping the original structure, however it is expanded with certain criminal offenses which are referring to officials. For criminal offenses in paragraph 1. (the most severe criminal offenses in catalog) the longest possible duration for special evidence gathering procedures is 18 months, for criminal offenses in paragraph 2. (medium criminal offenses in catalog) the longest duration is 12 months, for criminal offenses in paragraph 3. (the lightest criminal offenses in the catalog) the longest duration is 6 months.

Along with the catalog of criminal offenses for which may be decreed special evidentiary actions, and their structure according to severity and thus their terms are also determined, CPA/13 in article 335. paragraph 3. also determines other conditions for their lengthening, and they refer to existence of results and reasons that justify their further conducting, that is existence of necessity of their further implementation for the purpose of realizing the purpose they were approved for, for the gravest criminal offenses.

With these changes, application with regards to duration and extension of special evidentiary actions is restricted with regards to provisions of CPA/08. With measures whose implementation is extended for 6 months, investigating judge have to request delivery of notice on further need for conducting those measures (article 337. paragraphs 1. and 2. CPA/13) after 3 months.

Checking up of establishing of telecommunication contact (article 339.a CPA/13) is a new special evidence gathering procedure which is being conducted based on order of investigating judge, exceptionally, with post de facto co validation and by order of state attorney, if there is a doubt that registered owner or user of telecommunication device committed a criminal offense for which criminal

procedure is being initiated ex officio or is connected with person for which there is a doubt that he has committed criminal offense for which criminal procedure is being initiated ex officio.

Order for checking up of establishing of telecommunication contacts is not needed if registered owner or user of telecommunication device gave approval in writing. Information gathered without a warrant from investigation judge, that is, information obtained with warrant of state attorney that is not accepted by the judge cannot be used as evidence in the procedure.

ARREST AND CUSTODY

Arrest

The changes in standardized regulation with regard to arrest primarily refer to rights of the arrestee and procedure during the arrest. CPA/13 by standardizing the rights of arrestee determines two remedies about rights of arrestees.

In article 108.a CPA/13 standardize written remedy on rights of the arrestee that the arrestee has the right to keep with himself during the arrest. It contains notice on: 1) reasons for arrest, 2) right not to say anything, 3) right of the defender of its own choice or to a defender appointed from the list of resident lawyers 4) right to interpretation and translation according to article 8. CPA/13, 5) right to inform his family on him being arrested or any other person he or she determines, per his request, 6) right of the foreign citizen to, upon his request, inform of his arrest appropriate consulate body or embassy and allow him to have contact with them (article 116. CPA/13), 7) right to insight into case file according to provisions of CPA/13, 8) right to urgent medical help, 9) his detention, from the moment of the arrest to the moment of standing before the judge can last 48h at the most, and for criminal offenses for which there is a prescribed punishment of imprisoning up to 1 years, 36 hours at the most.

During the arrest, the arrestee must be delivered a written notice on his rights. If the written notice cannot be handed to him, the police must immediately inform him in a way that he understands on his fundamental rights from article 7. paragraph 2. point 1.- 4. CPA/13. It is allowed to delay handing of this notice if the arrestee isn't able to comprehend or there is a life danger or body threatening danger, as long as these reasons exist. If the remedy in writing from article 108.a paragraph 1. CPA/13 isn't handed to the arrestee during the arrest; it must be handed to him immediately upon the arrival to the police station.

The police are obliged to immediately inform state attorney and tutor of the arrestee if arrestee is devoid of legal capability, as well as, appropriate organ of social care if it is necessary for the purpose of taking care of children or other members of the arrestee's family that he usually takes care of. Upon the request of the arrestee the defender is being informed, the family or other person, as well as, the appropriate consulate body or embassy.

Person who is arrested because of existence of reasonable doubt that he committed criminal offense which is being prosecuted ex officio and existence of some of the reasons for prescribing investigative prison, as well as a person which is caught while committing criminal offense that is prosecuted ex officio has the right

to freely, without interference, and without monitoring talk to his defender in duration of 30 minutes (except in case state attorney issued decision on monitoring of conversations between arrestee and defender based on article 75., paragraph 2. CPA/13). If arrestee doesn't have defender he has chosen himself, or he isn't able to come, he must be enabled to take a defender from the list of resident lawyers of Croatian Bar Association.

CPA/13 in article 108.b standardizes norms for possibility of delay of informing the arrestee's defender, his family, or another person. Decision on delay issues state attorney by his order if there is a danger threatening life or property of wider extent, danger of perpetrating another criminal offense for which prescribed punishment is more than 5 years of imprisonment, or there is a threat that evidences will be hidden or destroyed. Order of state attorney must contain concrete reasons for delay of the notice. Delay of giving a notice stays in power as long as there are reasons for the delay, and not longer than 12 hours from the moment of the arrest.

During that time there can be no gathering of information from the arrestee nor conduct any of the procedures towards him, except of the procedure of determining identity (from article 211., paragraphs 1. and 3. CPA/13), as well as searching the person/individual (in case from article 246. paragraph 4. CPA/13). It is obligation of police to submit to state attorney order with the notice about arrest and bringing in.

A news with regards to regulation of arrest refer also to duration of arrest, which is 12 hours for the criminal offenses for which it is prescribed imprisonment up to 1 year (article 109., paragraph 2. CPA/13), another news is an obligation of custody officer to inform state attorney of arrestee admission immediately because there is an obligation to complete questioning not later than 16 hours after he is submitted to custody officer, that is 12 hours for criminal offenses for which prescribed punishment is imprisonment up to 1 year.

Custody

Custody is determined decreed by state attorney in writing by issuing decision that is explained. For prescribing custody what is necessary is cumulative fulfillment of conditions referring to: existence of reasonable doubt that arrestee committed criminal offense for which criminal procedure is being initiated ex officio, existence of some of the reasons for investigative prison from article 123. paragraph 1., point 1. – 4. CPA/13, and the custody are necessary for the purpose of determining identity, checking alibi or gathering information on evidences (article 112. paragraph 1. CPA/13). News in this area is that custody can be prescribed if during arrest existence of reasonable doubt is established that arrestee committed another offense for which criminal procedure is being initiated ex officio. In that case second arrest is not possible (article 112. paragraph 2, CPA/13).

Investigating judge extends the custody, based on suggestion by state attorney. Custody may be extended for additional 36 hours if it is necessary for the purpose of gathering evidence on criminal offense for which the prescribed punishment is imprisonment of 5 years or more. Against the decision of investigating judge on custody extension, the arrestee can submit appeal not later

than 6 hours. The appeal is being decided by council not later than 12 hours. The appeal does not prevent enforcement of the decision, and it can be submitted on the record.

CONCLUSION

Review of changes in Criminal Procedure Act which refer to criminal offense investigation points to the most significant changes which are caused by efforts to bring the text of CPA/13 in concordance with decision of Constitutional Court of Republic of Croatia. Preliminary investigation by the changes shown become pre-stadium significant for the entire criminal procedure because during conducting the preliminary investigation "evidences" are being gathered based on which there will be decided on conducting of inquiry, indictment or making of decision for stopping the procedure (rejection of criminal charges).

Normative organization of preliminary investigation, procedures and measures undertaken during preliminary investigation, must be considered in context of new arrangement of criminal procedure in which there is no more division on regular and shortened procedure but only modalities of conduct conditioned by degree of criminal offense which is being under investigation. Preliminary investigation as pre-stadiums exists also with criminal offenses, for which inquiry is being conducted, as also with the offenses for which investigation is being conducted. Their goal is identical, to detect the offense, perpetrator and obtain evidences and useful information for conducting the criminal procedure.

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ECONOMIC CONTRIBUTION IN CRIMINOLOGY ECONOMICS OF CRIME

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Abstract

The economic analysis of crime points out to the link between economics and criminology. Many researchers starting from Engels, Bonger, Pausukanis, Kirchheimer, William Chambliss, Richard Quinney and others make a correlation between economics and criminology. Crime is closely associated with poverty, social status in the society, and many other economic problems, as crime produces material and non-material costs. Researches in the United States showed that the years with economic growth were followed by an increase in the crime rate. A growth in crime also appeared in the years when there was an increase in the income per capita. Basically there are primary and secondary economic impacts of crime.

In this paper we will try to present the influence of crime on economics. We will also analyze the movement of the crime rate in the gross domestic product in the Republic of Macedonia. Furthermore, we will offer manners for the use and usefulness of the economic analysis of crime, offering a solution to the policy makers on how to improve the situation in society.

Key words*: economics, criminology, crime, costs, gross domestic product.*

INTRODUCTION

The economic analysis of crime points out to the link between criminology and economics. Crime on its part causes large expenses in the economy, from many different aspects. According to the world statistics, the expenses caused by crime are somewhere between 35 and 60 billion pounds a year. On the other hand, expenses aimed for protection from crime on the part of the public sector, economy, as well as the individual protection, also cause large expenses of the budget. In this part we can also include the expenses spent with the aim of combating crime on the part of the state, which is also on a high level.

From economical aspect, the calculation of the expenses has an impact on the finding out of modes for combating crime as well as setting policy and measures for its reduction. The choice of the measures depends on the choice of the resources which are rare and according to the defining of economy as a scientific field - we should find the most optimal selection of their allocation, which is in this case with the aim of reduction of the rate of crime. The estimations of the expenses of crime could bring to valorization of the acquisitions from the implementation of alternative suggestions and their utilization against the expenses for implementation - and policy of evaluation - identification of the extent and the value of the acquisitions which are achieved by the implementation of such policy. Through analysis of the relation between criminology and economy and calculation of the expenses of crime, we can set a sustained basis for answering to many key questions related to crime, as well as prevention from crime.[1]

LITERATURE OVERVIEW

Many economists deal with criminology and many criminologists deal with the relation between criminology and economics. The analyses of the influence of crime on economy make the link and the multidisciplinary aspect of criminology and economics. Adolphe Quetelet understood crime systematically in relation to its economic expenses. He found that crime expends the economic power of economy, exhausts the state in relation to politics and provision for imprisonment and rages social solidarity. The school of Chicago showed how the high rate of unemployment or the time of economic difficulties caused social disorganization for the poor people and made crime harder. The theory of effort of Robert Merton emphasizes the link between culture and the social structures. The theory of rational choice functions on the assumption that people are rational and self-interested. Yet, in cases of criminal activities, it claims that individuals care about maximization of their incomes and they can choose work or crime, depending on their ability to be successful on the market of labour. This theory claims that these individuals elaborate quite rationally the chances of their apprehension.[2] The national debates of Chalen and McCrery point out to strong connection and sensibility of the expenses of crime to the expenses of life. Some other authors, such as Cohen Miller and Roman, relate expenses of crime to the life expenses, expenses of the society and the extent of the nonmaterial expenses.

A large number of researches have analyzed the relation between the rate of unemployment and the crime (with the main focus on the property crime), and here, some researchers give theories that in times of economic storm people can turn to illegal means of incomes. Contrary to this, some researches which were carried out

[1] Sam Brand and Richard Price, Home Office Research Study 217, The economic and social costs of crime, Please note - Revised estimates of the costs of crime against individuals and households have been published in Home Office Online Report 30/05, Economics and Resource Analysis, Research, Development and Statistics Directorate Home Office

[2] ECONOMICS AND CRIMINAL ACTIVITY, Criminology and Political Theory

during a longer period, attempted to find a kind of indirect relation between the rate of unemployment and the rate of thefts of real estates. The relation between mortgages and the rate of crime has never been observed in details on the part of the social scientists as some other macroeconomic variables, namely - the unemployment. Taking into account the relation between mortgages and the rate of crime, according to some researches - mortgages also influence the rate of the violent crime (but not the crime of real estate). Yet, the limited number of researches which deal with this relation hardens every attempt to bring strong conclusions.

And while many researches of the economic and criminal rates focused on the macroeconomic variables such as the unemployment and the mortgages, some other researchers suggest that other economic variables such as the gross domestic product as well as the consumers' feeling can fluctuate closer to the crime rates and because of it, they can serve as real indicators for estimation of the link between economics and crime.

INFLUENCE OF CRIME OVER THE ECONOMY

The extent and the modes of the influence of crime on the economy, according to Brand and Price, can be analyzed from two aspects. These aspects are:

- primary influence, and
- secondary influence

The analysis of the economic influence over crime as a primary effect utilizes two methods. The first method is by defining the subject which bears the effects (victims, potential victims, society, etc.). From an economic point of view, criminal offences can be aimed against:

- individuals / households
- the commercial sector / companies
- the public sector / society

The second approach of categorising is by breaking down the costs in relation to the individual incidents (Davidson, 1999[1]). In this way, the costs of crime are categorised as:

- costs in anticipation of the crime: mainly costs of precaution measures to avoid crime such as locks, alarm prevention programs, and surveillance costs.
- as a consequence of crime, for instance: loss of property, medical and health care costs, victim support, etc.
- in response to crime: costs considering police, prosecution, court proceedings, sanctions etc.

[1] Davidson, N. (1999): Costing Burglary Reduction. In Brand, S. and R. Price (2000): The economic and social costs of crime. Home Office Research Study, p. 217.

Secondary economic impact of crime: Crime not only leads to financial or physical damage and prevention costs; it also indirectly influences the local / regional and national economy of the country (the so-called secondary economic impact). According to Detotto and Otranto (2010)[1], "crime acts like a tax on the entire economy: it discourages domestic and foreign direct investments[2]. On a macroeconomic level crime influences:

- economic growth;
- income;
- labour force participation;
- income spent on security measures; and
- reallocation of resources, creating uncertainty and inefficiency.

On a local and regional level, economists define the following types of impact of crime:

- business impact (crime reduces competitiveness of companies and investments)
- tourism impact
- impact on quality of life / social capital
- impact on the value of property

According to Tita, Petras and Greenbaum (2006)[3] "crime serves as an important catalyst for changes in the socio-economic composition of communities. The effect of the crime on the local property value is one of those catalyst effects. The question of whether crime rates affect housing prices has been a popular subject of research over the last decades. However, although most empirical studies confirm that a negative impact of crime on housing prices exists[4], there is still no real consensus on the extent of this impact. The availability and quality of crime statistics (e.g, how should one incorporate non-recorded crime?), dealing with changes over time, the displacement effect, and the fact that the housing prices are determined by a complex set of factors and not just crime, are the most important reasons of this lack of consensus.

[1] Detotto, C. and E. Otranto (2010): Does crime affect Economic growth? KYKLOS, Vol. 63 - August 2010 No.3, pp. 330 - 345.

[2] Foreign direct investment (FDI) is a direct investment by a business or enterprise in a foreign economy. The motives of FDI are diverse, for example, to reduce export costs (less transport and export tariffs) or to take advantage of local labour forces and know-how.

[3] Tita, G., T. Petras, and R. Greenbaum (2006): Crime and Residential Choice: A Neighbourhood Level Analysis of the Impact of Crime on Housing Prices. Journal of Quantitative Criminology Vol. 22, No 4, pp. 299 - 317.

[4] See, e.g.: Pope & Pope (2012): Crime and property values: Evidence from the 1990s crime drop; Ihlanfeldt, K & T. Mayock (2009) "Crime and Housing Prices"; Gibbons, S. (2004): The Costs of urban property crime; or Linden, L and J. Rockoff (2008) "Estimates of the Impact of Crime Risk on Property Values from Megan's Laws".

Another effect of crime is that residents become less committed to their communities, causing the 'social fibre' of the community to be weakened. An example of the loss of social capital is that residents of neighbourhoods with a criminal reputation are judged to be associated with criminal activities, leading (amongst others) to stigmas which could prevent those people from finding jobs[1].

Further examples of secondary economic effects of crime:

- The carbon cost of crime[2].
- The opportunity costs of police, rescue, and fire departments.
- Moving costs of residents who want to escape from crime levels in "bad" neighbourhoods.[3][4]

Since the 1970s, economists contributed in explaining and validating the traditional socio-economic determinants of crime such as unemployment, education, inequality, social networks, age and socio-economic background. Based on Buonanno's (2003)[5] review of the economic contributions, it can be concluded that crime is closely related to:

- poverty,
- social exclusion,
- wage and income inequality,
- cultural and family background,
- level of education and,
- other economic and social factors.

Also, a study by the economists Lochner and Moretti (2001) argues that the impact of education on crime is so strong, that, in fact, 1 percent increase in high school completion rate of all men at the age from 20 to 60 would save the United States as much as USD 1.4 billion per year in reduced cost from crime incurred by victims and society at large (p. 31). The economists Glaeser and Sacerdote (1999)[11], find that crime rates in big cities in the US are much higher than in small towns or rural areas due to the fact that families are much less intact in cities (45 percent), there are higher benefit levels in cities (26 percent) and lower probability of arrest (12 percent). It has to be noted, however, that the economic

[1] UNODC and World Bank (2007): Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean. Report No. 37820.

[2] Criminologist Ken Pease has revealed the significance of crime on English and Welsh CO_2 output; an estimated total of 11.6 million tonnes - that's 2% of the UK's total CO_2 emissions. See: Ken Pease (2009). The Carbon Cost of Crime and its Implications. http://www.securedbydesign.com/professionals/pdfs/The-Carbon-Cost-of-Crime.pdf

[3] http://www.aboutproperty.co.uk/uk-property/2007/3/5/crime-and-bad-neighbours-top-reasons-for-movi in Pease, K & M. Gill (2011) Home security and place design: some evidence and its policy implications, p. 27)

[4] http://securipedia.eu/mediawiki/index.php/Economic_effects_of_crime

[5] Buananno, P. (2003): The Socioeconomic Determinants of Crime. A Review of the Literature. Working Paper Series, No. 63. University of Milan.

crime models focus more on property crimes such as theft, and not on crimes like murder and rape[12].

Crime has a raging effect on sustainability and profitability of the small businesses. This emphasizes direct and indirect expenses of crime even more, and here the small businesses are the ones which suffer. The direct expenses are consisted of the value of money or goods and / or expenses of damage on life or goods. The indirect expenses include expenses of fail of businesses, loss of jobs, loss of necessary equipment or temporary closing of businesses, medical expenses, loss of personnel, as well as increased insurance premiums. They must also contend with the opportunity costs of crime – which may see businesses limiting growth or staff numbers, or shortening operating hours, to try to reduce their risk of crime.

The study found clear evidence that the impact of crime on small businesses goes beyond monetary costs. Perceptions of high levels of violent crime, together with businesses' actual experience of serious crimes such as robbery and burglary, create considerable opportunity costs for individual enterprises and the broader economy. Because of crime, many businesses limit their operations, and are reluctant to expand. Statistical analysis of the survey data shows that businesses that have been directly affected by crime are less likely to increase their employment.

The threat of crime diverts resources to protection efforts, exacts health costs through increased stress, and generally creates an environment inappropriate for productive activity. Additionally, the widespread emigration of professionals in the recent years is attributable in part to their desire to escape from a high crime environment. All of these effects are likely to discourage investment and stifle long-term growth.

Businesses suffer losses due to crime and have to incur costs to ensure safety and security. These costs are often indirectly discounted by lower salary increases or retrenchments. Crime impedes economic growth, which also impacts on the labour market. Lower investment (foreign as well as local) due to crime has a negative impact on the economy, which is often reflected in the lower availability and creation of jobs. Emigration of economically active persons with scarce skills as a result of crime has had a detrimental effect on the economy and continues to impede the ability of the government to deliver effective services to, amongst others, workers.[1]

The cost of crime to society can be divided into four fundamental components:

- Victim costs - Direct economic losses suffered by crime victims, including medical care costs, lost earnings, and property loss or damage.
- Criminal justice system costs - Local, state, and federal government funds spent on police protection, legal and adjudication services and correction programs, including incarceration.
- Crime career costs - Opportunity costs associated with the criminal's choice to engage in illegal rather than legal and productive activities.

[1] MEMORANDUM ON THE COST OF CRIME IN SOUTH AFRICA

- Intangible costs - Indirect losses suffered by crime victims, including pain and suffering, decreased quality of life, and psychological distress.

Measuring losses across these four components provides an estimate of the economic cost of individual crimes. The broad societal perspective is appropriate for economic analysis and program evaluation because more narrow perspectives (e.g., crime victim, criminal justice agency, community organization) apply to specific stakeholders or agendas. For comparability to the previous research, this study uses established methods while incorporating the most current sources of crime and cost data to produce an expanded list of unit cost estimates for thirteen criminal offenses, including several crime categories not found in the previous studies. These new crime cost estimates are necessary inputs for full economic evaluations of addiction treatment, neighborhood policing, welfare reform programs, and many other programs or interventions with a crime prevention component.[1]

On the other part, from economic point of view - crime has two important expenses: total and average. The total expense of crime and the average expense are the most analyzed. The total expense of crime is significant in the estimation of the degree of the consequences from crime. It can also be fragmented in order to obtain the closest perception of the magnitude for the different types of expenses, or the contribution of certain types of crime in its total influence over society. The average expenses are essential in the estimation of the analyses of expenses. The average expense of crime is estimated on the grounds of the individual incidents and enables us to obtain the idea of the relative influences on the average[2].

MACROECONOMIC MEASURING OF CRIME IN THE REPUBLIC OF MACEDONIA

In the Republic of Macedonia there is almost no study which gives the relation between criminology and economics, i.e. relation of the influence of crime over economics. According to many scientific studies, the estimation of the expenses of crime is a real indicator for its prevention as well as overtaking of corresponding policy for its prevention. It is quite difficult to estimate the expenses of crime because of the lack of data on many variables. So far, it is known only the

[1] The Cost of Crime to Society: New Crime - Specific Estimates for Policy and Program Evaluation, Kathryn E. Mc Collister, corresponding authors Michael T. French, and Hai Fang.

[2] Home Office Research Study 217. Economic and social costs of crime. Please note - Revised estimates of the costs of crime against individuals and households have been published in Home Office Online Report 30/05. These replace the estimates published in HORS 217, which should no longer be used. The estimates of the costs of other crimes published in HORS 217 have not yet been updated, and remain the best available. Sam Brand and Richard Price, Economics and Resource Analysis, Research, Development and Statistics Directorate, Home Office

fact that crime influences economy. But the question of the extent and the modes of influence are still to be elaborated.

In the Republic of Macedonia, we can still develop theories on the relation between the crime rate and the GDP so that we could come to conclusion about the movement of the economic growth with increase or decrease on the rate of crime, with the aim of estimation of the possible expenses.

If we use the practice of the other authors who deal with estimation of the crime rate and the expenses of it, then we can say that the formula for estimation of the crime rate will be the following: If we mark population of Macedonia with A1 and the number of crimes with A2, then the rate of crime per capita is A2/A1*100.

In the Republic of Macedonia, the negative inclination of the growth of the crime which lasted all until 2005, was stopped in 2006 when it was noticed a mild decrease of 2,7%, so that in 2007 we noticed a noticeable growth of 19%. In the remaining years the number of criminal deeds oscillates with the inclination of mild increase or decrease. As to the crime deeds carried out by juvenile population, their participation in the total crime moves on the average from 14,7% to 21,7% a year. We must point out that besides the fact that in 2010 the number of crime deeds is the most apparent, participation of juveniles in the performance of crime deeds is at the lowest level, which is 14,7%.

	2007	**2008**	**2009**	**2010**
total of criminal deeds	26.224	28.327	27.33	28.489
realized criminal deeds	14.7	15.69	15.128	14.54
Gross Domestic Product (GDP) on market prices, in current values (in USD billions)	8.6	9.1	9.7	9.1
real rate of growth (in %)	6.10%	5%	2,9	2.8
rate of crime of 100.000 citizens	1078,60	1282,20	1382,70	1331,40
rate of crime from total criminal deeds	22.024	26.224	28.327	27.33
number of citizens	2.041.941	2.045.177	2.048.619	2.052.722
rate of unemployment	35.5	34.2	32.8	32.2

If we observe the table of conducted crime deeds as well as several macroeconomic indicators, the GDP and the rate of unemployment, we could conclude the following:

- The number of crime deeds from 2007 till 2010 is with changeable growth
- GDP is in growth in the overviewed years
- The rate of unemployment is in a mild decrease
- The rate of crime is in growth
- The rate of crime of 100.000 citizens is in growth

A large number of researches have analyzed the relation between the rate of unemployment and the crime (with the main focus on the property crime), and here, some researchers give theories that in times of economic storm people can turn to illegal means of incomes. In the Republic of Macedonia the biggest number of crime deeds is in the area of property crime, but we could hardly relate it to the rate of unemployment because certain government policies led to decrease of the real rate of unemployment. Besides the fact that the unemployment is in correlation to the total economic conditions, this maybe only partly embraces the other key economic indicators such as working hours, stability of the employment as well as salaries.

And while many researches of the economic and criminal rates focused on the macroeconomic variables such as the unemployment and the mortgages, some other researchers suggest that other economic variables such as the gross domestic product as well as the consumers' feeling can fluctuate closer to the crime rates and because of it, they can serve as real indicators for estimation of the link between economics and crime. In the case of the Republic of Macedonia the crime rate is in proportional relation to the BDP. The current state of the economics in the Republic of Macedonia leads to debates of whether and how crime influences on the economic variables.

In this elaboration of the expenses of crime or the relation of the crime to economics the noneconomic factors were not taken into consideration at all. Nevertheless, they indirectly affect the economy in the way of increase of the number of police officers or increase of the number of inspectors and many other indirect measures.

The macroeconomic factors are to explain the inclination of movement of crime. But as a theory, it is very difficult to be tested because of the lack of the necessary data.

CONCLUSION

The economic analysis of crime points out to the link between criminology and economy. Crime on its part causes large expenses in the economy, from many different aspects. From economical aspect, the calculation of the expenses has an impact on the finding out of modes for combating crime as well as setting policy and measures for its reduction. Some criminologists claim that the economic events lead to increasing of the rate of crime. Economists claim that together with the increase of the rate of growth in the economy, also increases the rate of crime.

There are primary and secondary effects of the crime over the economy. The other division is in: average and total expenses.

So far, data for measuring the influence of crime over the economy is not existent in the Republic of Macedonia. This could be one of the future motives for analysis with the aim of developing policies and measures for reduction of the growth of the rate of crime. Profound economic analysis of crime will give us good directions for its suppression in the future.

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CRIMINAL PROFILING BASED ON THE STATE OF THE CRIME SCENE

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Abstract

There are a lot of aspects of the crime and the crime scene that can tell criminal investigators about the person who committed the crime. Criminal investigators should identify the offender by use of following aspects: the nature of the crime, characteristics of the crime scene (traces and evidences collected from the crime scene, the time when the crime was committed, the location of the crime scene), and the type and characteristics of victims being targeted. They have to determine the sex, age, profession, place of living, motives and other facts about perpetrator and his mind (is he organized, disorganized, or mixed), which are relevant for its discovering and catching. This kind of process or activity of developing and making profile of an offender is called criminal profiling from crime scene analysis. The primary aim of it is to reveal the behavioural signature of an unknown offender. There are different types of profiling which are separated based on their origins, connections to the sciences and specifics, such as: crime scene profiling, criminal (offender) profiling, psychological profiling, and geographic profiling. The paper will emphasize crime scene and criminal profiling. Crime scene profiling was developed in the United States in the 1970s by the Behavioural Science Unit (BSU) of the Federal Bureau of Investigation (FBI) to provide investigative assistance to law enforcement and today FBI approach continues to be the most influential applied criminal profiling model. In this paper will be analyzed the stages of this

model: profiling inputs, decision processing, crime assessment, criminal profile and investigative use.

Key words: *profile, profiling, crime, criminal, crime scene*

INTRODUCTION

Criminal profiling in the Republic of Macedonia is a relatively unexplored area. Both theory and practice are beginning to establish the skills and knowledge required for the application of criminal profiling.

Criminal profiling is a method which assesses the personality of the offender by the way of committed the crime. Although this method is not recognized and is considered as controversial, profiling is becoming increasingly prominent part of the investigation and if it is used properly it can be a one of the strongest tools of police. With a collection of many traces, evidence and information that directly affect profiling, police officers can create versions of the offence or a wider circle of possible perpetrators. The theoretical foundations of profiling are in the knowledge that the offense and the offender are interconnected in a specific way. Through profiling are reviewed the characteristics of the crime scene and the differences between modus operandi and "signature behaviors", reaching conclusions about the timing of the offense, the planning, the level of skill of execution, choice of victim, imagination, motivation and taking the risks.

Free defining describes profiling as a discipline that requires careful evaluation of physical evidence collected and properly analyzed by a team of specialists from different fields in order to perform a reconstruction of the offence, and developing a strategy for discovering the perpetrator. Profile includes biographical information about the characteristics of the suspected person, profession, interests, and demographical characteristics and so on.

Profiling during the investigation is placed as observer, coordinator and interpreter and is based on the facts, not theories. Teamwork is essential and requires the involvement of people with different professions as: forensics, criminalists, criminologists, psychologists, psychiatrists, etc. Through profiling we can not explain the crime, but is helpful in making the strategy for the implementation of police instruments for fight against crime: operational, tactical and investigative activities. It also has application in proactive criminal proceedings in order to prevent crime.

HISTORY OF PROFILING

The origins of profiling can be traced back to as early as the Middle Ages, with the inquisitors trying to "profile" heretics. Jacob Fries, Cesare

Lombroso, Alphonse Bertillon, Hans Gross and several others realized the potential of profiling in the 19th century although their research is generally considered to be prejudiced, reflecting the biases of their time.

One of the first and most high-profile cases of profiling was the attempt by Scotland Yard to find the identity of Jack the Ripper, a serial killer who had murdered a series of prostitutes in the 1880s. Doctor Thomas Bond, one of the most celebrated physicians of Victorian London, had, in his capacities as a police surgeon, examined the bodies of the victims. Police surgeon Thomas Bond was asked to give his opinion on the extent of the murderer's surgical skill and knowledge.[1] He surmised that the killer was in all likelihood a quiet, eccentric, neatly dressed, middle aged man. Bond's assessment was based on his own examination of the most extensively mutilated victim and the post mortem notes from the four previous canonical murders.[2] In his notes, dated November 10, 1888, he mentioned the sexual nature of the murders coupled with elements of apparent misogyny and rage.[3]

In 1912, a psychologist in Lackawanna, New York delivered in lecture in which he analyzed an unknown criminal who was suspected of having murdered a local boy named Joey Joseph. Based on the postcards which had been used to taunt the Lackawanna Police and the Joseph family, the profile ultimately led to the arrest and conviction of J. Frank Hickey.[4]

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[1] Evans and Rumbelow, pp. 186 - 87; Evans and Skinner, The Ultimate Jack the Ripper Sourcebook, pp. 359 - 360

[2] Letter from Thomas Bond to Robert Anderson, 10 November 1888, HO 144/221/A49301C, quoted in Evans and Skinner, The Ultimate Jack the Ripper Sourcebook, pp. 360–362 and Rumbelow, pp. 145 - 147

[3] Dr. Bond also tried to reconstruct the murder and interpret the behaviour pattern of the offender: soon he came up with a profile or signature personality traits of the offender to assist police investigation. The profile said that five murders of seven in the area at the time the report was written had been committed by one person alone who was physically strong, composed, and daring. The unknown offender would be quiet and harmless in appearance, possibly middle-aged, and neatly attired, probably wearing a cloak to hide the bloody effects of his attacks out in the open. He would be a loner, without a real occupation, eccentric, and mentally unstable. He might even suffer from a condition called Satyriasis, a sexual deviancy that is today referred to as hyper sexuality or promiscuity. Bond also mentioned that he believed the offender had no anatomical knowledge and could not be a surgeon or butcher. Bond's basic profile was: "The murderer must have been a man of physical strength and great coolness and daring…subject to periodic attacks of homicidal and erotic mania. The characters of the mutilations indicate that the man may be in a condition sexually, that may be called Satyriasis". Canter, D., Offender Profiling and Investigative Psychology, Journal of Investigative Psychology and Offender Profiling, 1, 2004, pp. 1 - 15

[4] McLaughlin, V., The Postcard Killer: The True Story of J. Frank Hickey, Running Press, 2006

A version of profiling is thought to have been used in the 1940s, when investigations relied on mental health professionals to create a profile of an offender in order to aid the police investigation.[1] Soon after, as discussed below, James Brussel was called upon to analyze the information on the Mad Bomber in New York City, and he created an accurate profile of the offender. This caught the attention of the FBI, who then worked to develop a technique for profiling, based on the process used by Brussel.

As psychology and sociology developed as academic disciplines in the early 20th Century, their innovations were incorporated into the practice of criminal profiling. Freudian concepts like the Oedipus complex, subconscious drives, and repressed desire all made their way into the vocabulary of criminal investigators.

In 1972, the Behavioural Science Unit was established at the FBI headquarters in Quantico, Virginia. This marked the beginning of profiling as a science, with Howard Teten, Robert Ressler, and Patrick Mullany leading the charge.

Forensic psychologist Richard Walter did much to refine the method of profiling in the '70s and '80s. In 1985, the FBI began the Violent Criminal Apprehension Program (Vi-CAP), a massive database of unsolved crimes that can help investigators establish links between crimes. Since then, collaborations between agencies and extensive research of criminal psychology have contributed to further development of criminal profiling.[2]

CRIMINAL PROFILING DEFINED

One of the major developments in criminal psychology in recent decades has been the development of criminal profiling. While a controversial method, profiling has become an increasingly prominent part of criminal investigation and, if used properly, has the potential to be one of law enforcement's most powerful tools.[3]

Criminal profiling is the act of developing a psychological profile of an offender based on the state of the crime scene. Profiling is most often done by a forensic psychologist -- someone who has studied the criminal mind. This profile can then be used by police departments to assist in apprehending the criminal.

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[1] Schlesinger, L., "Psychological profiling: Investigative implications from crime scene analysis", The Journal of Psychiatry & Law, 2006, 37 (1): 73 - 84

[2] Criminal Profiling, Forensic Psychology: Guide to Criminal Profiling, downloaded from http://www.forensicpsychology.net/resources/criminal-profiling/ [accessed 10.01.2014]

[3] Criminal Profiling, Forensic Psychology: Guide to Criminal Profiling, downloaded from http://www.forensicpsychology.net/resources/criminal-profiling/ [accessed 10.01.2014]

Offender profiling is a method of identifying the perpetrator of a crime based on an analysis of the nature of the offense and the manner in which it was committed. Various aspects of the criminal's personality makeup are determined from his or her choices before, during, and after the crime.[1] This information is combined with other relevant details and physical evidence, and then compared with the characteristics of known personality types and mental abnormalities to develop a practical working description of the offender.

Psychological profiling may be described as a method of suspect identification which seeks to identify a person's mental, emotional, and personality characteristics (as manifested in things done or left at the crime scene).[2]

There is also geographic profiling.[3]

A profile is a psychological sketch of an offender. There is a lot that a crime scene can tell a forensic psychologist about the person who committed the crime. This is especially true in homicide investigations. Criminal profiling is often used to help investigators catch psychopaths and serial killers that may otherwise go free. It can also be used to help catch other types of offenders, such as arsonists and rapists.

In criminal profiling, a crime scene helps to label the perpetrator as organized, disorganized, or mixed. An organized offender plans ahead, picking out the victim ahead of time. Any tools needed are brought by the offender. He is meticulous with details, and it is clear that the crime was well

[1] Criminal profiling helps investigators examine evidence from crime scenes and victim and witness reports to develop an offender description. These descriptions may include the analysis of psychological variables such as personality and behaviour patterns, as well as demographic variables such as age, race or geographic location. Investigators should use profiling as a means to narrow down the suspect pool, or in structuring an interrogation of a suspect once apprehended. More of this in Turvey, B., Criminal Profiling: An Introduction to Behavioural Evidence Analysis, Academic Press, San Diego, 1999

[2] More information about this in Berg, B., Criminal Investigation, 4th edition, 2008

[3] More of this in the book Geographic Profiling, from the author, Rossmo, Kim, CRC Press; 1 edition, 1999. The book Geographic Profiling introduces and explains this cutting-edge investigative methodology in-depth. Used to analyze the locations of a connected series of crimes to determine the most likely area of offender residence, geographic profiling allows investigators and law enforcement officers to more effectively manage information and focus their investigations. This extensive and exhaustive work explains geographic profiling theories and principles, and includes an extensive review of the literature and research in the areas of criminal profiling, forensic behavioural science, serial violent crime, environmental criminology, and the geography of crime. For investigators and police officers deployed in the field, as well as criminal analysts, Geographic Profiling is a "must have" reference.

thought out ahead of time. This tells a forensic psychologist a lot about the criminal.[1]

The first task of profiling is estimating the psychological and sociological characteristics of a criminal. Once the criminal is apprehended, the next step is to determine further, specific information about him or her. Items in the offender's possession and interviews with acquaintances can provide excellent background information. After further information has been ascertained, an interview process can begin based on the information gathered about the criminal.[2]

Many authors tried out to define criminal (offender) profiling. These are some of the definitions[3]:

- An educated attempt to provide specific information about a certain type of suspect (Geberth, 1981).
- A biographical sketch of behavioural patterns, trends and tendencies' (Vorpagel, 1982).

This role (offender profiling) was obviously not to provide the name, address and phone number of the guilty person but was to provide the police with a psychological profile of the personality of the perpetrator that could then be used to direct the investigative search' (Jackson & Bekerian 1997).

Profilers have been able to develop typologies, understand the link between crime scenes and the characteristics of offenders, and develop information that is useful in violent crime investigations' (Hinman 2002).

- Very often we say that crime scene revealed the offender signature. A very useful two part definition of offender signature is provided by Turvey.[4]

Signature behaviours are those acts committed by an offender that are not necessary to complete the offense. Their convergence can be used to suggest an offender's psychological or emotional needs (signature aspect). They are best understood as a reflection of the underlying personality, lifestyle, and developmental experiences of an offender.

- The emotional or psychological themes or needs that an offender satisfies when they commit offense behaviours.

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1. FBI APPROACH FOR CRIMINAL PROFILING

Next we will talk about the criminal profiling (psychological profiling) methodology employed by the FBI[1], because as previously mentioned the FBI approach continues to be the most influential applied criminal profiling (psychological profiling) model. Its stages are the following[2]:

- **Stage 1: Profiling Inputs:**

The first stage involves collecting as much crime related information as possible, autopsy reports, photographs of the crime scene and deceased, essentially anything that is likely to indicate what happened, how it happened and why it happened.

- **Stage 2: Decision Processing:**

Armed with the information from stage one the next step involves determining whether the crime in question can be located within a number of behavioural classifications. The FBI developed their own manual of classifications and it functions along the same lines as the system used to classify mental illness. In essence you have a checklist of signs and symptoms and if these are sufficiently present within a particular case the offender will be assigned that classification.[3]

- **Stage 3: Crime Assessment:**

The principal aim of stage three is to piece together the chain of events before, during and after the commission of a crime. Essentially the profiler wants to reconstruct the crime from the perspective of both the victim and the offender.

- **Stage 4: The Criminal Profile**

Having assessed and consolidated the information from the previous stages the profiler is now in a position to hypothesize about the type of person who committed the crime. The preliminary description will usually

[1] More information of the FBI methodology see on their official web site http://vault.fbi.gov/Criminal%20Profiling/Criminal%20Profiling%20Part%202%20of%207/view [accessed 18.01.2014]

[2] These stages are quoted from Psychological Profiling (Criminal Profiling) Part 3: Methodology, Signature Behaviour, downloaded from http://www.all-about-forensic-psychology.com/psychological-profiling.html [accessed 25.12.2013]

[3] This is why you see multi dimensional descriptions of profiled offenders e.g. organized, power assertive serial rapist. This stage will also generate a number of more general classifications e.g. the murder type (mass, spree, serial etc); the primary motive (sexual, financial, emotional etc).

include details relating to the suspects sex, age, race, occupational skills, IQ, social interests, mental health status and family background.

- **Stage 5: Investigative Use**

There are two main ways in which criminal profiling (psychological profiling) is used to assist an investigation. Firstly a detailed written report is made available to the investigating team so that they can concentrate their efforts on suspects who appear to match the profile.[1]

The second way in which criminal profiling (psychological profiling) is traditionally employed within an investigation follows the arrest of a prime suspect, when the psychological aspects of the profile can be used to help develop and inform appropriate interviewing strategies.

According to Gregg O. McCrary[2], the basic premise is that behaviour reflects personality. In a homicide case, for example, FBI profilers try to collect the personality of the offender through questions about his or her behaviour at four phases:

- **Antecedent:** What fantasy or plan, or both, did the murderer have in place before the act? What triggered the murderer to act some days and not others?
- **Method and manner:** What type of victim or victims did the murderer select? What was the method and manner of murder: shooting, stabbing, strangulation or something else?
- **Body disposal:** Did the murder and body disposal take place all at one scene, or multiple scenes?
- **Post-offense behaviour:** Is the murderer trying to inject himself into the investigation by reacting to media reports or contacting investigators?

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[1] The aim is to generate a reliable profile of the person who's committed the unsolved crime so that the subsequent investigative effort is much more focused. Now this may seem like an obvious point but arguably the greatest strength of profiling is that it has the potential to minimize information overload.

[2] Gregg O. McCrary is a former FBI agent, an expert witness and consultant, an author and an adjunct forensic psychology professor at Nova South-eastern University in Fort Lauderdale, and at Marymount University in Arlington, Virginia. McCrary was a contributing author to the 1992 Crime Classification Manual. In 2003, he published The Unknown Darkness, a book detailing those cases which he found most important. During his tenure with the FBI, McCrary was a criminal profiler and threat analyst in Quantico, Virginia. He was a member of the "Criminal Investigative Analysis" subunit of the National Centre for the Analysis of Violent Crime (NCAVC), serving the Centre from its foundation in 1985. Since retiring from the FBI, McCrary has served as an expert witness. British author Colin Wilson dedicated his 1990 book The Serial Killers to Agent McCrary.

A sexual crime is analyzed in much the same way (bearing in mind that homicide is sometimes a sexual crime), with the additional information that comes from a living victim.

Another phase of criminal profiling (crime scene investigation) is case linkage. According to Brent E. Turvey, case linkage or linking analysis refers to the process of determining whether or not there are discrete connections between two or more previously unrelated cases through crime scene analysis[1]. It involves establishing and comparing the physical evidence, victimology, crime scene characteristics, modus operandi (MO) - organized or disorganized typologies, and signature behaviours between each of the cases under review. It has two purposes:

- To assist law enforcement with the application of its finite resources by helping to establish where to apply investigative effort.
- To assist the court in determining whether or not there is sufficient behavioural evidence to suggest a common scheme or plan in order to address forensic issues, such as whether similar crimes may be tried together or whether other crimes may be brought in as evidence.

With respect to behavioural evidence, case linkage efforts have most typically hinged on three concepts:

- MO, modus operandi
- Signature
- victimology

In the following two tables are given profile characteristics and crime scene differences between organized and disorganized offenders as classified by the FBI in 1985.

[1] Turvey, B., Criminal Profiling: An Introduction to Behavioural Evidence Analysis, Academic Press, San Diego, 1999

Table 1. Profile Characteristics of Organized vs. Disorganized Offenders as Classified by the FBI in 1985[1]

Organized	*Disorganized*
Average to above-average intelligence	Below-average intelligence
Socially competent	Socially inadequate
Skilled work preferred	Unskilled work
High birth-order status	Low birth-order status
Father's work stable	Father's work unstable
Sexually competent	Sexually incompetent
Inconsistent childhood discipline	Harsh discipline as a child
Controlled mood during crime	Anxious mood during crime
Use of alcohol with crime	Minimal use of alcohol
Precipitating situational stress	Minimal situational stress
Living with partner	Living alone
Mobility (car in good condition)	Lives/works near crime scene
Follows crime in news media	Minimal interest in news media
May change job or leave town	Significant behavior change

Table 2. Crime Scene Differences between Organized and Disorganized Offenders as Classified by the FBI[2]

Organized	*Disorganized*
Planned offense	Spontaneous offense
Victim a targeted stranger	Victim/location known
Personalizes victim	Depersonalizes victim
Controlled conversation	Minimal conversation
Crime scene reflects control	Crime scene random and sloppy
Demands submissive victim	Sudden violence to victim
Restraints used	Minimal use of restraints
Aggressive acts prior to death	Sexual acts after death
Body hidden	Body left in view
Weapon/evidence absent	Weapon/evidence often present
Transports victim or body	Body left at death scene

[1] Crime Scene Profiling, p. 28, downloaded from http://www.sagepub.com/upm-data/50423_ch_2.pdf [accessed on 05.01.2014]

[2] Crime Scene Profiling, p. 28, downloaded from http://www.sagepub.com/upm-data/50423_ch_2.pdf [accessed on 05.01.2014]

Organized offenders tend to be high in the birth order of their family, usually an oldest child. They are very intelligent, and usually have their lives together, but a series of stressful situations caused them to act out. Most of them have a live-in partner, are socially adept, and will follow the coverage of their crimes in the media very carefully.

A spontaneous offense is often the work of a disorganized offender. He will often depersonalize the victim, to make the crime less real and allowing him to remain detached throughout the course of the crime. There is very little conversation, if any, between the offender and victim, and the crime scene has a random and sloppy feel to it. Criminal profiling makes it possible to draw a lot of conclusions about this offender, too. Disorganized offenders are often of average or slightly below-average intelligence. They are younger children, live alone, and are not as socially mature as an organized offender. They often live or work near the scene of the crime, and have a poor work history.

A mixed offender is harder to use criminal profiling for, but it is still possible. The crime scene combines characteristics of both organized and disorganized offenders. For example, the offender may have provided his own tools, but picked a victim randomly. The profile of a mixed offender may not be as accurate as other profiles, giving police less to go on.

Criminal profiling is used not only to find potential offenders, but also to narrow down a list of offenders that has already been compiled by the police. Although it doesn't work in every case, criminal profiling has helped investigators to apprehend hundreds of criminals. By assessing the patterns and motives of previous criminals, profiling allows investigators to fairly accurately predict the characteristics of current and future offenders, allowing killers and other perpetrators to be caught before they can continue on to other crimes.[1]

CONCLUSION

Criminal profiling is an investigative method used to assist law enforcement and government security agencies pursuing unknown perpetrators. Criminal profilers typically should have experience and education in criminology, forensic and / or investigative psychology, giving them the skills needed to recognize the personality traits, aspects and characteristics of criminals based on the state of the crime scene and the crime scene evidence.

[1] What is criminal profiling?, downloaded from http://www.wisegeek.org/what-is-criminal-profiling.htm [accessed 15.01.2014]

Criminal profiling is still a relatively new field in the science, with few set boundaries, discussions, critics or definitions. Its practitioners and theoreticians don't always agree on methodology, tactics or even terminology. The term "profiling" has caught on among the general public, largely due to movies like "The Silence of the Lambs" and TV shows like "Profiler", "Criminal minds" etc. But the FBI calls its form of profiling "criminal investigative analysis"; one prominent forensic psychologist calls his work "investigative psychology"; and another calls his "crime action profiling".

Despite the different names, all of these tactics share a common goal: to help investigators examine evidence from crime scenes and victim and witness reports to develop an offender description. The description can include psychological variables such as personality traits, psychopathologies and behaviour patterns, as well as demographic variables such as age, race or geographic location. Investigators might use profiling to narrow down a field of suspects or figure out how to interrogate a suspect already in custody.

Basically, the criminal profiler's job is to create a psychological profile of a criminal suspect (his psychological and physiological characteristics), which can then be used to help recognize and catch the suspect. This is done by examining evidence from the crime, their relations on the crime scene, interviewing witnesses and victims, and analyzing crime scenes. Information gained from these investigations can then be used to help the profiler determine a pattern of criminal behaviour, which hopefully can be used to find out more about the suspect, creating circle of suspects, eliminating those who are not related with the crime and recognizing and catching the real one.

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CORRUPTION AND ANTHROPOLOGICAL FOUNDATIONS OF HUMAN NATURE

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Abstract

Corruption has been inherent and inevitable phenomenon in every society along the mankind history since the establishment of the country. Money has never been sufficient for the vast majority of the world's population, therefore many people are resorting to the corrupted and criminal behavior to achieve their enormous appetites. There is disproportionality between the opportunities to meet the human needs realistically and the limitless desires. In order to realize such desires one gets into illicit activities, where the basic method of operation is through corruption. Corruption is deeply infiltrated in institutions, which diminishes their power to handle with it. Corruption would not be so old, nor so hard to eradicate if it was not closely related to human nature. This paper would not engage in anthropology and definition of human nature, nor in the analysis of the differences in the understanding whether one is good or bad, but we can openly say that in a sense human nature is susceptible to corruption and weak in the prevalence of egoism. By nature, a man is characterized by greed and egoism "the more he/she has, the more he/she wants to have." It is enough to follow our instincts in order to be greedy and egotistical. But, we need much or less effort in overcoming our instincts and be respected, positive, moral. Living in a community, one is exposed to the challenges and few are those who admit they can resist to everything, with the exception of their instincts. The main purpose of the paper is to establish the causes of corruption in a deeper sense of the word, as well as highlight the serious consequences of it. This can be done by clear theoretical views and the available and elaborated practical material.

Keywords: Corruption, causes, human nature, and egoism.

"The greatest crimes are not those committed for the sake of necessity
but those committed for the sake of superfluity"
Aristotle

DEFINITION OF CORRUPTION

In legal terms, corruption (Latin: corruptio – corruption, inducement; root: 'rumpere' - breaking, infringement meaning something that is violated, such as: legal administrative norm, social or moral norms) comprises illegal behavior regarding bribes in the fulfillment of public service.[1]

Corruption is regarded as a negative social phenomenon here. It evolved together with the establishment of the country as an institution. Corruption as a social-negative phenomenon had been defined in the Roman Law (Lex Julija Reputandae). Corruption as a criminal act is defined as giving, accepting or searching for benefit with the intention to influence the Public Servant when it comes to their job. Aristotle, Machiavelli and Montesquieu established corruption as a deterioration of the moral values of the society. That is why corruption is considered to be immoral and detrimental social phenomenon, for the fact that the public organs must advocate the public, not their own private interests.

Corruption is a deviated exercise of the public service for personal and family purpose, for the purpose of a private group or for some other group of interests and as such is not connected to the system of professional administration (disengaged from political voluntarism) in which the choice and promotion of the departments of public administration is made on the basis of the professional capacity and without the bias of the Public Servants.[2]

Corruption is defined as utilization of the function, legal authorization, Public Service and position for a personal benefit or the benefit some other individuals can get.[3]

Corruption as a contemporary 'infective disease' especially threatens the ' fragile systems' of the countries in transition, as a consequence of various factors, such as: economic changes, privatization, weakening the responsibilities, deficit of democratic tradition and deficit of an efficient

[1]Kambovski V., Naumovski P., Corruption – the worst social evil for the legal state, Skopje, 2002 p. 20

[2]Kregar J., „Corruption", Faculty of Law, Zagreb (Cited from:Heidenheimer, A., Johnston, M., Le Vine, V., Political Corruption, Transaction Publishers, London, 1997)

[3]Act on Prevention of Corruption - "Official Gazette of the Republic of Macedonia" no. 28/02, 46/04, 126/06, Rulings of the Constitutional Court 10.01.2007, 10/08, 161/08, article 1-a

system of reciprocated control along the line: country-politics-civil society. Corruption as a social evil represents inhuman, uncivilized and pathological phenomenon of the public administration that results from the exaggerated function of the country and its multi-dimensional power.

Corruption is not a simple crime where the criminal and the criminal groups are thrust out on the streets. According to the nature of the things, corruption appears and is realized by the authorities, independently from where the initiative starts.[1]

The fact that corruption is not only a detrimental and immoral activity, but also one of the main reasons for paralysis and dysfunction of the country and its institutions is more evident in the democratic countries.

What shall be mentioned within the frames of the international legislation regarding the legal limitation of the term corruption is the following: The European Civil Law Convention on Corruption of the Council of Europe that limits the corruption in this way: "Corruption" means: "request or proposal, giving and accepting, indirectly or directly an illegal activity or some other illegal benefit or promise for such illegal benefit that prevents the normal execution of a certain function, or the user's behavior on the illegal activity, or the promised benefit."[2]

The Resolution of the United Nations Organization defines corruption including all its elements. The bribe may consist of the following elements:

a) Direct or indirect promise, giving or offer of any type of payment, gifts or some other profit by any private or public corporation including the transnational corporations or individuals of a country, an Official or an elected representative of another country with the purpose that the same person executes or restrains from executing public duties connected to a certain international transaction

b) Direct or indirect presence, demand and giving of presents, money or some other profit by an Official or an elected representative of a certain country with the purpose of executing the duties of the Official or the representative that are connected to some international business transaction[3]

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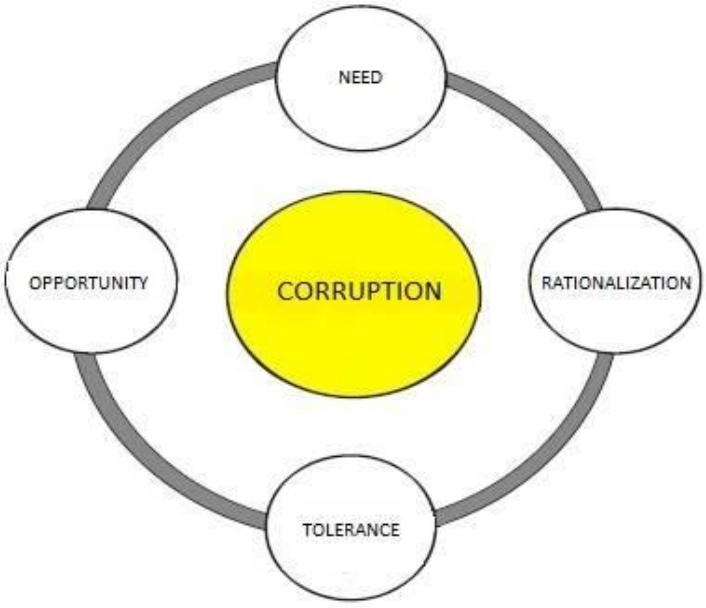
[1] Labovic M., „*Corruption is the biggest obstacle to Macedonia's entry into the European Union ",* Macedonian Review of Penal Law and Criminology, No. 1 - 2, Skopje, 2004, p. 149

[2] European Civil Law Convention on Corruption of the Council of Europe, article 2 (Strasbourg 04.11.1999 in English and French, Secretary General of the Council of Europe shall send verified paragon to each member of the Council of Europe and each country which shall be invited to join this Convention)

[3] UN General Resolution A/C 3/51/I 3, 26 September 1996: Action against corruption, para 3: a) and b)

FACTORS WHICH MAY CAUSE CORRUPTION

Corrupt behavior appears when the following four factors are linked (including the external and internal factors):



Graph 1: Factors of Corruption

1. Need - corrupt activities bring on prosperity to those who start them when there is not a more appropriate way to accomplish the goal, for satisfaction of the human characteristics such as the greed
2. Rationalization - may be found in the perception of those included in the corrupt behavior "Everyone does that – the chances are that things work out that way". Rationalization of corruption is a sign that corruption is becoming established in the society and becomes a common social phenomenon.
3. Opportunity - the possibility of corrupt activities appears when there is a lack of control and check. The regimented sanctions for any shape of corruption and steady controls reduce the possibility for one to become wealthy fast without danger
4. Tolerance - when the democratic society becomes a society of silence and tolerates the corruption as a normal "flow of things" it is high time the society decided whether someone else will solve the problem we face on a daily basis.

Although every country in the world agrees on the conclusion that corruption is a social evil to which we should oppose, still we talk about inability to deal successfully with corruption. Despite being competent members of the European Union, certain countries come in for criticism because they fail to manage successfully the strategy of dealing with

corruption. What are the most frequent excuses in avoiding, that is failure in dealing with corruption?:[1]

- Corruption is everywhere, nothing can be done with such an endemic phenomenon;
- Corruption has always existed, it is in human nature and not much can be done here;
- Definition of the term corruption is not clear and is culturally determined. Certain procedures we regard corrupt are not such in some cultures;
- Getting rid of corruption in our society demands overall change of the behavior and the values;
- Corruption is not detrimental in a number of countries, it encourages the economy and supports the political system;
- If some influential people are corrupt, or that corruption is systematic nothing can be done;
- Uneasiness due to corruption is unnecessary. Corruption is about to fade away with a free market and multiparty democracy;

According to the above mentioned authors, one of the primary reasons for the inability to deal with corruption is located in the **structure of human nature** that enables corruption to go through many systems. Two main characteristics of human nature that bring about corruption and its development are: **greed and egoism.** Due to egoism corrupt individuals often do not pay attention to the issue of their life style and work as well, and justify corruption with a simple formula where their profit justifies all means. As corruption becomes spread worldwide, it also becomes more accepted at the same time, until it becomes a way of living in the end.

There is a question raised, addressing all the factors that influence the spreading of this alarming phenomenon for the society in which we live or what should be done to reduce corruption. The key factors that lead to corruption are somewhere between the personal characteristics, tradition, customs, culture, economy, politics, law and the country itself. Mainly, all those factors can be grouped in two ways: ***sociological and biological***.

The criminologist Gjorgje Ignjatovic, as a supporter to the multifactorial approach in the explanation of corruption stands for the opinion that every corrupt behavior originates from the juncture of two groups of factors:

- Personal characteristics of an individual
- External social factors[2]

In the following part we will focus on elaboration of the first group of factors within the frames of biological, that is personal characteristics of the man and his/her psycho-anthropological foundations.

[1] Klitgard R. Maclean-Abaroa R. Parris L, "Corrupted Towns", 2007
[2]Ignjatovic, Gj. : Criminology, Belgrade, Nomos, 1998, pp. 221

MAN AND HUMAN NATURE AS A FACTOR OF CORRUPTION

Psychology and Anthropology help us understand the human nature easier. The man is a fundamental organic and psychological community of a country, and by so the main carrier of power as opposed to the rest of the animate and inanimate nature that surrounds him/her. If the anthropological structure of the human foundation is analyzed, it can be seen that people differ from the rest of the living world in a number of characteristics. The man is not only distinguished by moral values, but anatomic-physiological complexity. People have always worked on creation of things for their own needs. The human needs are satisfied during the realization of the man who becomes part of a 'human society' once he or she is born, directs the things towards his or her needs.

Man as a social being that lives in certain communities satisfies his/her needs by making up a universal tool which can be used to buy a need that is necessary at the given period. This has been happening for more than thousands of years. It means that people should have particular financial resources they can use and spend for their own needs. The financial resources are obtained by a personal effort or by exploitation of the natural resources at our disposal. It is not always easy to get these financial resources, thus a certain action is required. While earning the financial resources, the policy 'Dulce cum utili' should be respected. It means that one should work as long as he/she is capable of performing the tasks and at the same time those financial resources shall be enough to satisfy the primary needs in a reasonable quantity. This process should not harm any other man or community. People satisfy their basic needs by earning financial resources that are later being spent on satisfaction of their own needs. If one wants a greater quality of the needs he/she is satisfying, then what is required is a bigger profit. The easier and faster way to obtain financial resources means performing certain tasks that can harm an individual and the overall community and are forbidden by law. (i.e. theft, tax evasion, bribe acceptance).

According to people's beliefs not every award is a bribe, and a clear distinction between a treat, a gift and a bribe is made in every day's life. The custom moral norms are defined by customs and rituals when a gift is usually given. The customs are usually linked to some events in life such as: an offspring within a family, the ceremony of baptism, birthdays, weddings, as well as some greater events for individuals or their family. The act of giving presents in these cases is not regarded as a bribe.

The cases in which a person helps you in a business and you take them out for lunch in return, or give them a present or money is not considered a

bribe, but a gratitude for their kindness instead. Pursuant to the **Custom Law**, a man is obliged to express his/her gratitude in a material way. Otherwise, the people will consider them **ungrateful.** This is especially characteristic for the economically undeveloped countries. The same favors done in the more developed countries are usually regarded as an insult, not a way of expressing gratitude in a material way. If a person tries to express gratitude in that way, he/she is likely to be misunderstood, for it is a completely different mentality in the developed countries. If there was a material gratitude after a particular favor, there are also cases when a person offers lunch, a gift or money before the favor is done, and the other side accepts the deal and fulfills the obligation afterwards. In this case we talk about bribes. People who take a bribe are more condemned than those who offer a bribe. According to the criminal legislation, both acts are regarded as a criminal offence and belong to the group of corrupt criminal acts. There is a common thought that the one who takes a bribe does that only because of **greed**, not that it is a matter of life or death. The characteristic of greed, race for profit, the more one has, the more they want to have come from the man's anthropology as a living being that differs from the rest of living beings. **The deeper roots for the desire of gaining more, that is taking a bribe for a favor and the corrupt behavior of the individual in the society should be found in human nature.**

The act of accepting a bribe is a deep offence that not only ruins the reputation of the person who accepts it, but his/her family as well. When it comes to those who give bribes, people tend to remain silent as a sign of approval, for they consider it the only way of getting what one wants when there is no other option.

Professor Ljubisa Georgievski expresses an interesting point of view, saying:

*"The culture of corruption lies in a fetish led to perfection for all its aspectual and essential modalities. This magical fetish is the **bribe**, or in other words 'gratis'. In our culture of corruption if one does not give a bribe would be as scandalous as not saying 'Good Morning' to their father. That can seriously exclude one from the exclusive circle of the society where they live. The greatest trouble a man can face today is being gossiped about not dealing with bribes. The gossips about accepting and offering a bribe are a prerequisite for the highest ranks in the country. If today one wastes their time with their own children instead of offering and taking a bribe, then they are not likely to have a successful day."*

This way of understanding corruption has been present here for ages and its eradication is almost impossible, for it is part of every day's life and the tradition of the population. This way of understanding corruption causes a point of general approval and acceptance of the fate. What is created is a

general belief that certain figures of corruption are less dangerous than the others, and there is also a habit that every task is easily and safely done with a bribe. That influences the change of moral and custom norms. What one can hear on a daily basis is the sentence: "*Do this for me, and I will pay you.*" The word 'gift' that stands for number of advantages and represents a synonym of frankness is becoming a symbol of criminal acts.

Indicators that point out towards Corruption of the Officials

In the previous part we explained that one of the reasons for corruption lies in human nature and its psychological foundations. But whether these characteristics will be developed and up to what extent and bring about corrupt behavior of the individual depends on a number of social, economic and political factors. The positive parameters for the possible candidates are projected in order to prevent the country from the individuals that are likely to develop a corrupt behavior, and if they fulfill the parameters they are legible to apply for the public announcement.

If we look at the results from the survey "Citizens' opinion on corruption", conducted in 2013 and 2014 by the team of researchers at the Faculty of Security in Skopje, we can establish that the most corrupt situations in which an official is led are those slightly connected to the accomplishment of the public supply and the situations of business procedures towards relatives and friends.

Table 1 According to your opinion what is the situation when an official is exposed to the risk of corruption?

	2013	2014
In the administrative procedure, when dealing with regular administrative things	2,24	2,17
In the administrative procedure, when dealing with administrative dispute	2,56	2,43
In the accomplishment of public supplies	2,94	2,85
In situations of business procedure towards relatives and friends	2,79	2,92

There are particular differentiations in reference to the level of assessment between the behaviors of the officials when it comes to public supplies. Namely, in 2013 they were marked as a sector of greatest corruption, and in 2014 the situation of the officials' attitude when solving the problems with relatives and friends take the primacy. The research has been conducted on the territory of the Republic of Macedonia in the period between January 8-18, without the presence of the information and parties' arguments on this issue in public. But the answers also show that the answers should be searched for in the other subjects and the impartial situation of the official who is directed towards the citizen and usually deals with individualistic issues.

The relevant laws also project inhibiting parameters that exclude the candidate from the application as a person who does not fulfill the terms for professional accomplishment of the administrative things.

But, it must be mentioned that such structures and mechanisms have shortcomings that disable an exact choice of the candidates and allow the entrance of those elements that should be disqualified in case of a serious selection.

The shortcomings refer to: conditions of verification of the basic document (that are obligatory according to the relevant laws and which the candidate should meet in order to be legible to apply for the public announcement), examination when it comes to: the candidates' past, previous employments, their private life, financial issues (debts, taken loans and loans that have not been returned), social issues (gambling, use of narcotics and alcohol), previous penalties, constant association with criminal elements, all these should constitute the element of elimination for a candidate to get his/her place in the public administration.

All the above mentioned elements have an influence on human nature and encouragement of greed, egoism and inclusion in prohibited activities in order to provide greater financial profit and satisfy their previous appetites that appear as encouraging factors in committing a corrupt crime.

CONCLUSION

Corruption represents a universal category present in all modern, civilized societies and nations. There is no civilized society and nation that are not familiar with this phenomenon. All countries and nations are unanimous about the fact that corruption is a social evil that devastates the system and the values on which a community or the society as a whole are based. There is no such person who claims that corruption is beneficiary. People consider corruption a public evil which should be eliminated, but have doubts whether it is possible.

The banking experience personified in the system of customs, tradition, rituals and many works show that tradition has perceived and demarcated the various shapes of bribes, bribery and corruption. The vast prevalence of corruption enforces the absence of consistent attitude against corruption in almost all pores and **the public opinion is created occasionally**.

The causes of corruption and its development are different in different countries. The primary causes should be searched for in human nature and man's greed (*a desire for more*) that is a prerequisite for people's corrupt behavior. But basically the causes of corruption should be found in the anthropological foundations of the human nature. What makes people

different from the rest of living beings lies in human nature. Besides humanity, philanthropy, solidarity, a man is also characterized with the instinct of greed, imperiousness (desire for domination, prestige and power) luxury. This is the basic part in the egoism and greed present in people's life as an essential part of their nature. In order to satisfy their greed, people abuse the weakness of the institutions and with the help of disallowed activities such as **corruption**, impose different relations in the society that are against the functioning of the law and the basic human rights and freedom. The difficulties in dealing with corruption or elimination of corruption in general lie in its reference to human nature. When we speak about dealing with corruption, we should always bear in mind that human nature is in a sense subjected to corruption and not strong enough to overcome the egoism as a characteristic. It is enough to follow our instincts in order to become greedy and aggressive. But, to be virtuous and moral we need more or less effort to cope with the instincts. The man is exposed to a number of temptations and few are those who will admit, as Oscar Wilde said: "**I can resist anything, except temptation**."

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CORRUPTION AND PUBLIC ADMINISTRATION IN THE REPUBLIC OF MACEDONIA

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Abstract

Corruption is social evil which greatly impairs the democratic processes and benefits of one society and occupies a significant part of the criminal behaviour in the Republic of Macedonia. There are numerous activities that offenders undertake and are considered as corruption. The most important and most frequent are giving and receiving bribe, abuse of the official authority, and many other forms.

That corruption is an important deviant and crime phenomenon in a society is indicated by the fact that the international community recognizes a field of action of democratic governments and states. Thus, in every report of the European Union accession negotiations of Macedonia in the European Union a special section deals with the implication of corruption to overcome the problems of that field in the country.

In this paper particular attention is given to corruption in public administration, particularly on the subjects in the public administration, political parties, and political leaders, employees in the police, the customs, judiciary and other institutions.

The paper presents research results of more researches, including a research on corruption in the Republic of Macedonia conducted by a research team from the Faculty of Security-Skopje.

Keywords: corruption, abuse, bribe, etc.

INTRODUCTION

Research on the opinion of citizens about corruption in the Republic of Macedonia was conducted at the Faculty of Security - Skopje by a

research team[1] and by students of the faculty. The survey consisted of the implementation of a questionnaire as a method of gathering opinions from citizens, and during the analysis of the given results, the following methods were applied: analytic and synthetic method, comparative, dogmatic and statistical method. The sample was randomly selected and successfully implemented in 1210 questionnaires in January 2013.

The aim of the research is to consider the public opinion of the citizens of the country in terms of corruption[2], then to process the results and to propose a model to overcome certain issues. During the implementation of the research, findings were obtained on subjects where corruption is most common, the way of execution of corrupt activities[3], the role of the authorities and the measures they should implement to combat corruption and similar[4]. At the end of the report the research team will also offer measures to overcome the problem of corruption in the Republic of Macedonia.

PERCEPTIONS OF CITIZENS ON CORRUPTION IN PUBLIC ADMINISTRATION

The interviewed participants in the survey answered a number of questions about their experiences with corruption. In fact, they have presented their opinion on corruption in the Republic of Macedonia through the prism of their own experience of giving, receiving bribe, participating in corrupt activities, opinions of relevant authorities about their activities to prevent corruption[5] and the like; they also provided answers to the following questions:

[1] The research team consisted of Cane Mojanoski, PhD, Associate. professor Marina Malis Sazdovska, PhD, Associate. professor Marjan Nikolovski, PhD and Assistant professor. Katerina Krstevska, PhD.

[2] See more Kambovski V., Naumovski P. *Corruption-greatest social evil and a threat to the state of law*, Skopje 2002

[3] Labovic, M. / Nikolovski M.: *Organised crime and corruption*, Faculty of Security, Skopje, 2010

[4] More on Police combating corruption see Manual for Police Integrity, DCAF, Slovakia, 2012, p. 27

[5] Labovic Miodrag: *The Government corrupts*; Gamma, Skopje, 2006

Table no. 1 - Have you been in a situation (or have personal experience) as a public servant working for the bodies of the public administration (institution) to be exposed to the risk of corruption (circle one answer)?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	(1) Yes	98	8.1	8.3	8.3
	(2) No	882	72.9	74.6	82.8
	(3) I don't want to declare	203	16.8	17.2	100.0
	Total	1183	97.8	100.0	
Missing	System	27	2.2		
Total		1210	100.0		

Regarding the experience of employees and their opportunities for corruption risk, 8.3% of the respondents were in a position to be corrupted. Namely, as civil servants in the state administration where they are employed, these respondents were at risk of corruption, while 17.2% did not want to comment on this issue. This again points to the fact that a substantial number of respondents do not want to answer the question about their experience with corruption, due to a fear or uncertainty. If we consider that among those who do not want to declare there are some indicia that they have some personal experience, and because of some uncertainty or fear do not want to speak, and 74.6% categorically stated that they have no personal experience, then we can conclude that the possibility of risk of corruption in the case of the employees in the state administration equals to 30%.

Table no. 2 - Evaluate the level of corruption among holders of public (administrative) functions (Evaluate from 1 – the least 10 – the most. Circle one valuation)

Rank		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 the least	13	1,1	1,1	1,1
	2	13	1,1	1,1	2,1
	3	12	1,0	1,0	3,1
	4	43	3,6	3,6	6,7
	5	95	7,9	7,9	14,5
	6	102	8,4	8,4	23,0
	7	146	12,1	12,1	35,0
	8	218	18,0	18,0	53,1
	9	248	20,5	20,5	73,6
	10 the most	320	26,4	26,4	100,0
	Total	1210	100,0	100,0	

Within the survey, respondents rated the level of corruption among holders of public (administrative) functions, and again, the highest valuations are concentrated from 7 to 10. 26.4% of the respondents gave with grade 10

(the highest grade) and there are 20.5% with grade 9, 18% with grade 8, and 12.1% of respondents with grade 7. This evaluation corresponds to the evaluation of political parties and political leaders, which might indicate that citizens perceive the government as corrupted through the holders of the state functions.

Table no. 3 - Ranking of answers to the question: - In your opinion, in which of the following situations the HOLDER OF STATE (ADMINISTRATIVE) FUNCTION is most at risk of corruption?
(Rank them as: 1 - the least, 4 – the most. Circle one number in each row. The number can be circled only once in a row.)

	the least	the most	average
4. situations of official treatment of relatives and friends	30,85	69,15	3,23
3. during implementation of public procurements	51,91	48,09	2,77
2. in administrative procedure, in situations of resolving administrative disputes;	65,42	34,58	2,16
1. in administrative procedure, in situations of deciding on regular administrative matters	55,69	44,31	1,84

In the ranking of situations in which the holder of state or administrative function is the most at risk of corruption, the situation of official treatment to relatives and friends is at the highest point; these are, in fact, the cases of so-called nepotism. Citizens consider these holders of functions as corrupted because of nepotism with abuse of their position to help others. According to the perception of citizens, that situation of corruption can be evaluated with 3.23, if there is a ranking of the four situations from 1 to 4. Afterwards follow situations in the implementation of public procurements and administrative proceedings and situations of resolving administrative disputes, while the lowest risk of exposure of corruption is in the administrative procedure, in situations of deciding about regular administrative matters.

Table no. 4 - Evaluate the level of corruption among civil servants
(evaluate as: 1- the least 10 – the most. Circle one value)

Rank:		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 the least	16	1,3	1,3	1,3
	2	12	1,0	1,0	2,3
	3	40	3,3	3,3	5,6
	4	51	4,2	4,2	9,8
	5	93	7,7	7,7	17,5
	6	125	10,3	10,3	27,9
	7	167	13,8	13,8	41,7
	8	192	15,9	15,9	57,5
	9	239	19,8	19,8	77,3
	10 the most	275	22,7	22,7	100,0

	Total	1210	100,0	100,0	

The issue of corruption among civil servants is perceived by citizens as a similar phenomenon as to the holders of state function, with top rates from 6-10. Top marks for corruption for these officers were given by 22.7% of the respondents, grade 9 was given by 19.8%, grade 8 by 15.9%, grade 7 by 13.8% and grade 6 by 10.3%. This evaluation is similar to the evaluation of the government in general, personified by political parties, political leaders, and holders of state functions, in the case of the civil servants too.

This is an important result because it points to the fact that not only the highest political structures and the holders of functions are corrupted, but also the lower echelons of power represented by civil servants are also rated as highly corrupted[1]. This is a negative evaluation for the state administration, which, if it strives to professionalism and respect of democratic rules and standards, it needs to undergo serious changes in the area of lawful working, without exposing itself to the risk of corruption.

Table no. 5 - List of answers to the question: - In your opinion, in which of the following situations the OFFICIAL is the most exposed to the risk of corruption? (Rank them as: 1- the least, 4-the most). Circle one number in each row. The number can be circled only once in a row)

	the least	the most	average
4. situations of official treatment of relatives and friends	30,06	69,94	3,25
3. during implementation of public procurements	52,71	47,29	2,70
2.in administrative procedure, in situations of resolving administrative disputes;	64,59	35,41	2,18
1.in administrative procedure, in situations of deciding about regular administrative matters	56,26	43,74	1,87

Regarding the corruption of officials, a result similar to the result of holders of public (administrative) function occurred again; in fact, it is considered that the risk of corruption in most situations in official treatment of relatives and friends is 3.25. Further on, there are also the situations in the implementation of public procurement, administrative procedure, situations

[1] The situation of the corruption of political parties is similar in Serbia, as concluded from the fact that, according to the annual report for 2012, the top priority of the Agency for fight against corruption will be to intensify and increase efficiency control of funding of political parties and the activities of political parties http://www.acas.rs/images/stories/Agencija_-_Izvestaj_o_radu_2012_-_28-03-2013.pdf

of resolving administrative disputes and finally the situation in the administrative procedure of deciding on regular administrative issues. So, respondents identically rank corruption among the holders of functions and officials in the state administration, which indicates a serious problem in the treatment of representatives of the state government.

Respondents also gave their opinion on corruption in the following categories: police officers, the customs and customs officials, denationalization authorities, the sale of state land, inspection authorities, doctors and health workers, judges, prosecutors, university professors, journalists, NGOs and private entrepreneurs.

After assessing the overall risk of corruption in certain authorities, institutions and individuals, the need of their ranking is imposed. They are ranked as follows:

1. 8,18 Customs and customs officers
2. 8,06 Political leaders
3. 8.04 Political parties
4. 7,97 Judges
5. 7,88 State (administrative) functions
6. 7,60 Inspection bodies
7. 7,59 Civil servants
8. 7,59 Police officers
9. 7,27 Prosecutors
10. 7,23 Doctors and health workers
11. 7,12 University professors
12. 6,96 Sale of state land
13. 6,60 Everyday situations
14. 6,53 Denationalization authorities
15. 5,96 Journalists
16. 5,60 Entrepreneurs (owners)
17. 5,16 NGOs

The overall analysis of data referring to corruption in the state administration indicates that corruption in the state administration is highly ranked. The state bodies and officials are on 5th and 7th position according to the opinion of the respondents. Other high ranking positions are also part of the public administration, such as customs, judges, and inspection bodies and others[1].

[1] In Serbia, the list of areas in which there is corruption are: Health-35%, Politics-13%, Justice-13%, Police-8%, Education-2% Local-government 2% Inspection services-1% another area-9% and 17% had no opinion. These are the results from the survey of citizens, Istraživanje percepcije javnog interesa u oblasti sprečavanja i borbe protiv korupcije i mesta i uloge Agencije za borbu protiv korupcije, Ciljna grupa: građani, Maj, 2012, AGENCIJA ZA BORBU PROTIV KORUPCIJE REPUBLIKE SRBIJE http://www.acas.rs/images/stories/Percepcija_uloge_Agencije_-_Gradjani.pdf

CONCLUSION

Analyzing some of the results of the survey, specific findings on emergent forms and other facts about the corruption in the Republic of Macedonia can be made according to the views of the respondents. The highest ranked are the state administration bodies, but political parties and political leaders are among them. The police, doctors and university professors are in the middle of the list of frequently corrupted activities within certain professions, while the journalists and the private sector are at the end of the table. Thus, the conclusion imposes that there should be professional working of officials in the state administration in the following period, introduction of code of ethics, education of staff and appropriate motivation, in order to reduce the risk of exposure to corruption.

Considering these and other conclusions about corruption in the Republic of Macedonia, it can be concluded that in the following period adequate measures for reducing the risk of exposure to corruption need to be taken. Of course, this is only possible if all the entities responsible for the prevention of corruption act systematically and coordinately and thus proactively. The solution of this serious problem in the country is significant, and all factors should be in the position of increasing awareness against corruption, respecting ethical and legal norms and daily fight to prevent corruption in the Republic of Macedonia.

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CONSTITUTIVE CRIMINOLOGY: PRODUCT OF THE POSTMODERN SOCIETY

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Abstract

Postmodernism as European direction in art, philosophy, literature, culture, music, and as a reaction to modernism, in terms of its tendency for progress and objectivity, advocates for globalization, decentralization and pluralism in all spheres of social life. It has great influence on the development of criminological scientific thought. The postmodernism produces establishment of the postmodern school of criminology, i.e. separate constitutive criminology as a fraction within the radical theory. Its establishment is connected with the names of Henry Stuart and Milovanovik Dragan, who have laid down theoretical foundations of constitutive criminology with their theoretical views on crime and its occurrence.

The basis of its learning is reflected in the explanation of crime as loss or damage to the rights and interests of the victim that cause inequality between people. Hence, the efforts of society to overcome the crime should be directed toward the deconstruction of political economy, construction of news making criminology, development of peacekeeping criminology and cultural pluralism.

Those basic theoretical postulates of constitutive criminology will be the subject of this paper, and possibilities for its further development.

Key words: *constitutive criminology, postmodernism, construction, language*

INTRODUCTION

Issues of crime, offenders, how society reacts against criminal behavior are subject for analysis and research of many scientific disciplines within the social sciences, among which they are the main subject of Criminology. Criminology is a broad scientific field which includes knowledge of already well established, and new "young" scientific disciplines and is aimed at studying all dimensions of criminal behavior as an individual act and criminality as a mass phenomenon. Hence, as a scientific field which integrates and draws knowledge from many other scientific disciplines,[1] Criminology is a synthetic, multi-disciplinary science, theoretical, empirical and also applicative science. Accepting the view that it is "a

[1] According to Frank Shmalleger, criminology take knowledge from 12 disciplines: anthropology, psychiatry, law, philosophy, sociology, ethnology, economy and political sciences, Ignjatovik, G. (2008) Criminology, Faculty of Law in Belgrade, Centre for Publication

Queen of the sciences without Kingdoms" which has capability to synthesize knowledge from other sciences, to explore, theorize, argue - all these features put her before a very difficult task to investigate the crime in its etiological and phenomenological dimension that is complex phenomenon and to find out appropriate solutions for its reduction. And almost two centuries since its establishment as a science (the beginning is binds with the name of the French anthropologist **Topinard Paul**, who in 1879 coined the term criminology to denote the science that deals with the study of crime),[1] criminologists, who by definition are researchers, failed to stop at one, or at least at few stops in theoretical explanation of crime as starting points in the pursuit for solutions. That process of constant searching, study and analysis is inherent for the criminologists and Criminology wouldn't be Criminology if it doesn't have the impulse for constant research and development.

As the social conditions of all aspects (social, economic, political, cultural, ideological) in the world in which we live are changing, our views and visions of the crime and its explanation are changing, too.

Individual determinism in the works of Italian anthropologists replaces the in-determinism (which means that the offenders have free human will to choose whether to commit crime) of the first educators and writers of the Criminal Codes before and after the French Revolution in 1789. Then, sociological positivism has replaced "the man born criminal", showing to the world that still social environment affects the individuals to act criminally. Since then and onwards, the sociological dimension of the crime is constantly present component of criminological theories. Part of criminologists focused on the social reaction to crime or on a society as a system that fails to deal with crime, and therefore they find the reasons in the government that makes laws, crimes, and criminals with their labeling. It is true, that Criminology as a science has brought to light a lot of research and change. But, as stated in the book *Criminology: A sociological introduction,* "the more people investigate crime, the crime seems to grow. And so many theories are founded and books are written, but it seems that even they are not even close to solving the crime."[2] Therefore, we raise the question whether the failure to deal with crime is a failure of Criminology as a science? That issue concerned a group of authors who turned to the other extreme, i.e. irrational explanation of crime, to what **Lyotard Jean-François**[3] calls para-logy, or explanation contrary to the specific versions of the logos. What it is about?

[1] Konstantinovic-Vilic, S. And Nikolik-Ristanovic, V. (2003) Criminology, Faculty of Law, Nish

[2] Carrabine, E., Cox, P., Lee, K, Plummer, K. and Southby, N. (2009) Criminology A sociological introduction, Second edition, Routledge, London

[3] Lyotard Jean-François (1924 - 1998) is French philosophy and sociology who is famous due to his views for postmodernism and its influence on human condition.

CHALLENGES AND PERSPECTIVES OF POSTMODERNISM

The basis of criminological theories lies in the explanation of the crime with the help of scientific methods, on the rational way (using the logos and ratio) to get to the truth. And, one part of that analysis succeeds, especially analyzing the individual human behavior. But criticism against the successful application of scientific methods rely on the failure to explain and reduce suffering, class exploitation, racism, injustice, like global social problems, so in a certain group of authors has appeared mistrust and skepticism in the ability of the science and of the ratio[1]. Specifically, they criticize the science that indulges itself merit that reveals new causalities between the phenomena and new knowledge which should be accepted and established as scientific and objective truths. This trend in the society known as postmodernism believes that knowledge is "subjective and is shaped by personal, cultural and political attitudes and views", i.e. that knowledge and truth are socially constructed through language as a medium.[2]

The new postmodern ideas have backed us to the indeterminism, but not to the human born criminal with his innate determination, and atavism[3], but to the irrational, uncontrollable, and partial. It would means that knowledge; truth and social phenomena are created using a language that is not neutral medium and tool used for verbalizing human thoughts. Rather, the language by which we express ourselves construct our truth and hence, truth is subjective, relative and personal, and knowledge is partial and shared.[4] According to the postmodernists, the reality created by the language of the people that "became coordinator for community action"[5] is a product of human judgments and discussions.[6] For example, a group of scientists have encountered and discussing the phenomena that surround us, based on some scientific research, have developed theories, have set axioms, decide what is right, what is not and so on. That, for the postmodernists is creating images derived from the game of words, through communication, written or spoken language known as **discourse**.[7] According to **Andrew Back**, discourse (debate) is accomplishing through speech, body language, written and oral language through which people act, create their social world, and at the same time, they are created by the world. Without that debate, the man and the people as "active agents" in the creation of reality will stop to exist.[8]

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[1] Henri, S. and Milovanovik, D. (1996) Constitutive criminology: Beyond Postmodernism
[2] ibid
[3] Atavism means similarity with the ancients
[4] McLaughlin, E. And Muncie, J. (2006) The SAGE Dictionary of Criminology, p. 216 - 217
[5] ibid
[6] Henri, S. and Milovanovik, D. (1996) Constitutive criminology: Beyond Postmodernism
[7] ibid
[8] Andrew Bak, Assessing Henry and Milovanovic's constitutive criminology, Re-Mapping American Criminology, Vol. 8, available at: http://www.critcrim.org/redfeather/journal-pomocrim/vol-7-remap/002bak.html

What postmodernism wants to achieve?

Postmodernism wants to prove that social phenomena, truths, theories, laws, language, axioms are constructed or created and they are given the epithet real, objective, rational and, as such, with the veil of secrecy are held before the eyes of the others, i.e. before the world. Postmodernists are also against universal explanations and universally accepted norms and values that society should be based on.[1] Instead of large absolute truth supported by the modernism, they claim that the truths are partial and limited, as the world is different. Further, they say that there is no one story that can be told about the crime.[2]

Therefore, postmodernism seeks to demystify the privileged knowledge as dominant social constructions through their deconstruction. Starting from that, a small group of authors try to explain crime by setting the foundations of the Constitutional Criminology as a theory within Criminology which has developed in the 90s in the United States.

In the text that follows I will try to convey the views of the founders **Henry Stuart and Milovanovic Dragan** and their followers by answering few questions: what is the subject of the traditional, classical Criminology, how is crime defined, who create it and is there a solution?

BASICS OF CONSTITUTIVE CRIMINOLOGY

Criticism of traditional criminology

Overall, in the criminological expert community there is disappointment in the achievements of Criminology as a science, which, despite all scientific analysis, research for objective and absolute truths and placing universal concepts for the criminal justice, has failed to reduce crime and the suffering which is caused by it. So the question is whether the starting grounds are well placed and whether the focus of research of the traditional criminologists is properly directed. With the dictionary of Criminology it would mean whether the dominant legal and social definitions of crime can reflect the true state of crime in society, and whether the solutions to overcome such occurrences should be looking at improving the dominant forms and mechanisms of formal and informal social control. Postmodernists give a negative answer to these questions.

The initial explanation lies in the crisis of Criminology as a science that is part of the general crisis of social policy and the welfare state.[3] It is very well recognized by the French philosopher **Lyotard Jean-François** who writes in his article *The postmodern condition* since 1984 about the **crisis of legitimacy** that is most pronounced in the science and, as he says, "threats to swallow the whole

[1]Lea, J. (1998) Criminology and Postmodernity in Paul Walton and Jock Young (eds. The New Criminology Revisited, London: Macmillan

[2] Carrabine, E., Cox, P., Lee, K, Plummer, K. and Southby, N. (2009) Criminology A sociological introduction, Second edition, Routledge, London

[3] Lea, J. (1998) Criminology and Post-modernity in Paul Walton and Jock Young (eds. The New Criminology Revisited, London: Macmillan

society." According to him, "capitalist society and the industrial revolution placed thesis that without technology there would be no wealth and without wealth there will be any development of the technology. As a result of this spiral technology – wealth: wealth - technology, science and knowledge is turned into a commodity. At that point, science has become a force of production, in other words, time for the circulation of capital."[1] Science can not be seen as purely science dedicated to searching for the truth. It became productive activity assessed by its ability to produce money. This criterion replaces enlightenment strives for truth.[2] Therefore, **Lyotard,** equates Criminology as a large enterprise of creating knowledge legitimized by organized, bureaucratic modernism. He further says that modernism has become dominated by two methods which convict that the world is global. First, through structural functionalism, according to which society is an organism composed of different parts that function separately, but can not exist without one another and, secondly, through the critical theory of the legality of Marx, which relies on the principles of class struggle. For that reason, he is against **meta-narratives** or presenting grand stories which want to provide basis for the organization of the society. Therefore, **Lyotard** wants to destroy the legitimacy of the knowledge that is gained through **narratives** saying that we should enjoy the differences, to articulate the absent and let muted voices to come to the surface.[3]

Regarding the crisis of Criminology, **John Muncie** in his paper *Decriminalizing criminology* writes about the end of traditional Criminology, which by using scientific positivism is still trying to explain the causes of crime. **Muncie** connects the penetration of the critical scientific thought with two initiatives. One is the expansion of the legal definition of the crime or extension of the subject of Criminology to the global social problems that cause harm and suffering. They are racism, imperialism, economic exploitation, hate. The second issue relates to the way how crime is defined and the answer lies in the dominant power structure.[4]

Muncie also supports the view of the radical criminological theory that if the Criminology is limited to the questions related to the causes of crime and its reduction, then it became an assistant and an additional part of the government or advisor to develop appropriate criminal policy. Such Criminology favors the interests of the current political authority. Thus, everything that Criminology investigate, analyzes, define, and pose as scientific knowledge serves to the interests of the dominant power. As a result, radicalisms offer Criminology to break all

[1] Lyotard Jean-François (1984) Introduction to The Postmodern Condition: A Report on Knowledge, Theory and history of literature, Vol. 10, Manchester University Press, available at: http://www.futuroscopio.org/wp-content/uploads/2010/07/Lyotard-the_postmodern_condition_a.pdf

[2] Morrison, W. (1995) Theoretical Criminology: from modernity to post-modernism, Queen Mary & Westfield College, Cavendish Publishing Limited, London • Sydney, p. 454

[3] Ibid

[4] Munice, John (2000) 'Decriminalizing criminology', *Selected Papers from the British Criminology Conference* 1999, British Review of Criminology, Vol.3, 2000

institutional links if it wants to hold an independent academic credibility and legitimacy.[1]

Similar considerations has **Schering**, who believes that because of the failure of the classical Criminology to address the underlying issues i.e. whether dominant definitions of crime cover the actual threats to the people safety and community safety, in general, Criminology should be decriminalized as its goal is not how best to respond to criminal behavior, but to show new understanding and knowledge of the relationship between crime, law and society and to enable their expansion.[2]

Henry and Milovanovic, also propose redefinition of Criminology as a science. Given that it is not concerned with explaining the causes of crime, they believe that crime can not be explained and analyzed because it has no ontological reality.[3] This means that it's fundamental and constitutive characteristics can not be essentially and epistemologically explained. They criticize the legal definition of the crime as a violation of the law or breach of generally accepted norms and values in society. Why? First, legal and sociological definition is socially constructed through language and is also a political definition. The question what is a criminal offense, relies primarily on certain factors that legislators at certain time have decided that are relevant. According to **Morrison** decisions taken by experts are always result of "holding" certain factors relevant and other factors irrelevant. When the criteria of relevancy change, then the result of the decision and its legitimacy change, too. That, according to **Morrison** is a matter of setting boundaries.[4] Second, corporations create law to reflect the legitimacy of their power. Law does not define the law, but create it and the law disguises some damage through institutionalization and legitimization of power.[5] On the other hand, the essence of the power is to create damage, with the vocabulary of postmodernists, to create crime. So, the exercise of power is the genesis of all types of damage, and is produced and maintained by ideology i.e. through discourse.[6]

What is the crime and who creates it by postmodernists?

In this part of the paper, the above stated questions can not be answered even closely because philosophical debate on that subject is still flowing. My initial research spirit does not allows me to impose new insights, but to convey thoughts of

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[1] Ibid

[2] O'Brien, M.& Yar, M. (2008) Criminology, The Key Concepts, Routledge, London and New York

[3] Lea, J. (1998) Criminology and Post-modernity in Paul Walton and Jock Young (eds. The New Criminology Revisited, London: Macmillan

[4] Morrison, W. (1995) Theoretical Criminology: from modernity to post-modernism, Queen Mary & Westfield College, Cavendish Publishing Limited, London • Sydney

[5] Barak, G., Henry, S. and Milovanovic, D. (2001) Constitutive Criminology: An Overview of an Emerging Postmodernist School, Introduction to Postmodern Criminology, Vol. 1, http://www.critcrim.org/redfeather/journal-pomocrim/vol-1-intro/001overview.html

[6] Thomson, A. (1997) Post-Modernism and Social Justice, Presented at the Annual Meeting of the Society of Socialist Studies, St. John's, Newfoundland, 7 June, 1997

certain criminologists and philosophers who have devoted and still devote their life to disentangle the complex issues related to crime, outside of traditional Criminology in as called Postmodern condition.

First, crime does not occur linearly nor there is some causality in its explanation. Like life, crime is becoming unpredictable and random.[1] It creates and produces inequalities upon which our society is based on. That imbalance in the power creates harmful relationships that produces disrespect of other people, prevents people to fulfill as social beings, repress, marginalize and victimize them. In fact, the **same unequal power relations which are based on differences are crime** because they are harmful relationships and are created in order stronger to repress the weak. **Henry and Milovanovic** define crime as a force that denies other people.[2] That manifestation of power or "expression of the energy" by certain people, individuals, groups, institutions that create differences, exclude others; make them powerless and unable to express their humanity is crime and it causes suffering, damage and loss. According to the founders of constitutive criminology, crime creates two types of damage: **damage of reduction and damage of repression. The damage of reduction** assumes immediate loss or injury to the victim and it is caused by crimes such as bodily injury, theft and the like. **Damage of repression** assumes prevention and limitation of the potential of the victim to achieve desired goal. It can be caused by intimidation, prohibition, exploitation, discrimination, hate. These restrictions are result of deep constructed political, economic, gender, ethnic, and other social differences in the society.[3] Namely, it is true that modern industrial society creates division in all levels of the social structure of people in terms of their class background, employment status, urban residence, political affiliation, culture.[4]

In addition to the types of damages, **Henry and Milovanovic** explain that the perpetrator is “excessive investor” who invests energy to create differences between him and other people and prevent others to express and exercise as social beings, destroying their humanity and potential to create and to make changes. He, with manifestation of power (which, in turn, generated inequalities that exist in society) wants to dominate the other, and thus causes damage.[5] **Creation damage, according to the postmodernists, is a crime.**

In explaining the crime, postmodernists put special emphasis on the role of the media in contemporary society that have influence on criminological theorizing, i.e. on the way in which crime is reported in the media.[6] They stress the importance of image, style and presentation of things because their perception and

[1] Young, T.R. Postmodern Criminology Researching Non-Linear Dynamics in Crime, available at: http://uwacadweb.uwyo.edu/Red_Feather/lectures/051techcrm7.htm

[2] Henri, S. and Milovanovik, D. (1996) Constitutive criminology: Beyond Postmodernism

[3] Ibid

[4] Lea, J. (1998) Criminology and Post-modernity in Paul Walton and Jock Young (eds. The New Criminology Revisited, London: Macmillan

[5] O’Brien, M.& Yar, M. (2008) Criminology, The Key Concepts, Routledge, London and New York

[6] Marsh, I. with Gaynor Melville, Keith Morgan, Gareth Norris and Zoe Walkington (2006) Theories of crime, Routledge, London, p. 126-127

understanding depend on them. In this context, **Nada Sekulic** in her work *Postmodernism and the end of the anthropology* suggests that the existence and nonexistence of the phenomena, essentially, are measured by the "quality of the performances and the visibility is realized and distributed through the media." So, the media, as transmission system of the information creates our reality. The image becomes reality, the key for its understanding.[1]

Also, **Henry and Milovanovic** believe that crime is a co product designed by displaying crime, crime dramas, documentaries, crime news, crime novels and films, the criminal justice system etc.[2] On the other hand, they also say that crime in modern society is not only activity that violates the law, but is widespread and popular form of entertainment. Crime is a main source of news and everyday affairs; it provides employment for academic staff, for the employees in the criminal justice system and in other similar agencies. Modern society invests colossal amount of time, energy and resources in crime in many ways.[3] Even, it is stated that the crime feeds himself, spread and consume energy, which instead to control, the same energy draw fuel from the crime.[4] This means that the formal social control (the police, the judiciary, penal system) offers only fiction for safer society, and actually provide more superiority for abuse of power.

Similar considerations has **Nils Christy**, because according to him in modern capitalist society, consumption of crime through the media is increasing, and thus people rely on the media in describing and giving meaning to what is happening, including crime.[5]

Based on the foregoing, we emphasize that according to the postmodernists, man as human agent creates and constructs crime, creates inequality using the language. **Crime is a social and linguistic construction created through discourse,** which has the power to create images and to reproduce them. Digital ways of proliferation and dissemination of information via television, cable, Internet, fax machines have a crucial role in that creation. Digital production of information allows individuals to manipulate virtually with every aspect of the media environment.

However, as people create crime by construction, it can be solved by deconstruction, again using the language. **Or, if it is a construction, then the solution is in its deconstruction.**

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[1] Sekulić, N. (2002) Postmodernizam i kraj antropologije, Sociologija, Vol. XLIV, N° 4

[2] Henri, S. and Milovanovik, D. (1996) Constitutive criminology: Beyond Postmodernism

[3] O'Brien, M.& Yar, M. (2008) Criminology, The Key Concepts, Routledge, London and New York

[4] Cowling, M. (2006) postmodern policies The erratic interventions of constitutive criminology, Internet Journal of Criminology, www.internetjournalofcriminology.com, p.8

[5] Christy, N. (2003) Kad je zaista dosta I sta bi kriminolog mogao da kaze? Temida, VDS, 2003, p. 6

What deconstruction means?

Deconstruction means to break down socially constructed nature of privileged knowledge through criticism of those who claim that know and hold the truth. As a method of analysis, deconstruction requires to return the constructions, to demolish them, but to do it in a way that explains how dominant structures are built and why they have received the epithet true. So, postmodernists seek to deconstruct every theory and every social practice by locating them in a broader social historical context. Part of that postmodern criticism includes resurrection of excluded, abandoned and marginalized knowledge interrupted by dominant social structures.[1]

In terms of the crime, the process of deconstruction means decomposition of the dominant definitions of crime and going to the source to reveal what is hidden and suppressed in the discussion of crime. For example, in order to give legal qualification of rape or child sexual abuse, then we need to enter in the field of sexuality. Or, to define the theft as a crime, we need to go into economic relations, and substance abuse to locate in the field of healthcare. According to postmodernists, classical Criminology can not locate it, because it would mean abandoning Criminology or its inclusion within sociology, and more importantly it would mean abandoning the idea of a unified problem that requires a unified solution. They propose the definition to include repression of other features of the criminal act. For example, the incrimination of the rape as a form of sexuality should include the repression of sexuality.[2]

So advocates of constitutive Criminology want to deconstruct crime and to indicate that criminal policy in the fight against crime is associated with much larger social trends in modern society.[3] It arises from the fact that crime is an integral part of society and can not be considered partial, but only in the context of the whole society.

Also, constitutive criminology proposes redefining of the science of criminology. Instead of perceiving criminology as an addition to the government and as a source of necessary knowledge in dealing with crime, constitutive criminology raises the question of who takes this knowledge and according to which criteria and standards is considered as necessary and relevant. It leads to the answer that the dominant knowledge of criminology serves the interests of the current government. Therefore, postmodernists argue for deconstruction, but who can perform and how?

Certainly, the power of creation and recreation lies in the man. As the man invest energy to create differences that produce power, (and the power produce crime) also man can invest power, not only to create his own version of the world,

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[1] Henri, S. and Milovanovik, D. (1996) Constitutive criminology: Beyond Postmodernism

[2] Lea, J. (1998) Criminology and Post-modernity in Paul Walton and Jock Young (eds. The New Criminology Revisited, London: Macmillan

[3] O'Brien, M.& Yar, M. (2008) Criminology, The Key Concepts, Routledge, London and New York

but to constantly recreate and recover social structures and relationships that shape his identity and potential as well as the identity and potential of others. Man is an entity that has the potential and capacities to recreate, to recover, as **Henry and Milovanovic**, say "recovering human subject always has the potential to escape from the prison of his own and other structures and to invest in other power structures."[1]

What that means? That means that social structure as virtual society in which people dynamically and contingently act, has the potential and capacity to be revised because is a dynamic society.

To achieve these goals, constitutive criminology proposes development of alternative, debates (replacement discourses) which encourage alternative realities, deconstruction of dominant structures and replacement with new concepts, distinctions, words and phrases that will bring up alternative meanings. The goal is to change the main, dominant conceptions of law, crime and social order and to give voice to the perspectives of marginalized groups (poor, minority ethnic groups) that are often targeted by criminal justice activities. This alternative discourse should not be considered as criticism and opposition, but as debate which will give new knowledge, positive criticism and alternative vision.[2] But new, alternative debates need to create convincing claims about the reality of any phenomenon, and those, according to **Henry and Milovanovic** are developed through criticism of existing models and development of persuasive arguments.[3]

This debate should be run by social interactions between people, groups because they can recognize and analyze the differences and they can construct new categories and organize their activities.

In particular, to reduce the harm caused by crime (street, corporate, state crime, hate crime), constitutive criminology talks about "liberating" discourse that seeks to transform dominant political economies and practices related to crime and social control. In addition, it supports the redirection of energy that causes damage in socially useful activities.

Also, as the media construct crime, they can reconstruct it through reconstruction of the popular images of crime in the mass media. It is subject to further research within new making criminology, according to which, the criminologists can interpret, influence and shape the notions of issues related to crime and justice through mass communications.

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[1] Barak, G., Henry, S. and Milovanovic, D. (2001) Constitutive Criminology: An Overview of an Emerging Postmodernist School, Introduction to Postmodern Criminology, Vol. 1, http://www.critcrim.org/redfeather/journal-pomocrim/vol-1-intro/001overview.html

[2] Thomson, A. (1997) Post-Modernism and Social Justice, Presented at the Annual Meeting of the Society of Socialist Studies, St. John's, Newfoundland, 7 June, 1997

[3] Ibid

CONCLUSIONS

In the conclusions of the paper I will try to make some points derived from the basic thesis of constitutive criminology.

First, constitutive criminology bring us another critical thought and philosophical debate, not only in criminology, but also beyond, in the framework of philosophy, sociology. But as **Nils Christy** cites **Rawlinston** "Criminologists have to be fighters against pollution of the social system."[1] In this context, we can freely say that constitutive criminology is a strong voice against abuse of power and inequality in all spheres of social life, because they create differences and divisions between people.

Second, because constitutive criminology equates crime with damage that extends the subject of criminology, not only on legally defined crime, but on the legally ignored crime[2], the visible and the hidden crime. Although this approach is subject to criticism because it enters in other areas, however, it suggests that crime is socially constructed through language, and questions what is criminal offenses is a product of discourse (debate) that is running between people, institutions and media.

Third, constitutive criminology takes over its basis from the philosophical debates about the nature of man, which is subject in process and is responsible for the creation of the world. Thus, all people possess power for destruction and creation i.e. for construction of their reality no matter how they imagine it. Ones want to dominate the other, and abusing their high social status, subordinate and limit other people in various ways: through legitimization of laws, creation disparities, discrimination, hate etc. But, as any criminological theory, advocates of constitutive criminology are calling for a deconstruction as a solution. With its help, man with his invested positive energy can actively create and recreate his/her reality and can build new worlds. To achieve that goal, deconstruction requires alternative analysis, debates that will lead to improved constructions of new phenomena. In terms of crime, it means a better understanding of its genesis so as the alternative discourse for crime response to be properly directed.

I will conclude with the attitude of the great Norwegian criminologist **Nils Christy**, who says: "We have to strive dialogue constantly to flow, but not to be limited to technical tasks or assist, but to expose the main dilemmas and ... to present criticism."[3] Therefore, one of the theses of constitutive criminology is to construct and deconstruct reality through dialogue, debate, and analysis.

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[1] Christy, N. (2003) When is it enough, and what can a criminologyst say? Temida, VDS, 2003, p. 10

[2] Munice, John (2000) Decriminalizing criminology, *Selected Papers from the British Criminology Conference* 1999, British Review of Criminology, Vol.3, 2000

[3] Ibid, p.11

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4. Christy, N. (2003) Kad je zaista dosta i sta bi kriminolog mogao da kaze? Temida, VDS, 2003
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INTEGRATION OF ORGANIZED CRIME AND TERRORISM

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Abstract
Organized crime and terrorism are among the most serious and destructive, modern transnational non-military threats to the security of individuals, groups, states and the international community. It is a form of the most serious (usually property, violent, political, and economic) crime and it is most heavily penalized by the criminal laws of all modern states. Thus, organized crime and terrorism are also security challenges, risks and threats, as they are characterized by the ease of adjustment to socio-economic and political conditions, particularly to conditions of countries in transition. Specifically, while the organized crime and terrorism developed and internalized, security systems in many countries have not been able to find the right way to respond. In most of the former countries of real socialism, the authorities of formal social control were not organizationally and functionally prepared to promptly and adequately respond. The reason for this is the fact that the socialist countries, traditionally, denied the existence of organized crime and terrorism, with an explanation that they are a product of capitalist societies. In fact, all of these circumstances contributed to the creation and strengthening of cooperation between organized crime and terrorism, which has lately been more pronounced. Also, the power of terrorist activity in the Balkan is supported by well-developed corruption. This should not surprise us, given the fact that corruption is deeply rooted in most of the organs and political structure of the states in the Balkans, throughout their hierarchy. Therefore, in this paper we will discuss the connection between forms of organized crime and terrorism, as well as the causes and factors that specifically affect their cooperation.

Keywords: *organized crime, terrorism, security, security risks, security threats, cooperation*

INTRODUCTION

In the recent times, the link between terrorism and organized crime has been expressed, which received significant scientific attention and often

appears as a new and increased security threat. New circumstances, and everyday examples of the activities of organized criminal and terrorist groups and individuals, began to instill fear that the relationship of organized crime and terrorism may become a serious and real threat to the security of each state. Some believe that this fear is exaggerated, while others still argue that this threat is very real. The danger of this threat is real, because clearly there are a number of activities that can concurrently involve organized crime and terrorist groups. There are also some similarities in the use of certain methods, which reminds us of the possibility of new forms of cooperation between the two groups, which makes no possibility for these groups to disappear.

There is no doubt that there are various forms of terrorism and organized crime in the Balkans. In different stages of their development, they were in cause-and-effect relationships. Terrorism causes and encourages certain forms of criminal activity, and they have a retroactive effect on the overall terrorist activity, and are mostly made in order to facilitate further terrorist activities.

Many Balkan countries have taken a series of actions to fight against terrorism and organized crime, but some problems are evident in the achievement of this goal. What contributed to it is their inadequate infrastructure (institutional and legal) for countering terrorism and organized crime. The state-level institutions fail to provide better coordination and cooperation in the fight against terrorism and organized crime. At the same time, the existing legal provisions have not fully found its practical application, or not at the level of internationally accepted standards of combating terrorism and organized crime.

Many indicators point to the threat of terrorism and organized crime in the Balkan states. Certain security findings indicate that the illegal trade in arms is widespread, which directly affects the overall security. In addition, not only the Balkan countries have a certain number of persons that are interesting from the aspects of terrorist and criminal activities, it is also evident that they have contacts with foreign citizen from equal backgrounds. Also, many foreigners who had previously lived in the area as participants in the war, stayed in Balkan, which is associated with a certain terrorist and criminal organizations.

Therefore, it can be concluded that there is tendency of strengthening the link between terrorism and organized crime, which will be continued in the future, both in the world and in the Balkans. Joining organized crime and terrorism is reflected in the deep and lasting relationships established. Highly corrupt society gives little opportunity for legitimate social response directed against these phenomena; a high level of corruption is a deterrent to economic growth and investment. That contributes to the economic and

political conditions that give rise to these forms of crime and types of threats to the security of a modern state.

ASSOCIATION BETWEEN ORGANISED CRIME AND TERRORISM

Association is the establishment of cooperation between organized criminal groups and organizations on one side, and terrorist groups and organizations, on the other hand, which lasts until the achievement of the objectives for which the association was created. Sometimes just represents so-called "Covenant of the division of the territory and of non-aggression."

Certain similarities between terrorism and organized crime, such are the use of extreme violence, threats, retaliation, kidnappings, assassinations and extortion, covert action and defiance of state and state law, indicate the growing connection between these two forms.

Globalization, rapid communication and information access are external factors that significantly influence the strengthening of relations between organized crime and terrorism. Adjusting certain environmental changes is important for every criminal and terrorist group.

New and existing technologies are increasingly being used by criminal and terrorist groups to their efficient operation and to facilitate mutual association. Organized crime and terrorist groups ensure their existence by appropriating new technologies.

Terrorism and organized crime directly threaten the stability of the state, primarily the economic, political and social systems. The relationship between criminal and terrorist groups has experienced significant expansion in recent years and is often presented as a new and growing phenomenon that occurs due to the rapid development in the past decade. International terrorism and drug trafficking are often mentioned as examples where terrorist and organized crime groups strongly cooperate.

There are two ways by which terrorists associate with organized crime. First, in the absence of other means of support, they are involved in various forms of organized crime, in order to be sponsored and finance their main activities. Second, in the absence of any of the usual means of support, they tend to carry out their terrorist activities, by joining with various criminal organizations. Crime has become an essential for terrorist groups that have no other source of funding, so they resort to associating with him.

Today, there is a growing fear that the various forms of cooperation can occur between terrorist groups and criminal organizations, especially between those that operate internationally. Some still believe that this fear is overblown. Others argue that this threat is very real, based on the examples of temporary but very dangerous links between drug traffickers and armed

terrorist groups. The link between the threats to state and human security is confirmed and certainly not something to be taken lightly. Wherever the risk of these threats is real, there are undoubtedly many potential points of intersections between these two global groups, and a number of activities in which both groups can be included. There are also some similarities in the use of certain methods, something that reminds us of the possibility that new forms of association between these two groups may have to strengthen existing cooperation.[1]

ALLIANCE OF ORGANISED CRIME AND TERRORISM

It is believed that alliances and associations represent the first level of the relations that exist between organized crime and terrorism. Alliance is stronger and more durable form of association, where participation in the alliance gives certain guarantees (i.e. bail, subsistence).

Thus, criminal groups form alliances with terrorist organizations, as well as terrorist organizations forge alliances with criminal organizations. Nature of alliances between groups may vary, ranging from one-time, short-term, the long-term relationships. Moreover, the alliance is possible to establish from a number of reasons, depending on the terms of expertise (e.g., money laundering, counterfeiting, or making bombs) and operational support (e.g. access to smuggling route).

It is clear that transnational organized criminal groups are in a constant state of evolution. Modern groups are structured in strict hierarchical lines; their networks are more multi-ethnic, multi-functional and ready to form a strategic alliance in pursuit of a common goal of profit. These networks are, in many jurisdictions, in a high degree of symbiosis with the forces of law enforcement and government agencies, and they maintain it through systematic and sustained corruption. They remain reactive and proactive. In addition, terrorist groups have become incredibly adept at achieving their common goals.

Despite the differences between criminal and terrorist organizations in terms of resources that are used and end goals, there are factors that point to the increasing growth of the alliance between the two organizations.

First, transnational criminal organizations increasingly use terrorist methods. Examples in this context are the Italian Mafia, the Russian organized criminal groups, Colombian cartels and others. These groups have

[1]Shelley, L.: Organized Crime, Terrorism and Cybercrime, *Security Sector Reform: Institutions, Society and Good Governance;* Alan Bryden / Philipp Fluri (eds.) Nomos Verlagsgesellschaft Baden-Baden, 2003, pp. 303 - 312

used terrorist methods against the state and its representatives, and sometimes against the competition.

Second, transnational criminal organizations are willing to develop direct links with groups that use violence for political purposes.

Third, changed security concept influenced the formation of alliances between terrorism and transnational organized crime. In the aftermath of the Cold War, international terrorism has lost a significant amount of sponsorship. While the state was sponsoring them, terrorists freely exercised their activities. However, as the financial support from the state weakened, terrorist organizations began to turn to organized crime and its activities, as an alternative source of funding.[1]

COOPERATION BETWEEN ORGANISED CRIME AND TERRORISM

Consideration of the link between organized crime and terrorism is not particularly new. Many analysts have turned their attention to points of contact between these various forms of illegal activities. At the simplest level, there are many examples of criminal gangs that have used terrorist methods to achieve their goals. For example, placing a bomb under a car and kidnapping was used by the Sicilian Mafia in order to destabilize the Italian society, while their colleagues from Russia resorted to similar types of actions.

Another form of cooperation exists in terms of common interests that lead to cooperation. Criminal gangs, with their international and local contacts, can offer a range of services that are usually unavailable to terrorist groups, from transportation of sensitive material, to weapons procurement. In some parts of the world, terrorist organizations are known for drug trafficking, or at least assisting it, in order to fund their activities.

The third form of cooperation is the cooperation with the failed states. Both organized crime and terrorism are believed to flourish in the same environment where there is disorder and lack of government control.

These communities are characterized by high levels of violence, corruption and potential subversion of state structures by prohibited activities. Criminal and terrorist groups could reside in these regions and use them as a safe location from which they carry out their activities. Examples of such areas are numerous and often the consequences of conflict societies: Bosnia and Herzegovina, Albania after 1996, Kosovo and Metohija after 1999.

[1] McCusker, R.: *Organized Crime and Terrorism*, Studying Group Organized Crime, May, 2006, p. 4

Given the fact that the international political and economic changes affect the drug trafficking, organized crime groups easily adapt their activities to terrorist groups around the world. On the other hand, the terrorist groups adapt to gain power at the frontiers of international human trafficking and money laundering within national borders. Criminal organizations enhance their activities by adopting the knowledge of computer technology, while terrorist groups reduce the risk of infiltration and disclosure by controlling every action.

International political and economic changes that organized criminal groups use facilitate their activities and strengthen cooperation with terrorist groups around the world. International terrorist groups are especially adept at taking advantage of open borders and globalization of international trade.

Terrorist organizations may recruit criminals with special skills or criminals who have access to certain criminal networks. By increasing their criminal activities, terrorist organizations generate profits to fund their activities. In certain situations, it may be impossible for terrorist organizations to save the destruction of their logistics support network, without the strong support of criminal networks.

Although terrorist groups and criminal organizations have used similar terms to perform their activities, they were represented as minimally cooperative. Today, however, there is potential for increasing the interaction between transnational terrorist groups and criminal organizations, in spite of the different goals.[1]

SYMBIOSIS OF ORGANISED CRIME AND TERRORISM

Symbiosis is a joint activity of organized crime and terrorism based on a common ideology (usually patriotism or nationalism), in order to achieve mutual benefit, which primarily reflects in the funding and arming terrorist groups, as well as the weakening of the formal mechanisms of state control with terrorist acts, allowing organized crime to remain unpunished and developing new forms of illegal activities.[2]

Organized crime and terrorism are certainly the two most serious modern non-military risks and threats to national, international, especially regional security. Although they are fundamentally different types of crimes, the first of which has primarily property, and the other one has ideological-

[1]Helfand, N.: *Asian Organized Crime and Terrorist Activity in Canada*, A Report Prepared by the Federal Research Division, Library of Congress under an Interagency Agreement with the United States Government, 2003, pp. 35 - 37

[2] Mijalković. S.; Djinović, R.: *Symbiosis of Organized Crime, Terrorism and Policy of Kosovo and Metohija as a challenge and a threat to national and regional security, Kosmet - Gordijev čvor*, Institute for Contrastive Law, Belgrade, 2008, p. 167

political character, it is increasingly coming to their symbiosis in the modern world, wherein the politics and corruption emerge as the most common and strongest cohesive factors.

There is a link between organized crime and terrorism, its organizers and participants in armed rebellion. Although many theorists claim that terrorism is a form of organized crime, we can certainly say that their relationship may only be at the level of connection, but they don't match. In fact, organized crime is a form of property - the classic crime, lucrative and non-ideological, and the motives and the nature of terrorist goals are ideological and political. The link between organized crime and terrorism exists when:

- Criminal organizations finance terrorist organizations or groups by its illegally obtained profits;
- Criminal organizations smuggle weapons and equipment for the terrorist movement and / or smuggle foreign mercenaries and terrorists to countries where their terrorist organization operates;
- A terrorist organization, independently or in collaboration with criminal groups, take some organized criminal activities with the aim of gaining financial and military resources to terrorist activities;
- Criminal organizations with strong political aspirations, takes a number of terrorist activities in order to immediately rise their "political ideology" to power;

The connection between organized crime and terrorism is the most functional when organized crime is placed in the position of terrorism. At the same time, the connection can be both instrumental when the terrorist groups are involved in organized crime, and vice versa - when organized criminal groups undertake terrorist activities. Regardless of the fact that in certain situations the same subjects deal with terrorism and organized crime , difference between these two types of criminal activity, as well as guilt , intent and criminal responsibility of the offenders, is clear and unambiguous.

Otherwise, conflict situations, particularly those that escalate into gun violence (armed aggression, civil wars, armed rebellion, terrorism on a massive scale), are particularly important etiological factors of organized crime. In areas affected by the war, in addition to formal and regular units of the armed forces, there are various paramilitary and terrorist organizations that have established the entire criminal group. In addition to participation in the armed struggle, these formations often commit the criminal act of theft, extortion and armed robbery, kidnapping, racketeering and the like. The same groups often grossly violate international law of war and humanitarian law (the laws or customs of war) , and not rare attribution of war crimes committed by organized criminal groups that operate under the " guise" of patriotic volunteer units.

In addition to the fact that terrorist organizations work closely with organized crime groups, a lot of terrorist organizations resort to criminal activities that fall under the organized crime. Those are so "gray" and "black" activities of the leaders, active staff and active support of terrorist organizations, as well as part of criminal activities performed by the passive support of terrorist organizations, whose aim is the illegal profit.

The power of terrorist and criminal connections mostly relies on the high level of corruption. This should not surprise us, given that the problem, according to many theorists, is deeply rooted in most of the organs and political structures in the state in the Balkans, and in many countries around the world.

Criminal organizations spread their zone of influence by building a global network. This allows them to expand their field of action to all profitable criminal activity. In addition to smuggling narcotics - heroin, which is the most developed industry, human trafficking, trafficking of human organs, cigarette and weapons smuggling, stolen vehicles and other activities that are profitable, are also developed.

In return, by putting the organized crime under control, terrorist organization gained a new, powerful, global and structural element from which it draws huge financial resources, without fear that terrorist activities carried out through these structures will be adequately sanctioned as a terrorist.

Terrorist and criminal organizations have the need for money laundering, by investing it in legitimate businesses. Because of that, criminal organizations cooperate well, without regard to ethnicity, cultural, social and political differences. Among them, there is no sharp confrontation. [1]

CONVERGENCE OF ORGANISED CRIME AND TERRORISM

The convergence is the similarity between organized crime and terrorism, i.e. rapprochement of their (phenomenological) actions toward achieving the goals, which weakens the difference between them.

When it comes to the convergence as a form of relationship between organized crime and terrorism, it can be claimed that there are different views among theorists. Some point out that there is likely an irreversible trend of convergence between terrorist and organized crime groups[2], and others claim that there is a “natural partnership " between organized crime and terrorists . Also, some theorists are of the opinion that the similarity in

[1] *Ibid,* pp. 168 - 192

[2] Williams, P.; Savona, E.: “Introduction: Problems and Dangers Posed by Organized Crime in the Various Regions of the World”. *Transnational Organized Crime,* Vol. 1, No. 3, 1995, p. 19

their business led to a “partnership of interests" and the growing cooperation between terrorist groups and organized crime, particularly in drug trafficking and arms smuggling. The convergence between organized crime and terrorism is quite alarming for some theorists.[1]

A series of political and economic developments associated terrorism and organized crime at the mutual territory. There are also a large number of pure structural similarities that appear to achieve cooperation, and the benefits for both organizations.

Despite their seemingly different objectives, the links between organized crime and terrorism are growing. The terrorists and rebellion groups increasingly control the territory where drugs are grown and transported. This relationship is mutually beneficial. Both groups use the funds guaranteed by the drug trade to finance their organizations and for their business.

Also, it is a very common situation in which weak or failed states allow convergence between transnational organized crime and terrorism, or create a safe haven for implementation of criminal and terrorist activities.

It is clear that transnational organized criminal groups are in a constant state of evolution. Organized criminal groups are always willing to form strategic alliances with other organizations in pursuit of common profit objective. Similarly, terrorist groups have become incredibly adept at adapting to other organizations, all with the goal of achieving self-interest.

Criminal and terrorist organizations have the ability to transform into the type of organization which shows the characteristics of both groups at the same time. The ultimate goals and motivations change. In these cases, the group abandons the defined points that previously accounted them for criminal or political groups.

This thesis involves the convergence of two components. First, it includes criminal groups motivated by politics. Second, it includes terrorist groups that are equally interested in profiteering and using their terrorist identity as a justification for criminal activity.[2]

METAMORPHOSIS OF ORGANIZED CRIME AND TERRORISM

Metamorphosis is the transformation, the transition from one form of threat to another. Organized criminal groups evolve to terrorist groups and terrorists are beginning to engage in organized crime.

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[1]Sanderson, T. M.: “Transnational Terror and Organized Crime: Blurring the Lines”, *SAIS Review, XXIV,* No. 1 (Winter/Spring 2004), 2004, pp. 49 - 61

[2]Dandurand, Y.; Chin, V.: *Links Between Terrorism and Other Forms of Crime*, International Centre for Criminal Law Reform and Criminal Justice Policy, Canada, 2004, p. 28

When speaking of metamorphosis as a form of relationship between organized crime and terrorism, we should start from the motivation of both organized and terrorist groups. Terrorists are motivated by ideology, and criminals are motivated by greed. Cooperation between the two organizations is constantly growing, for their mutual benefit, especially when it comes to the illegal trade in arms, drugs and human trafficking, money laundering and the fight for power. Terrorist groups need arms and money, and organized crime need couriers who can smuggle drugs, weapons and people.

Terrorism, namely: 1) aims to overthrow the existing government, and organized crime aims to form a government with which he could co-exist and achieve the correlation, as it would not be standing on the path to achieving the goals, 2) primarily used violent means, and organized crime prefers non-violence regardless of militancy and 3) is purely driven by political goals, while in contrast, economic objectives are the most important operational determinants of organized crime.

Terrorist groups can help to ensure that criminal groups become ideological over time, as is the case that members of terrorist organizations are increasingly resorting to organized crime and becoming less ambitious on the ideological level. The lines are becoming more blurred, as between the various militant and criminal groups, and the ideological motivation of militants and criminals.

Criminals and terrorists are seeking to evade detection, arrest and punishment, and therefore are ready to make some modifications in their organization. For these reasons, it is often that organized criminal groups and terrorist groups seek to conceal their activities to other activities. [1]

CONCLUSION

Based on the above it can be concluded that the protagonists of organized crime and terrorism are characterized by their estimation that they will not be punished for their crimes, that escalation of terrorism or organized crime in a particular country is a reliable guarantee that it is unsuccessful state. Numerous facts indicate that the alliance between these two non-sovereign actors constantly strengthens, and is the increasingly developing security threat to many countries, which undermine the stability of the state and peace and security in the world.

There are many causes and contributing factors to the autonomous and shared exposure of organized crime and terrorism, which particularly affect

[1] Raphaeli, N.: *Financing of Terrorism: Sources, Methods, and Channels*, Washington, 2003, pp. 59 - 82

their cooperation. The main characteristics of organized criminals and terrorists (immorality, treachery, arrogance, greed, brutality, high organization and strict professionalism, secrecy, systematic approach in carrying out the crime and, in particular, trying to estimate the minimum risk and maximum profit) suggest a natural turning to each other. The registered forms of connection and cooperation between terrorists and organized criminals, among others, indicate that armed groups which are both criminal and terrorist are being formed.

Organized crime and terrorism organizations forge alliances much easier than the State in which such procedures are complex and time-consuming. The starting point of the terrorists when entering into agreements with organized crime groups is to assess if organized crime is successfully performed (maintained and strengthened) within the boundaries of the state, and if it will be possible for terrorist activities to escalate and organized criminals are guided by an assessment that any form of terrorist violence increases the likelihood to strengthen their core illegal activities and initiate new forms of organized crime.

Many factors that affect the cooperation of organized crime and terrorism are registered, even without interleaving of their goals and strategies. So, for example, it is common knowledge that if a non-sovereign terrorist collectivity does not have a sovereign sponsors, it finds equipment for the violent activities on the "black" market, which is the "jurisdiction" of organized crime groups. Consequently, the terrorists manage contact with organized crime groups, and buying such equipment (guns, ammunition, explosives). There are times when certain organized criminal collective, on the basis of its decision or the suggestion of a sovereign entity, funds terrorist activities with their illegally gained profits.

In addition, among other things, it assess if that the escalation of terrorism in a particular area will be of benefit to strengthening criminal activities, and make a larger profit. The investment of certain material and financial resources of an organization, in the activities of other organizations, in order to achieve certain benefits, is a factor that contributes to a better cooperation between organized crime and terrorism.

In addition, factors that promote cooperation organized crime and terrorism are the economic and political conditions. They affect this cooperation to be more intense and obvious. Poverty, legal uncertainty, high levels of corruption and slow economic growth in developing countries, are limiting the opportunities for employment of their inhabitants and the arrival of legitimate earnings. This also increases the activity field of organized crime, which becomes attractive economic alternative to youth who may not lawfully realize their everyday needs and desires. Similarly, organized crime and terrorism flourishes in environments in which young people have

narrowed possibilities for advancement. These are precisely the specific environmental factors that enable the development and improvement of cooperation between terrorism and organized crime.

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THE ROLE OF INFORMATION SHARING IN THE PREVENTION AND IMPEDIMENT OF ORGANIZED CRIME

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Abstract

The dissemination of information by media as well as by public servants and official spokesmen of state institutions in the Republic of Macedonia and the region is constantly overburdened with the inappropriate use of penal and legal and criminological and criminal terms. This refers to the unconscious and automatically accepted terms and phrases which have been absorbed in our language for quite some time. What is more, the improper information in certain cases does not only entail terminological inconsistencies, but it also tackles the core meaning of the information, which, according to the way it has been placed publicly, might appear as promoting criminal profiteering rather than informing about a committed crime. If such information is complemented with a doze of selectivity and bias deriving from the corruption in and politicization of the media, then a flagrant violation of the principles of the legal state and the constitutionally guaranteed rights and freedoms of the citizens are produced.

This work attempts to locate the emergence of the most severe cases of the improper, both unconscious and intentional, dissemination of information and its role in the prevention and impediment of the gravest type of crime - the organized crime.

Key words: information, media, organized crime.

THE RIGHT TO INFORMATION – A BASIC HUMAN RIGHT GUARANTEED BY THE HIGHEST INTERNATIONAL AND NATIONAL LEGAL ACTS

It is indisputable that contemporary man and citizen is as active and successful as much as the information he/she receives and gives is of a high quality and promptly delivered. Receiving and giving information is the basis of communication between people and it presents the core activity of the media. The dissemination of information via the media is sent to an

unlimited number of recipients, which shapes their particularly important role in every society. Namely, the information is for the people and it is designed and disseminated to serve them. Based on the information, people are triggered to produce new ideas and initiatives in order to improve the quality of life and create a more humane and better organized society.

At the same time, receiving and giving information is a basic right and natural need of people, and, as such, it presents the material source of the right to information. It is guaranteed by the highest international and national legal acts. The Universal Declaration of Human Rights defines the right to information in Article 19 which states that "everyone has the right to freedom of opinion and expression which includes the right not to be disturbed for his opinions, and the right to seek, receive, and disseminate information by any means and across borders."[1] It is clear from this provision that the freedom of thought is inseparable from the right to information; this is because the person who does not possess information about events, people, and objects from the near and wider surrounding, he/she is unable to connect the information and bring individual judgments and conclusions. The provision is updated and expanded in the International Pact on Civil and Political Rights[2] of 1966 with Article 19 provisioning the right to freedom of expression and stipulating its function in the right to information through three components: right i.e. freedom to seek information, freedom to receive information, and freedom to give or impart information and ideas of all kinds, everywhere, and via all existing means of information. The Pact provides limiting the scope of the right to information, but it does not allow the imposition of restrictions according to individual judgments; it expressly requires these restrictions to be provided by Law, and this is only in the case when the restriction is judged essential for ensuring the respect for the rights and reputation of others as well as for the protection of the national security, public order, public health or public morality.

Article 10 of the European Convention on Human Rights (officially entitled as the Convention for Protection of Human Rights and Fundamental Freedoms) provides that the right to information is to be treated as the freedom to receive and communicate information and ideas without interference of public authority and regardless territorial borders. It is obvious that this provision is intended to protect information from government influence, more specifically in terms of preventing abuses and pressures on the media, which also applies to the negative influence by individuals and by other centers of power aside authorities.

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[1] [1] Universal Declaration on Human Righ, Article 19, Collection on Human Rights International Documents, Pearson Peacekeeping Centre, Cornvalis, Nova Scotia, 2002.

[2] International Covenant on Civil and Political Rights, стапил во сила по 10 години, на 27 март 1976-та год.

As a signatory to these international legal documents, the Republic of Macedonia implements the Right to Information in the highest legal act - the Constitution of the Republic of Macedonia, similarly to the way it is done in the Universal Declaration of Human Rights and the European Convention on Human Rights. In Article 16 of the Constitution, the right to information is regulated alongside the right to freedom of belief, conscience, thought, and public expression of thought. It is obvious that the constitution was led by the principle idea of unbreakable unity and functional connection between freedom of thought and freedom to information. The right to information is detailed and specified in separate laws and regulations, including the Law on Free Access to Public Information, Classified Information Act and other legal acts.

How is this inalienable and guaranteed right exercised in the case of informing about the organized crime as the most difficult kind of illegal action and a perpetuated threat to national security and international order in general? This paper starts with the analysis of conceptual definitions, phenomenological features, and the harmful consequences of the greatest social evil and threat - organized crime; it then proceeds with the role of the restorative justice as a modern way of responding to this type of crime by reflecting it on the serious consequences of organized crime and everyday media reporting on cases of narco-criminality.

DEFINING THE TERM, THE PHENOMENOLOGY AND THE CONSEQUENCES OF ORGANIZED CRIME

Despite century-long efforts, the scientific community and expertise groups are still disputing on the definition of the notion of organized crime. Without intending to dwell upon it, more specifically into individual arguments and theoretical and international definitions of the term, the defining elements will be briefly elaborated instead. It is indisputable that organized crime is a type of professional crime committed by criminal organizations internally structured by the principles of separation of conspiracy and criminal actions, with their involvement in the governance by the use of the criminal instrument- corruption and further interference in the economy. This is also achieved by using the criminal mechanism called “money laundering” accompanied by the tendency to internationalization of criminal activities which brings the involved criminals a huge criminal profit and/or power and influence. It is materialized in forms of narco-criminality, human trafficking, illicit arms trafficking, trafficking in human organs, financial blackmail, all of which fall within the area of prohibited or strictly controlled goods and services under a special mode of transfer and trade. Put in other words, organized crime finds most of its victims among those

affected by socio-pathological phenomena such as narco-addicts (narco-criminality), prostitutes (trafficking of women and minors for sexual exploitation), people in difficult existential or health condition (trade of economic migrants or illegal organ transplantation), population in crisis regions affected by armed conflicts and security instability (illicit arms trafficking). This leads us to the conclusion that socio-pathological phenomena and severe socio-economic and security conditions of a vast portion of the world's population present the food for and motive of organized crime. The forms of the economic-financial organized crime, on the other hand, according to the author of the paper, are special criminal type which has only one thing in common with the abovementioned forms, that is, the main motive of perpetrators i.e. huge criminal profits, whereas the differences are numerous and essential: the perpetrators are located primarily within the institutional structure of the system and therefore, the economic-financial organized crime should not be equated with the narco-criminality or trafficking. Namely, while the first type of organized crime targets only certain population categories that become direct victims of the crime, in the case of organized economic crime the main object of attack is the economic system of the country as a whole, whereas the population is an indirect victim who suffers and depletes due to the declining economic power of the state. There is a big difference in the means and methods of execution, the nature of violence, the characteristics and status of perpetrators, the availability of legal mechanisms to materialize criminal profits, and therefore, it is essential to conceptually distinguish these forms of organized crime. That being said, the practical use of the terms organized crime and organized economic crime will additionally absolve these important similarities and differences.

Regarding the phenomenon of organized crime, it is undisputable that the same has increased its scope, it has become more complex in structure, it has emerged in new forms, and internationalized to levels that have shaped its profile as a global problem. Additionally, more complex dynamics are reflected in the increasing number of crimes committed, the increasing number of reported offenders alongside an increased number of victims, the deteriorated economic situation in the majority of developed countries, particularly great economic powers and countries playing an important role on the international scene.

The consequences are devastating: drug trafficking is marked as the greatest social trades in the 20th century. Unfortunately, all indicators show that the trend in increasing stocks of drugs in the 21st century is ever more rising at an accelerating pace. According to the UN Agency for Drug Abuse and Crime, a Report comparing the quantities of the consumed drug anfetanamin in 2009 and 2010 reveals that the same has annually increased

for 8.7% in the U.S., 12.9 % in Mexico, 8.9 % in China, 0.6 % in Canada, and 2.4 % in Thailand. This increase is registered in only one year. Trafficking in persons, which is commonly termed as modern slavery, remains also a difficult civilizational problem. According to an Australian research institution, nearly 30 million people are modern-day slaves. The sale of human organs in densely populated countries is arranged on the streets. The still unsolved scandals of missing persons, including cases that took place during military conflicts, are also associated with this type of criminal phenomenon. According to the World Health Organization, in early 2010 more than 10,000 human bodies have been the subject of sale on the black market for human organs. In other words, on average, this year one organ has been sold every hour. For the past couple of years, the economic and financial crisis have been a dominant global problem that led to more pronounced social differences and vast pools of people at the bottom of existential possibilities contrasted, at the same time, with the enormous wealth of the financial and political elite. This means that organized crime is carried out under conditions of strong stratification which, in turn, sharpens and intensifies such stratification of the population by exacerbating social disintegrative processes as a result of macroeconomic criminogenic factors.

WHAT KIND OF PENALTY POLICY IS NECESSARY FOR EFFECTIVE COMBAT AGAINST ORGANIZED CRIME

The aforementioned features of modern organized crime point to the need for an urgent, professional, organized, and coordinated opposition, primarily by state agencies and institutions, especially by the police, the public prosecution, and judicial authorities as actors whose role has placed at their disposal all legal instruments and technical means. However, it is evident from the above phenomenological indicators that these efforts and the application of the available mechanisms do not bring the anticipated results. The inefficiency is evident despite the efforts of the so-called restorative justice to start functioning as an extension of the penal policy. Namely, the model of sanctions that will make a balance between the offender, the victim, and the society by compensating the damage in a way that the illegally acquired material gain will be confiscated from the criminal groups is not yet sufficiently effective in modern legal systems. Thus, the restorative justice that should contribute towards the elimination of cupidity as the basic motive for carrying out and engaging into organized crime is not contributing enough to the eradication of this evil. In Macedonia the implementation of this system is still in its infancy despite the relatively solid legal framework. This means that the efficiency of the system of restorative justice that should achieve the protection of victims the society from organized crime by

eliminating the cupidity motive among offenders and has yet to be put to test and reviewed in Macedonia as well. Until then, the criminal calculations, particularly those of the offenders of organized crime, will be implemented smoothly, in front of public's eye and the inert and, by and large, politicized and corrupt state apparatus . This goes as far as to the extent that the financial power of the criminal organizations counts as a "highly profitable business" and "economy" almost comparable to the one of the legal organizations. Citizens are deeply and resignedly reassured that the holders of these criminal acts could easily get away with it. I am of the opinion that it is this apathy caused by the inefficiency of the institutions and mechanisms of justice that affects and further strengthens criminal calculations in the direction of proceeding with their criminal operations. Restorative justice is powerless because, in general, justice does not work. This is because the common social reaction to crime is very often reduced to an avalanche of public opinions which ultimate epilogue is everything "falls from the spotlight". In addition, the wealth of criminals that is not subject to confiscation becomes the challenge to recruit new "echelons", especially among young people who are considering starting their own criminal career and pursuing a quick and easy enrichment. The system of values is flipped upside down and inverted as such, it is trampled upon that, unfortunately, and it results in the very common comment among the youth "two can play that game".

This means that the penalty policy should not rely exclusively on punishment and confiscation of illegal proceeds, but rather the prevention and fight against organized crime must be approached with a complex and comprehensive social endeavor that will create and enhance public awareness to levels of high and clear unequivocal condemnation of criminal acts and public negative perception of crime. Furthermore, the public opinion should recognize solidarity with victims and support the efforts of state institutions that all procedural actions shall derive from a lawful, unselective, and highly professional approach. Hence, all relativized notional benchmarks, the content of the information, and the manner of placing it to the public should be a function of the social order, therefore, for the purposes of preventing and combating organized crime. If this is not the case, especially if the information came from officials and journalists through the media, an incalculable damage is caused to the penalty interventions and to society in general. In the following sections we provide our arguments for this stance by posing few, but quite important questions.

Are State Institutions and Media Advertising Agencies Joining the Promotion of Organized Crime?

Almost without exception, in Macedonia and in the states from the region profiting from the criminal revenue, reporting is usually illogical so that it is made much bearable for the common people! The information abounds with figures about enormous financial gains and expensive assets, negligently presenting criminal activities like exclusivity that only the "most prestigious and untouchable" can afford. Thus, almost every day we hear spokespersons or read newspaper articles with headlines such as "the value of the seized drugs on the black market is $ 1.5 million" , "the profit from human trafficking has increased by three million" and so on. This is conveyed in such a way as if the criminal yield was calculated and planned jointly between the state and the media on one hand, and perpetrators on the other. According to the author of the paper, such information presents a deep public overlook which primarily instills the tangible benefits of crime in the public conscience, and only after that it raises awareness about the consequences and the victims. Considering the accompanying video reports and the emphasized need for media sensationalism, this reporting, indeed, translates into an advertisement of high profitability of organized crime.

In light of the above-given opinion, presented below is an analysis of the content of information concerning narco-criminality and trafficking in persons in two national newspapers published in the last four months (01/10/2013 - 01/02/2014) so that the content observed is the most recent relative to the dates of publishing of this work.

The content analysis concludes that:

In the Dnevnik daily newspaper 28 articles were published concerning certain crimes that can be classified as organized crime. Of these, 24 articles were related to illicit drugs, two articles informing on human trafficking and one article on pedophilia and seized weapons. This means that the intensity - frequency of published articles on organized crime is one article every fifth day, whereas every sixth day an article related to narco-criminality. In all of these articles, the regular terminology uses incorrect terms:

- “the value of drugs”, as if the drug is a prestigious good;
- “the drug market” is often replaced with the term “market”, as if it refers to market of cars or luxury goods;
- "wholesale” and “retail“, equating it to legal business;
- “earnings”, as if the material gains were the same as the income from salary or honorariums;

- The word "veterans" was also used for people who have dealt with narco-criminility for a longer period of time.

Next, regarding the content of the information:

- Figures of huge criminal profits are mentioned (drugs value on the Western European drug market estimated at 560,000€ at a wholesale price and three times more at a retail price" – the Dnevnik daily newspaper issue from December 19, 2013; or the value of the drugs is estimated at 3,120€- issue from December 27, 2013; and compensation for successful transport of 200-3000€ – the Dnevnik issue from January 25, 2014).

- Information is conveyed in such a way as to serve the promotion of criminal profits (if drugs are repacked into smaller packages, etc.). In addition to the hereby analyzed daily newspaper, similar information is almost consistent on television as well. Recently, the MRTV 1 aired a statement of a high-ranked officer at the Customs Administration of R. Macedonia in which he reported that "the value of the drugs on the market is a few hundred thousand euros", however, if it was repacked in smaller packages of a few grams (!?!?!?), the revenue accumulated from this drug would have been much higher. The way the information about this grave criminal phenomenon was conveyed is so hapless and absurd. It appears as if the mission was to prevent the enrichment of the offenders, rather than making the drugs unavailable to as many consumers as possible which will ultimately protect human health.

- Detailed information in the statements about the method of processing or concealment (repacking, compressed packaging in planks holes) can actually impair the investigation (operational interest).

- The haplessness in terms of content and placement of information, in our opinion, is most pronounced in the Dnevnik article of January 24, 2014 signed with the initials D.V under the headline "The transportation of drugs requires a man aged between 30 and 40 without a criminal record...." which sounds almost identical to a job advertisement.

- The contents of the information regarding issued fines in two cases was emphasized in the subtitle as being issued in the form of a conditional probation and in another case it was reported that for a previous criminal activity related to illicit drugs, five counts of conditional probation were sentenced. Without intending to hereby comment on court rulings, this kind of information may translate into a motivation for many people to get involved into narco-criminality as they can easily avoid prosecution, as it has been illustrated by the articles.

None of the cases above pointed to the adverse effects of narco-criminality, nor they included a specification of the legally defined penalty. On the bright side, it was regularly informed about the determined procedural detention. In most cases, the statements of public officials were

reported and they have also haplessly and in "the spirit of modern times" reported with “trendy” terms and contents that, by and large, look like an advertisement of the gravest type of crimes, rather than a condemnation of this contemporary threat to society.

CONCLUSION

Being fully aware of the profound haplessness of and overlook by officials in charge and the media coverage, we also point out to the used terminology and methods that have led to the relativization of serious criminal forms and to their acceptance as a normal and integral part of present-day life. If we agree that information encourages new ideas and raises public awareness, then the need to modify the terms and content of the statement must be altered. In other words, the ways of reporting cases of organized crime must be seriously reconsidered, especially regarding the case of narco-criminality. Therefore, instead of stressing criminal calculations, the emphasis must be put on the consequences on the victims in the community, on the community itself, alongside a highlight on the threatened legal punishment of offenders. In light of this, the first information should have appeared as "the quantities of the confiscated drugs contain 1500 lethal doses of the toxic substance opiates. The corresponding punishment for this type of crime is one to ten years of imprisonment. Material funds were also seized, as well as motor vehicles, and other items which helped the commission of the crime. The confiscation of the drugs prevented offenders from acquiring 1.5 million euros or damaging the life and health of young people... etc”. The second information could be rewritten in the following way: "this year the trafficking in persons or the so-called modern slavery has generated a criminal profit of 3 million euros which were then seized by the authorities. Offenders are awaiting sentence for a period of 10-15 years. Seizure and confiscation of property" etc. ... In other words, the information must include a qualitative dimension of the harmful consequences accompanied by a legal and moral condemnation of the criminal act, and not a criminal calculation that indulged offenders in the destruction of universal human rights of life, health, and property in the first place. With the suggested changes in terminology of the contents of the publicly available information, the information sharing itself will be set in function of the prevention and impediment of crime (often inappropriately termed as criminal policy).

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COVERT SURVEILLANCE AS COMPULSORY PART OF CONTROLLED DELIVERY

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Abstract

Organized crime is a very complex and specific criminal phenomenon which is characterized by very rapid transformations and adaptations to the overall social context as well as to the measures taken by the states of the modern world in order to prevent and fight it. Covert surveillance is one of practically inevitable measures due to the fact that it substantially helps and enables the collection of information and provides evidence to solve and prosecute specific crimes; as a newly introduced measure, it can be primarily classified into the corpus of measures related to organized crime. Although this measure/action has long been used in criminal practice, it is only during last few years that it has developed from an informal to a very complex and demanding criminal actions as well as criminal proceedings relevant actions. A number of characteristics are associated with the type of monitoring whose primary purpose is not limited to the detection of direct perpetrators of the crime, but to the detection of ordering parties and organizers of organized criminal activities. Some of the special characteristics are conditioned by the fact that the normative basis and framework for this form of action are stipulated by international legal documents and criminal law provisions of the national legislation regulating controlled delivery. A high level of professional approach in execution of actions undertaken by their direct executors involved in the implementation of covert surveillance activities is also conditioned by the characteristics of the very criminal activity in question. The following study will summarize the special aspects of the tactics applied by specialized units for covert surveillance as well as the effects which are achieved by their successful operations aimed at the implementation of controlled delivery.

Keywords*: covert surveillance, controlled delivery, international police cooperation, the Republic of Serbia*

INTRODUCTION

Due to the negative impact it has on the legal system and other segments of society, prevention of and fight against organized crime have become one of the strategic goals of many countries including the Republic of Serbia. Apart from the growth and spread of criminal activities of organized criminal groups, this orientation was influenced by a variety of new forms of crime and changes in delinquent tactics.

Strategic orientation and numerous specific characteristics and changes in delinquent tactics of criminal offenses of organized crime, terrorism and corruption offenses and other serious crimes, had influence on and resulted in the elaboration and implementation of specific measures within practical measures for their prevention and combat. Beside other effects, the special investigative techniques i.e. "special" evidence collection actions have extended the existing and have also given entirely new powers to the relevant state authorities. Furthermore, this has also meant specialization at the level of entities authorized to conduct the proceedings for offenses of organized crime, war crimes and cybercrime; namely the establishment of specific organizational forms of courts, prosecutors' offices and specialized units within the police service, and modification of procedural rules for their actions in the pre-trial and criminal proceedings.

In the theory of criminal law and legislation of the modern world, even within the limits of the Republic of Serbia, there is no single name for these "new" techniques and actions to prevent and combat criminal activities of individuals and groups. At the national level they are referred to as the terms such as the measures of prosecution authorities aimed at detecting and proving the criminal offences of organized crime, corruption and other very serious crimes, special measures of the criminal offence prosecution authorities[1], special investigative actions[2] or special measures[3]. Prior to this, in the late XX century, the use of special investigative techniques, in conditions of the escalation of internationally spread serious criminal offenses, gained its international legal foundation.

Bearing this context in mind, two conventions of the United Nations are of particular importance, the first of which was passed in 1988 and the second in 2000. The United Nations Convention against Illicit Traffic in Narcotic Drugs and

[1] The Criminal Procedure Code, the Official Gazette of FRY no. 70/2001 and 68/2002; the Official Gazette of the Republic of Serbia, no. 58/2004, 85/2005, 115/2005, 85/2005 – state act, 49/2007, 20/2009 – state act, 72/2009 and 76/2010 (hereinafter referred to as CPC/2001). The legislator did not associate the term 'special measures of prosecution authorities' with all actions classified into this group, but only with the engagement of a secret investigator i.e. a cooperative witness, this becoming the practice not earlier than the amendments passed in 2009 (the Official Gazette of the Republic of Serbia no. 72/2009)

[2]The Criminal Procedure Code, the Official Gazette of the Republic of Serbia no. 72/11, 101/11, 121/12, 32/13 and 45/13 (hereinafter referred to as CPC/2011)

[3] Grubač, M.: Criminal Procedure Law, Belgrade, 2006, p. 526

Psychotropic Substances[1] was one of the first international documents that envisaged one of the special investigation activities. Article 11 defines the technique of controlled delivery (at international level) and the mechanisms of its implementation.

The necessity of the use of special investigative measures when it comes to combating organized crime was stressed in the United Nations Convention against Transnational Organized Crime[2] which was passed 12 years later. Article 20, titled "Special Investigative Techniques", among other stipulations, underlines that the signatory states should take necessary measures to enable the correct application of controlled delivery and other special investigative techniques, such as electronic or other form of control and operations of detection carried out by the relevant authorities. This Article also emphasizes that the efficiency of the special evidence collection mechanisms can hardly be imagined without adequate international co-operation, which is typical characteristic of the measure of controlled delivery.

The introduction and standardization of special evidence collection actions, including controlled delivery as one of them, is of immense importance. Namely, the organization of criminal groups, especially those who carry out their criminal activities on the territory of several states, implies a clear division of roles within criminal organizations. For this reason, it is often the case that it is usually very difficult to discover the involvement of the heads of criminal in a specific criminal offense. There is an attempt to solve this problem by using special investigative techniques[3]. It is only in this manner that all persons involved in smuggling can be detected (people who supply drugs, couriers, sponsors, organizers of the smuggling, drug buyers, corrupt police and customs officers) and drug smuggling routes and methods of smuggling discovered in all countries through which drug passes, including countries in which money obtained from drug smuggling is invested.

Due to the fact that the execution of controlled delivery requires that the delivery is under constant surveillance, the special investigative actions involve the engagement of the organizational units of the Ministry of Interior Affairs of the Republic of Serbia (MUP RS) whose duties are covert surveillance and recording. According to the subject of this study, the attention below is paid to the special evidence collection measure of controlled delivery, and in that respect, covert surveillance and recording, as an inevitable method in conducting controlled deliveries.

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[1] Introduced in the legislative system of the Republic of Serbia by the Law on Ratification of The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the Official Gazette of SFRY, International Contact, no. 14/1990

[2] Introduced in the national legislation in 2001 by the Law on Ratification of the United Nations Convention against Transnational Organized Crime and by amendment protocols as of 22 June 2001, the Official Gazette of SFRY − International Contacts, no. 6/2001

[3] Banović, B., Marinković, D.: Special Investigative Techniques and New Trends in Contemporary Science of Criminal Law: *the Collection of Works,* ***New Trends in Contemporary Science of Criminal Law and Our Criminal Law,*** **Zlatibor- Belgrade**, 2005, p. 509-543.

COVERT SURVEILLANCE

The fight against all forms of crime, particularly those forms characterized by organized criminal activity, involves the use of appropriate methods to prevent and combat it. Accordingly, covert surveillance becomes an indispensable operational and investigative techniques in almost all operational processing activities aimed at organized crime groups. Its execution involves covert surveillance and following a certain person and/or facilities included in a particular operational processing procedure, in order to detect and document specific criminal and criminal law relevant material facts.[1]

Covert surveillance, one of numerous operational and tactical measures and actions of repressive nature in operational criminal police work, until a couple of years ago had a prefix ‚general", which mainly suited the working conditions at that time and job descriptions of the criminal police; covert surveillance used to be defined as a direct observation that can be achieved either by following the movement of people or by observing places and objects in order to learn facts that are important for prosecuting authorities. After the Criminal Procedure Code, which promoted new special techniques, was passed in 2001, the working practices of Criminal Police changed to a great extent both in a pre-trial and an investigation procedure, and the application of covert surveillance was marked as a need and necessity.[2]

Articles 232 and 233 of CPC/2001 define the conditions for the application of measures of surveillance, recording of telephone calls and other modes of communications and optical recording of persons for whom there is a reasonable suspicion that they alone or with other persons committed crimes against the constitutional order or security, against humanity and international law, with elements of organized crime (forgery and money laundering, illicit production and trafficking of narcotics, illicit trafficking in weapons, ammunition or explosive substances, human trafficking), passive bribe-taking, extortion and kidnapping.

After the amendments passed in 2009[3], the MEASURE (and accordingly covert surveillance) was possible to be ordered if there were reasonable doubts to believe that the preparation of criminal offenses explicitly listed in Art. 504a were in progress, this being valid if the circumstances indicated that the criminal offense could not be detected, prevented, or proved in any other manner or if that particular manner of evidence collection would cause immeasurable difficulties or a great danger.

Pursuant to the provisions of CPC/2011, covert surveillance and recording are defined as a separate evidence collection action (Art. 171-173). Article 171 states that, if the conditions stipulated by of Article 161 paragraph 1 and 2 of this

[1] Krivokapić, V., Žarković, M., Simonović, B.: Tactics in Criminalistics, Belgrade, 2003, p. 183

[2] Popara, B.:Covert surveillance – New Aspects, Bezbednost, no. 2/2006, Belgrade, 2006, p. 318

[3] the Official Gazette of the Republic of Serbia, no. 72/2009

Code are met, upon an explanation of the prosecutor, the court can order the measures of covert surveillance and recording of the suspect in order to:

1. detect the contacts or communication of the suspect in public places and places where access is restricted or in the premises, except in the apartment;
2. determine the identity of persons or the locations of persons or things.

Places or premises, means of transport or other persons can be subjected to covert surveillance and recording only when it is expected that the suspect will be present in or that they will be using particular means of transport.

The order defined under Article 172 paragraph 1 of CPC/2011 is executed by the police, the Security Information Agency or the Military Security Agency.

Beside the stipulation stating that covert surveillance is envisaged and taken as a measure for the purpose of evidence collection, due to its numerous specific elements and great important for the overall activities aimed at preventing and detecting crimes, i.e. finding their perpetrators, it is still possible for covert surveillance to be applied as a general operational tactical measure and activity upon the approval from the head of a relevant authority (Article 71 of the Police Act[1]).

Although, in accordance with the existing legal framework, covert surveillance can be carried out within the criminal operational actions, i.e. as a general operational tactical measure, but also as an act of evidence collection,[2] the acting of police officers in practice in all cases implies the respect of the same principles and rules. The flexibility of the implementation of this measure reflects in the fact that covert surveillance represents the measure in the operational phase of the work, and, as such, it can be combined with other operational and tactical measures and actions. Accordingly, covert surveillance has become an important instrument in the fight against all forms of crime.

Viewed through the prism of practical actions, the successful implementation of measures of covert surveillance involves a series of interrelated and conditional actions, i.e. the preparation and planning, the application of methods of covert surveillance, identifying connections and documentation and reporting.[3]

CONTROLLED DELIVERY

Unlike covert surveillance which is used to detect the direct perpetrators of criminal offences, controlled deliveries enable to reveal the ordering parties of incriminating contracting jobs and their organizers. Accordingly, controlled

[1] The Official Gazette of the Republic of Serbia, no. 101/05, 63/09 and 92/11

[2] Žarković, M.: Tactics in Criminalistics, Belgrade, 2009, p. 151

[3] More details: Žarković, M.: Tactics in Criminalistics, the Academy of Criminalistic and Police Studies, Belgrade, 2010

delivery is a police surveillance of illegal transport which is the object of a criminal offense with delayed intervention.[1]

As one of the "youngest" evidence collection actions in the Republic of Serbia, controlled delivery is primarily implemented to detect and prove criminal offenses related to drugs and weapons and money counterfeit. In implementing the measures of controlled delivery, other evidence collection actions are also applied, such as covert surveillance and recording, covert surveillance of communication, the engagement of a secret investigator and numerous other operational tactical measures and actions. The type of measures and actions to be applied primarily depends on the types and modes of the transfer of the delivery which is being monitored.

As stated above, controlled delivery as a special investigative technique was first defined in Article 11 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. In compliance with this international legal document, it is a special investigative technique which allows illegal or suspicious shipments of narcotics, psychotropic substances and substances that replace them to continue their route, pass through or enter the territory of one or more countries, with the knowledge and under the supervision of the competent authorities in order to identify the persons involved in the commitment of a criminal offense.

A broader determination of controlled delivery, which does not refer exclusively to narcotics, psychotropic substances and substances that replace them, was defined in the United Nations Convention against Transnational Organized Crime. Article 1 of this *Convention*, within the statement of purpose, defines controlled delivery as a technique which allows illicit or suspicious consignments (not only drugs) to leave or enter the territory of one or more countries, with the knowledge and under the supervision of the competent authorities in order to carry out an investigation and identify the persons involved in the commitment of a criminal offense. Defined in a similar manner, controlled delivery, as a relevant measure, has been included as an integral part of several conventions and international agreements. Among others, it is envisaged under the United Nations Convention against Corruption[2] and the Police Cooperation Convention for South Eastern Europe[3].

National legislation regulates controlled delivery by Article 181 of CPC/2011, which is currently valid. This provision envisages the possible modalities of controlled delivery, covering the deliveries:

1. which originate and are delivered within the territory of the Republic of Serbia
2. which originate from the territory of the Republic of Serbia and whose final destination is another country

[1] Milošević, M., Kesić, T.: Police in Criminal Proceedings, the Academy of Criminalistic and Police Studies, Belgrade, 2009, p. 180 - 182

[2] the Official Gazette of the Federal Republic of Serbia and Montenegro, International agreements, no. 12/2005

[3] the Official Gazette of the Republic of Serbia, International agreements, no. 70/2007

3. which originate from another country and whose final destination is the territory of the Republic of Serbia;
4. which originate from another country, pass through the territory of the Republic of Serbia, and whose their final destination is a third country.

Controlled delivery is ordered by the competent public prosecutor.[1] By this order, a prosecutor determines the manner of execution of controlled delivery (Art. 181, CPC/2011). Upon completion of controlled delivery, the police authority shall submit a report to the public prosecutor, including: the information on the start and finish date of controlled delivery, the details on person acting in official capacity who carried out the action, a description of applied technical means, the information on persons covered by the action and the results of an applied controlled delivery (Art. 182, paragraph 3, CPC/2011). Although statutory provisions allow broad application of controlled deliveries, they are still most applied in practice when it comes to the issue of combating drug trafficking.

PRACTICAL ASPECTS OF COVERT SURVEILLANCE MEASURES IMPLEMENTATION IN THE EXECUTION OF CONTROLLED DELIVERY

Simultaneously with the issuance of order for application of controlled delivery, a competent public prosecutor can initiate the order on the application of other special investigative actions that will enable its successful implementation. As practically inevitable, the prosecutor proposes to a judge in charge to issue an order for undertaking the measure of covert surveillance of communication i.e. covert surveillance and recording. This procedure is applied if orders have not been already issued concerning the same criminal matters, i.e. the same person.

Planning the execution of controlled delivery measures as well as covert surveillance as an inevitable accompanying measure and verifier is conditioned by a number of special characteristics of each concrete situation. The least demanding action in case that controlled delivery begins and finishes in the Republic of Serbia (the information is usually obtained from the police in foreign countries). It is primarily about the action on the occasion of the discovery of drugs in mail deliveries that come from other countries. In such situations, it is necessary to detect the identity of the recipient as well as the sender. Subsequently, using a regular delivery, route delivery or postal delivery, it is necessary to forward the delivery to the recipient applying the measure of covert surveillance concurrently. The timing when the suspect (if the identity is determined) i.e. the recipient of the delivery is arrested is the matter of operational assessment and it depends on specific elements of each individual case.

Another possibility to apply the measure of controlled delivery refers to the situation when drug only passes through the territory of the Republic of Serbia. The preparation of implementation of such controlled delivery involves obtaining

[1] Unlike other special investigative actions, controlled delivery is not in the "jurisdiction" of the judge for the previous proceedings. It may be ordered by the Republic Public Prosecutor i.e. a public prosecutor of special jurisdiction.

relevant information from the competent authority of the country which initiated its implementation, in relation to the information of importance for the actions taken by the teams for covert surveillance, primarily in relation to the information on persons, vehicles and other objects that should be monitored as well as the objects which should be transferred. The information of special importance are the information on the numbers of vehicle registration plates, their color, make, type (if it is a container in which there is a delivery of importance, the important information is the number of containers and the registration number of accompanying documents), the photographs of possible perpetrators of smuggling, their personal information and other information.

Of particular importance for the successful implementation of covert surveillance measures within the measure of controlled delivery is the information on the border crossings through which the object of controlled delivery is to be transferred to the territory of the Republic of Serbia, possible further planned routes of smugglers' movements, the places of shorter and longer stay, contacts, etc.

Based on the information gathered and assessment of situation, the plan on executing measures of covert surveillance should predict:

- the number of police officers in the observation unit that will execute the measure, vehicles and technology that will be used in the field;
- the manner in which covert surveillance will be executed until the very moment of leaving the Republic of Serbia;
- clearly defined way of communication with all participating countries, and especially with a country initiator, a country from which a controlled delivery enters on the territory of our country and a country on whose territory a controlled delivery enters after leaving our country;
- the involvement of customs officials and border police when the object of controlled delivery enters – leaves the country;
- the actions to be taken in case that the complete or partial delivery of content takes place on the territory of the Republic of Serbia (these actions must be precisely defined in consultation with the state initiator).

The measure of covert surveillance of movement of persons and objects whose delivery is supervised implies the insight into the movement of the object of monitoring and documenting and reporting on all relevant circumstances. Reporting must be complete clear, objective, detailed and precise in respect of all executed and detected activities during monitoring (regarding place and time when the object of monitoring is taken over, directions of movement and locations of staying, the persons with whom suspects contacted, their changes in behavior, etc.). Video footage should also include details of the background to identify clearly the place where certain activity has taken place (a house number, the name of a street or a restaurant, etc.), and it is very important that the video shows persons in the manner that their faces can be recognized but also to see clearly the exact time at which the snapshot was created.

A big importance of photo and video documented details noticed during covert surveillance becomes evident when it is an integral part of the execution of controlled delivery in such situations as passage of vehicles through a border crossing, toll gates, through predetermined places of stopping and contacts. This is

the manner to achieve that time and place of the above stated activities are clearly visible and recognizable (the name of the border crossing and a toll gate, the name of a city) i.e. to prove the existence of connections between people and objects of smuggling (the contact with it, suspicious behavior of persons, etc.).

The preconditions for the success of the measures taken is a constant liaising between the teams for covert surveillance, operatives engaged in the work line and prosecutors, or other competent authorities of the participating countries. Since several subjects are actively involved in communication, the best solution to establish the initial communication is to let further coordination of actions in the field be executed by teams for covert surveillance on both sides of the border.

Viewed through the prism of the measures of controlled delivery taken on the territory of the Republic of Serbia in the period from 2004 to 2006, through international cooperation, the Department for combating drug trafficking conducted 12 controlled deliveries out of which there were three controlled deliveries in which the target destinations of the objects were in the Republic of Serbia. Out of the above 12 controlled deliveries, two controlled delivery executed in 2004 resulted in the seizure of 12 kg of cocaine in Serbia and 190 kg of cocaine in Italy. During the 2005 five measures of controlled delivery were executed with narcotic drugs with end destinations in the Republic of Germany and the Republic of Slovenia. During the 2006 five more measures of controlled delivery were executed, two of which resulted in the seizure of 1.5 kg cocaine in Serbia.

During 2007 three measures of controlled deliveries were carried out and their subjects were cocaine and heroin. The target destination of two controlled delivery executed in February 2007 was the Republic of Serbia (on this occasion cocaine was seized - 4073.94 gr). One controlled delivery executed in November 2007 went to the Republic of Germany. For the purpose of practicing all relevant subjects of the countries in the region involved in the collaboration, a simulation of controlled delivery was organized by the organization SECI from Bucharest in May 2007.

During the 2008 two controlled deliveries were executed. In July 2008, at the request of the competent authorities of the Republic of Germany and upon the written approval of the prosecutor for organized crime, a controlled delivery of heroin from the territory of the Republic of Albania to the Republic of Germany was executed. In August 2008, upon a requests for mutual legal assistance and the approval of the special prosecutor, a measure of controlled delivery was executed (the measures was executed in cooperation with the Border Police and Customs Administration and it resulted in the seizure of 11.5 kg of hashish and the arrest of several persons on the territory of the Republic of Germany and the Republic of Albania).

During 2009 on the territory of the Republic of Serbia, five controlled deliveries were executed on the dates as follows: In March the Austrian police initiated a measure of international controlled delivery with the direction from Kosovo to Austria. The operation was completed successfully but narcotics were not found; in March, the Czech police initiated an international controlled delivery with the direction from Turkey to the Czech Republic and on that occasion 10 kilograms of heroin was confiscated on the territory of the Czech Republic; in July

the German police initiated a controlled delivery from Peru towards Serbia. The action was completed successfully and police seized 637.15 gr of cocaine in Nis; in August, the German police initiated an international controlled delivery from Peru towards Serbia. The action was completed successfully on the territory of the Municipality of Jagodina and on that occasion the drug cocaine was detected in the delivery which was currently waiting for the completion of expert testimony in order the exact amount to be determined; in November the German police initiated an international controlled delivery from the direction of Paraguay via Germany to Serbia. The action was successfully completed in on the territory of the Municipality of Belgrade area and on this occasion 2914.14 grams of cocaine was seized. In the above action 5 persons were arrested.

In November 2010 at the request of the Ministry of Interior of the former Yugoslav Republic of Macedonia, with the approval of the prosecutor, a measure of controlled delivery was executed, the subject of which was a package of about 1 kg of the narcotic drug cocaine, which was transported to the territory of the Republic of Serbia on the flight London-Belgrade on 5 November 2010 and on the same day, on the evening flight Belgrade-Skopje forwarded to Skopje.

During the 2011 Serbian authorities were not involved in any measures of controlled delivery (in two cases the measure was applied, but not completely executed).

On 16 January 2012 the German Customs Police initiated the controlled delivery of the postal item which was supposed to contain narcotics and which was sent from Dubai to a person registered in Belgrade. 150 g of heroin was found in the delivery and a person who took over the delivery was arrested.

During the 2013 the competent authorities of the Republic of Serbia did not participate in the implementation of any measures of controlled delivery.

The table below represents the ratio between the total number of operational processing procedures involving the Department for Observation and Record Keeping, the Criminal Police Administration of the Ministry of the Interior of the Republic of Serbia, the number of those executed upon the order issued by the Anti-Drug Trafficking Department, the Department for Combating Organized Crime, the Criminal Police Directorate of the Ministry of Interior of the Republic of Serbia and the number of controlled deliveries executed on the territory of the Republic of Serbia, with the participation of this department.

Year	2006	2007	2008	2009	2010	2011
Number of operational procedures involving the Department for observation and record keeping (OOD)	60	57	62	63	63	73
Number of operational processing procedures implemented by the OOD, upon the order issued by the Anti-Drug Trafficking Department	11	10	16	12	10	10
Number of controlled deliveries executed on the territory of the Republic of Serbia	5	3	2	5	1	-

CONCLUSION

The specific characteristic of criminal organizations involved in drug smuggling is that their activities are often carried out on the territory of several states. This is one of the main reasons for joining the various forms of international cooperation in criminal law and criminal, including those carried out through a measure of controlled delivery. Controlled delivery of special investigative techniques, in addition to covert surveillance, represents both a method and a weapon that modern police organization, united in the fight against transnational organized crime effectively, uses to break up organized crime groups, no matter which illegal activities they are engaged in.

The activities of the covert surveillance units in the Republic of Serbia were given a criminal procedural form in a number of segments as well as in the one referring to the implementation of controlled delivery measures after passing the latest legal regulations (Articles 171 to 173 and Art. 181 CPC/2011). Active participation of the prosecuting authorities of the Republic of Serbia in a series of controlled delivery confirmed a long-known fact that the territory Republic of Serbia represents one of the most important transit countries on the path of narcotics from east to west.

A serious approach to data collection, proper engagement of the criminal police operatives in the field and sharing information with police in neighboring countries and the wider area represent a realistic basis for well-planned and effective actions of units for observation in the field. Successful executions of controlled delivery actions which have involved the participation of covert surveillance units of the Ministry of the Interior of the Republic of Serbia have caused substantial losses to organized criminal groups in the region and the wider area, reaching the highest levels of their hierarchies and permanently disabling them for further work. Professional approach to work and excellent results of these units greatly enhance the reputation of the Criminal Police of the RS in the region and the wider area, which gives the greatest satisfaction to the operatives of these organizational units.

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COMPUTER CRIMES AGAINST PROPERTY IN THE REPUBLIC OF MACEDONIA

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Abstract

*Since the last decade of 20th century we have been witnessing the expansive development and integration of computer and communication technologies and their mass application in all processes and flows of the modern society. Even though they were created as a tool to facilitate the operation and functioning of the people, computer technologies soon began to be used for a variety of malicious activities disturbing the integrity, availability and confidentiality of computer and communication systems as well as data related to such systems. All these forms of abuse of computer technology and the application of these technologies for performing various forms of so called "traditional" crimes, can be designated one name - **computer crime**.*

One of the most widely spread forms of computer crime are computer criminal acts against property where offenders unlawfully acquire certain property benefit, appropriating or damaging someone's possessions or rights. In the Republic of Macedonia, these crimes are recorded and detected in smaller number but with constant rise. It does not mean that the threats and risks of this type of criminality are little. On the contrary, development of the global communication network Internet, the continuous growth of Internet users, the "transnational" nature of this crime, and the easy and fast making of money are essential factors for the rise of cyber crime against property and threats of it.

This paper will be presented an overview of the criminal legal determination, phenomenology of computer crimes against property and the most common techniques for its performing in the Republic of Macedonia till 2011, in order to obtain comprehensive understanding of this type of crime in our country.

The main sources of data are the Criminal Code of the Republic of Macedonia and the Convention on cyber crime of the Council of Europe. Statistical data for registered computer crimes against property, registered perpetrators and estimated property gained by the *Sector Analysis and Research and Documentation in the Public Security Bureau in the Ministry of Interior of the Republic of Macedonia, data for* perpetrators of crimes will be analyzed by the State Statistical Office of the Republic Macedonia, as well as *various content (articles on newspapers, interviews, guides) related to computer crime in the Republic of Macedonia.*

Keywords: *Computer crimes against property, Computer crime, Information Communication Technologies*

COMPUTER CRIMES AGAINST PROPERTY

Illegal property by skilled perpetrators of criminal activity can nowadays be obtained in an easier and faster way using computers and computer technology. These sophisticated technologies have become the tool and an object of not only for performing "traditional" forms of crimes, but for performing many new types of crimes against property. All these illegal activities, "traditional" or "new", which are committed within computer technology directly infringe property and values and can be defined as computer crimes against property.

You can rarely find in literature definitions which give the meaning of the term of computer crimes against property. According to Susan Brenner,[1] computer crimes against property are traditional crimes against property - fraud, theft, extortion and vandalism that can be performed using computer. Besides computers, today there are many numbers of different electronic devices, like mobile "smart" phones, tablet devices and so on, that can perform automatic processing of data, and can be a part of a computer network and tool for committed crimes against property. Apart from the property which is of "tangible nature" often with this crime is property infringement and values which by computer technologies are converted into digital values - ones and zeros, or have "intangible nature."

Accordingly, we will try to give a wider approach in determining the term of cyber crime against property, which will be mainly for the purpose of this paper. So that, ***computer crime against property*** is the totality of crimes where a computer or computer system is used as a tool or a target or both, and a computer network can be a component for performing illegal actions with intentionally causing damage or gaining particular benefit. While, the ***computer system***[2] is any device or group of interconnected devices of which one or more of them perform automatic processing of data under a particular program, the ***computer network*** is a set of interconnected computers or systems that communicate by exchanging data.

[1] Brenner W.S., Cybercrime: Criminal Threats from Cyberspace,USA, 2010, p. 75

[2] Article 122 paragraph 22, Criminal Code "Official Gazette of the Republic of Macedonia" no.7/08

CRIMINAL LEGAL ASPECTS OF COMPUTER CRIMES AGAINST PROPERTY IN THE REPUBLIC OF MACEDONIA

In different national legislations, crimes against property are standard features of almost every criminal law, but it is not the case with computer crimes against property. Some national legislation is an incriminated offence to the existing "traditional" crimes against property, but others entered a new and separate provision for computer crimes against property.

But, how computer crimes against property in the Criminal Code of the Republic of Macedonia are provided and systematized.

The first steps in the prevention and combating of cybercrime against property in our country are made with the adoption of the Criminal Code of the Republic of Macedonia in 1996[1] which provided the incrimination "*Entering in a computer system*" - *Article 251*, as computer crime against property. This criminal offence is constantly updated and changed, but the most significant changes were made with the Amendments to the Criminal Code from March 30, 2004[2]. The crime was named "*Damage and unauthorised entering in a computer system*" and two new criminal offences as computer crimes against property are added:

1) Article 251a, *Production and spreading of computer viruses and*

2) Article 251b, *Computer fraud*

Later, the Amendments to the Criminal Code of the Republic of Macedonia in 2008[3] introduced the concepts of computer systems and computer data, Article 122 paragraph 22 / 23.

All three types of computer crime against property, *Article 251 - Damage and unauthorized entry into a computer system*, *Article 251 a - Production and spreading of computer viruses and Article 251b - Computer fraud,* according to the systematic of the Criminal Code, were included into Chapter XXIII - Crimes against property. They have the same group object of protection - property as one of the fundamental rights guaranteed under the Constitution of the Republic of Macedonia.[4] The special object of

[1] Criminal Code "Official Gazette of the Republic of Macedonia" no. 37/96

[2] Criminal Code "Official Gazette of the Republic of Macedonia" no. 19/04

[3] Criminal Code "Official Gazette of the Republic of Macedonia" no. 7/08

[4] *The Constitution of Republic of Macedonia*, not only ownership, but also the right to property is guaranteed under (Article 30 and 31of the Constitution). Restriction of the right of ownership is only allowed under the Constitution when it comes to public interest established by law. Pursuant to Art. 122. paragraph 38 of the Criminal Code of the Republic Macedonia, property means cash or other payment instruments, securities, deposits, other property of any kind and its material or immaterial, movable or immovable, rights to other objects, claims, and public documents and legal documents for

criminal offences is confidentiality, integrity and availability of computer data and computer systems. Confidentiality, integrity and availability are the three basic elements which constitute the core of computer crime in general, and computer crimes are part of cyber crime directed specifically towards endangering the other people's property.

The three types of computer crime against property are fully harmonized with substantive provision of the Convention on Cybercrime of 23 November 2001[1] - called by some the Budapest Convention - which went into force in July 2004. The Republic of Macedonia signed the Convention on Cybercrime in December 2001, and ratified it in October 2004, and it was put into force in January 2005.

PHENOMENOLOGY OF COMPUTER CRIMES AGAINST PROPERTY IN THE REPUBLIC OF MACEDONIA

In the Republic of Macedonia, computer crimes against property appeared at the end of 1990s when computer technologies and the Internet became more used.[2] The first case of an offence ("entry into a computer system") was registered in 1997, and until the beginning of 2004 a total of 21 offences were registered and 27 perpetrators were reported. The most common forms of carrying commit out this offence at this time was the intrusion into the computer system of ISPs[3] and the free use of Internet services (which at the time had a high price), incursion in computer telecommunication system for free use of telecommunications, deletion and false data input by officials in banking institutions in order to gain benefit for themselves or their relatives.

A characteristic case with the unauthorized entry into a computer system of Komercijalna and Stopanska bank in Macedonia was recorded in

property and assets in written or electronic form or instruments evidencing title to or ownership interest in such property.

[1] Convention on Cybercrime CETS No.:185, http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=185&CL=ENG (accessed 01.08.2013)

[2] For the first time Internet access in the Republic of Macedonia was received in 1995 (connected were MAR Net and the universities in Skopje and Bitola; the same year began the dial-up services of the former Macedonian PTT by 90.2 kb link with Hungary. In 1997 the provision of Internet services by granting concessions for the transmission of data was liberalized, and the number of Internet users in Macedonia starts to grow. Today, Internet in our country is used by about 1.100000 people or 42.16% of the total population (Macedonia Facebook Statistics, http://www.socialbakers.com/facebook-statistics/macedonia, (accessed on 11.10.2011)

[3] Internet service provider - any public or private entity that provides to users of its service the ability to communicate by means of a computer system

2003, when perpetrators realized substantial property benefits with the fraudulent use of credit cards, Visa and MasterCard.[1]

Since 2006, the phenomenology of computer crimes is constantly changing and getting new forms and dimensions, simultaneously the number of registered offenses against computer constantly growing. This can be concluded from the statistical data of the Department of Analysis, Research and Documentation in the Public Security Bureau in the Ministry of Interior of the Republic of Macedonia, shown below in table no. 1, during the 2006 - 2011.

Table No. 1 Registered computer crimes against property, registered perpetrators and estimated property gain - in million den. (Data are taken from Sector Analysis and Research and Documentation in the Public Security Bureau in the Ministry of Interior of the Republic of Macedonia for the period 2006 - 2011)

Criminal offences	2006			2007			2008			2009			2010			2011			Total:		
	Criminal offence	Reg. perpetrators	Gained benefit	Criminal offence	Reg. perpetrators	Gained benefit	Criminal offence	Reg. perpetrators	Gained benefit	Criminal offence	Reg. perpetrators	Gained benefit	Criminal offence	Reg. perpetrators	Gained benefit	Criminal offence	Reg. perpetrators	Gained benefit	Criminal offence	Reg. perpetrators	Gained benefit
Article 251	2	4	1,1	7	10	0,157	15	16	14,4	63	61	29	36	38	15,3	47	27	1,3	170	156	61,257
Article 251a	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Article 251б	-		-	2	1		4	9	3,2	5	1		5	6	2,7	1	2	0,296	17	19	6,196
Total:	2	4	-	9	11	-	19	25		68	62		41	44		48	29		187	175	67,453

In the period from 2006 to 2011, 187 computer crimes against property were registered and the estimate of the total damage caused by the offences is 67.453 million denars. The total number of registered offenders is 175 of which 90.3% are male perpetrators and 9.7% female. Most of the perpetrators are aged 26 - 30 years, 42.9%, 26.8% are at the age of 18 - 25 years, 18.30% are at the age of 36 - 45 years, 8.00% the age of 46 - 40 years

[1] Fight against cyber criminals - interview with Marian Risteski Inspector on Cybercrime, 06.02.2004, http://www.makedonskosonce.com/broevi/2004/sonce501.pdf/32_36_cekmedje.pdf (accessed 12.12.2011)

and 4% are under the age of 18. In this period a total of four criminal groups consisting of three to five members are registered.

The largest percentage of total registered crimes belongs to the offence known as "damage and unauthorized entering into a computer system" - 90.9%, and 9.09% of the crime “Computer fraud”. During this period there were no recorded offences of "production and spreading computer viruses".

If we take into consideration the data of reported,[1] accused,[2] and convicted[3] persons for computer crimes against property by the Statistical Overview of the State Statistical Office of the Republic of Macedonia in the same *period (table no.2), w*e can conclude that in 2006 there were no reported, accused or convicted persons for computer crimes against property. Since 2007 up to 2011 the total number of reported people was 138. 90 people or 65.2% were accused, and 56 people or 62.2% were convicted.

If we compare the statistical data by the Department of analytics, research and documentation of the Ministry of Interior and date by the State Statistical Office of the Republic of Macedonia, we will observe that total number of registered offenders for computer crimes against property during 2006 to 2011 is 175, of which 138 people or 78.8% are reported, and 56 people or just 32% are convicted. This is a relatively high indicator of the success of the investigation authorities, having in mind that computer crimes are a relatively new phenomenon, complex and compound for detection and prosecution offenders.

[1] "Reported person" is an adult known / unknown perpetrator of a criminal offence against whom proceedings based on criminal charge and committal proceedings are concluded with the issuance of an order by which: the charge is rejected, the investigation is stopped, the investigation is suspended or a charge is applied.

[2] "Accused person" is an adult person against whom a proposed indictment or private suit is filed. It also refers to a person against whom legal proceedings were concluded with a valid court decision.

[3] "Convicted person" is an adult person recognized as responsible, against whom penal measures were imposed.

Table no. 2 Computer crimes against property (source: State Statistical Office of the Republic Macedonia, perpetrators of crimes - Statistical Review of Population and Social Statistics 2007-2011)

Criminal offences	2006			2007			2008			2009			2010			2011			Total:		
	reported	accused	convicted	reported	accused	convicted	reported	accused	convicted	reported	accused	convicted	reported	accused	convicted	reported	accused	convicted	reported	accused	convicted
Article 251	/	/	/	8	/	/	6	7	7	30	6	6	38	27	24	46	9	9	128	49	46
Article 251a	/	/	/	/	/	/	4	3	3	/	31	/	/	/	/	/	/	/	4	34	3
Article 251б	/	/	/	/	/	/	/	/	/	5	6	6	1	1	1	/	/	/	6	7	7
Total:	-	-	-	8	-	-	10	10	10	35	43	12	39	28	25	46	9	9	138	90	56

The official statistical data about perpetrators (reported / accused / convicted) of criminal offence "Production and spreading of computer viruses" by the State Statistical Office and the Ministry of Interior of the Republic of Macedonia are different. According to the State Statistical Office 4 people were reported, 34 accused, and 3 people convicted of these criminal offenses, and in 2009, 31 people appear as accused. But, according to the official data from the Ministry of Interior during 2006 to 2011 there were neither reported people nor registered criminal offences "Production and spreading of computer viruses".

I think it is a technical mistake about the published data by the State Statistical Office, because in our country there are no criminal proceedings for the offense "Production and spreading of computer viruses", that does not mean that this offense is not is present in our country. For example, according to a global map of viruses presented by McAfee [1] for a period of 27 October to 27 November 2012, the number of infected computers / citizens against computer viruses ranges from 10 to 100 in just one month or an average of 120 to 1200 computers infected by viruses annually in our country.

The data in table 1 and in table 2 clearly indicates that the criminal offence "damage and unauthorized entering in a computer system" is the most frequently form of computer crime against property in the Republic Macedonia. These criminal offences often included fraudulent activities with credit cards to 2010, because in the Criminal code of the Republic of

[1] Global Virus Map, http://home.mcafee.com/virusinfo/global-virus-map (accessed on 28.11.2012 г.)

Macedonia was not provided with incrimination for illegal acts. The Amendments to the Criminal Code of the Republic of Macedonia in 2009 (which came into force in March 2010), was to provide the provision "Production and using false credit cards" Article 274, which began to label these criminal activities with credit card fraud, and the criminal offence of "damage and unauthorized entering in a computer system" started to decline slightly from this period.

In addition to credit card fraud as a form of the crime "d*amage and unauthorized entering in a computer system*", often reported cases are "hacking" of web pages hosted in our country. Hacking usually refers to changing the look of the website by adding new content that represents the identity of the person who carried out the hacking. These illegal acts are usually without material damage, but the aim of hackers is to send some message or point out to some situation. As the object of these hacker attacks are mostly sites of public institutions, municipalities, ministries, etc.., the attacks are commonly performed by self - declared hacker groups from the neighboring countries.[1]

It is more often prevalent that DDoS (Distribuited Denial of Service) attacks are a form of the crime "damage and unauthorized entering into a computer system". With these attacks networks resources are bombarded by the target device with huge fake traffic, resulting in a network overload and the disablement of normal communication.

The computer system of the Ministry of Internal Affairs was a target of this type of attack, during the electronic auction for procurement of motor vehicles on 29 August 2012. The attack was committed with increased Internet traffic to the server of the Ministry of Interior and the server of the Public Procurement Bureau, which were interconnected. It came from 119 different IP addresses from multiple countries around the world, causing difficulty functioning of the computer system, i.e. denied access to the electronic system for auction.[2]

With regard to Internet fraud in the Republic of Macedonia, global trends in this area are prevalent, and so far, reported cases of criminal offence, our citizens appear just as damaged parties or "victims of fraud".

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[1] For example: target of such attacks were the site of the former president Crvenkovski, the website of the Minister of Transport and Communications Mile Janakievski, the website of the Municipal Airport, the site of the Macedonian Opera and Ballet, etc..

[2] Attempt for attack in the computer system of Ministry of Interior, http://denesen.mk/web/2012/09/19/obid-za-kompjuterski-napad-na-mvr/ (accessed on 10.11.2012)

The most common type of fraud is the so-called "Nigerian scam" where the offender sends spam[1] emails with the content that the victim is able to earn a larger amount of money provided they assist the sender to raise money from their bank account from an African country, sent to users of public email services (yahoo, g mail, hotmail, etc.) including our citizens and ask for money for various taxes, fees and services. The victims damaged sums are from 500 to 10,000 euro's commonly sent money via Western Union.

Since 2006, in our country phishing scams appeared as a new form of fraud. This type of scam is usually carried out by the Macedonian hackers. They usually make fake websites of financial institutions such as "E-bay," e-gold "," Pay pal" and fake sites of some large banks as for example Bank of America. These auction sites and services are transferred and "spin" large sums of money and this is the main reason and motivation for hackers how to "earn" a lot of money. The Macedonian hackers cheated foreign citizens by sending spam mails like "please add information for your account", so they receive data from credit cards and performed the transactions[2].

The Internet fraud is carried out by the buying of "goods with amazing properties" for inexpensive amounts. It is performed by offering and selling various Trade Goods on website advertising such as cars, mobile phones, etc. for several times less the price than the actual. These goods are often offered through foreign sites like www.mobile.de, but there are cases where they are offered on domestic sites as www.pazar3.com.mk.[3] But we must underline that this type of fraud is called Internet fraud, computer fraud and is not a

[1] Spam is an email message sent to multiple recipients who did not ask to receive it. Email messages are not considered spam if a user has signed up to receive them or if they come from a trusted source.

[2] Example of a phishing scam in Macedonia: (Organized hackers through the false applications online - social gathering site "Facebook" stealing addresses and passwords of users with a profile on the popular social network. Unit for Cybercrime of Ministry of interior, after reports for hacked passwords, acted and found the attached false application of portal "Facebook" (which is allowed by the web portal "Facebook"). The attached application is so-called spam. It allowed the hackers to access to the profile of people on "Facebook", "phishing" of user data, stealing e-mail address and password that the user used to log in to an account on a website. The hacker with that password accessed in all private data stored in the mailbox or on the user profile of "Facebook" and used it for other goals. Hackers steal data from "Facebook", http://www.dnevnik.com.mk/default.asp?ItemID=0DD6FE9AD 834C3449C2DD551BE0D3979, (accessed 10.01.2011)

[3] Lecture of the Minister Jankuloska on the subject "money laundering and computer crime" http://mvr.gov.mk/ ShowAnnouncements.aspx?ItemID=8530&mid=710&tabId=96&tabindex=0, (accessed on 10.05.2011)

traditional form of fraud where a tool is the Internet and they cannot be equated with the deeds of computer fraud.

Conclusion

Computer crimes against property, as a type of the computer crime, are constantly increasing in our country and these crimes are carried out by perpetrators mainly for acquisition of a financial gain. Although quantitatively a small number of crimes is registered, where we cannot came to general conclusions, I can freely say that this kind of crime will get larger dimensions in the next years in our country. The first crucial step to prevention of computer crime against property our country has done to the criminalization of substation provision in Criminal Law and the ratification of the Convention on Cybercrime of the Council of Europe. But, for a successful response to this sophisticated crime, the legislative measures must be conducted and improved in the procedural provisions - jurisdiction, regional, and international cooperation. Advanced and continuous training of competent authorities to prosecute crime and their cooperation with the Internet service providers are the main factor for successful, timely and efficient founding of offenders. An important segment in the prevention of cybercrime is the regular informing and education of the general public about the dangers and threats of the use of Internet and computer technologies, or to intensify the work of the already founded National Team of Computer Security - CIRT in our country.

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EUROPEAN PUBLIC PROSECUTOR: REFORM *DE NOVO*

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Abstract

The Treaty of Lisbon, in Article 86 provides the possibility of establishing the European Public Prosecutor. The aim of this study is to target the necessity of such office, because the frame for this institution is determined wide enough to create a body with certain authority, but in addition to have in mind the differences regarding the position, status and competencies of the European Public Prosecutor. Two questions must be resolved: the legal and political issue regarding articles 85 and 86 and the issue which is more focused on the effective use of resources. The conclusion puts forward the considerations regarding the future establishment of the European Public Prosecutor's Office, accepting that the most probable solution is through creation of a separate entity that has the need of cooperation with Eurojust.
Key words: *European Union, Lisbon, Prosecutor, Eurojust.*

INSTEAD OF INTRODUCTION: PREVIOUS QUESTIONS

First previous question: What is Corpus Juris? The original model of European Public Prosecutor (EPP) was introduced in the Corpus Juris study published in 1997.[1] The study endorsed a set of supranational rules for possible creation of European criminal law.[2] The document identifies several offences connected on the fraud of the European budget and establishes comprehensive procedure for investigation and prosecution of these offences, as well as issues of criminal responsibility and penalties.

The study defines the fraud in a very broad manner covering expanding and taking from the budget. For the investigation, prosecution, trial and penalty purposes, according the study, the territory of an EU member-state represents a sole legal area and depends from the criminal and legal systems

[1] Mireille Delmas-Marty, *Corpus Juris: Introducing penal provisions for the purpose of the financial interests of the European Union,* (Paris: Economica, 1997).
[2] Lothar Kuhl, *The future of the European Union's financial interests: Financial criminal law investigations under the lead of a European Prosecutor's Office,* (Freiburg: Max Planck Institute for Foreign and International Criminal Law, EUCRIM Vol. 3-4, 2008), p. 187.

of EU member-states, while the criminal acts shall be prosecuted through national courts.

The idea for the European Public Prosecution Office (EPPO) was subject of a Commission proposal during the intergovernmental conference in Nice 2000. The Commission underlined that there is a fragmentation of the European criminal law by the fact that the national police and judicial authorities are entitle to act only on their own territory and recommended that the EPP role should be regulated with provisions in the Treaty and details to be worked out with secondary legislation.

Second previous question: What is OLAF? European Anti-fraud Office (OLAF) is as an independent entity within the European Commission conducting administrative investigations on offences against financial interest of the EU[1], but with no influence on member-states competences in initiating criminal procedures.[2] OLAF is competent to investigate illegal activities conducted by European official and economic operators when the EU budget is at stake. The first category refers to investigations inside the EU institutions, while the second category covers external investigations.[3] OLAF's operational activity is closely connected with the criminal legislation, national police and judiciary authorities.

Third previous question: What is Eurojust? Eurojust is established in 2002 with Council decision for justice and police cooperation, comprised of judges, prosecutors and police officers from member-states competent for strengthening the fight against serious forms of crime.[4] The establishment is inspired by the need for mutual and efficient measures for acceleration and simplification of police and judicial procedures in member-states, especially through judicial assistance and extradition.

Many see the Eurojust as a forerunner of the EPPO. Still, the tasks of Eurojust according the Council decision emphasize its role as a facilitator: to ask national authorities (a) to initiate investigation or prosecution for specific acts; (b) to mutually coordinate when facing cross-border cases; (c) to admit when other state is in better position for conducting investigation or prosecution, in case of conflicts of jurisdiction; and (d) to establish joint

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[1] *Commission Decision 1999/352 of 28 April 1999 establishing the European Anti-fraud Office (OLAF)*, (Official Journal of the EU, L 136, 1999).

[2] *Regulation 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-fraud Office (OLAF)*, (Official Journal of the EU, L 136, 1999), Art. 2.

[3] *Regulation 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-fraud Office (OLAF)*, (Official Journal of the EU, L 136, 1999), Arts. 3 - 4

[4] *Council Decision 2002/187/JHA*, (Official Journal of the EU, L 63, 2000), p. 1; *Council Decision 2003/659/ JHA*, (Official Journal of the EU, L 245, 2003), p. 44; *Council Decision 2009/426/JHA*, (Official Journal of the EU, L 138, 2009), p. 14.

investigation teams. In contrast to the EPPO, Eurojust is not limited only towards offences that include fraud on the EU budget, but also on cyber crime, money laundering, environment offences and organized crime. In December 2008 new Council decision was adopted with the purpose of strengthening the role and capacities of Eurojust in the fight against organized crime.[1] Further strengthening and extension of Eurojust competences is enabled with the Stockholm Programme, a five-year plan with guidelines for justice and home affairs of the member states of the EU for the period 2010-2014.[2]

FROM EUROJUST TO EUROPEAN PUBLIC PROSECUTOR

Since the Lisbon Treaty is in force and created the possibility for establishing the EPPO, at least from constitutional point of view, according the Article 86 of the Treaty on the Functioning of the European Union (TFEU),[3] it is normal to have a political will to establish such body. The EPPO idea challenged discussions regarding its status and institutional set up, range of competences, applicable rules of procedure and potential organization chart. Issues were also raised regarding the accessibility of the evidences gathered by the EPPO in front of the national courts and the judicial review of its actions. In this direction, article 86 of the TFEU should be observed along with the article 85 regarding the influence on Eurojust.

First of all, article 85 (1) of the TFEU confirms the role of the Eurojust in horizontal cooperation regarding the strengthening of the coordination and cooperation between national investigation and prosecution authorities. In this context, the European Parliament and the Council through regulations shall determine the structure and tasks of Eurojust, as well as the arrangements for inclusion of the European Parliament and national parliaments in evaluation of the Eurojust activities. Article 85 (2) stipulate that in the prosecutions and with no prejudice of article 86, formal acts of judicial cooperation shall be conducted by competent national authorities.

Further, in article 86 of the TFEU is stipulated that "In order to combat crimes affecting the financial interests of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure, may establish a European Public Prosecutor's Office from Eurojust. The Council shall act unanimously after obtaining the consent of the European Parliament. In the absence of unanimity in the Council, a group of at least nine Member States may request that the draft regulation be referred to the European Council. In that case,

[1] *Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime,* (Official Journal of the EU, L 138/14, 2009).

[2] *European Council the Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens,* (Official Journal of the EU, C 115, 2010).

[3] *Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union,* (Official Journal of the EU, C 115, 2008).

the procedure in the Council shall be suspended… In case of a consensus, the European Council shall, within four months of this suspension, refer the draft back to the Council for adoption."

Question arises regarding the future role of Eurojust, as the phrase "from Eurojust" evokes ambiguity. Bearing in mind the potential power in initiating crime investigations, Eurojust could transform in to EPPO according the article 85 (1) of the TFEU. Contradictory interpretation may result in dissolution of Eurojust if the competences are entrusted to a completely new institution. The insecurity in this language is with the purpose to leave free maneuver space for the creators regarding the consensus that needs to be achieved for the final perspective of the EPPO.

Having in mind the complexity of the issue, different legislative and political thoughts in member-states, it is difficult to assume that the EPPO shall be established by unanimous decision. Therefore, the EPPO, most probably, shall be established through enhanced cooperation on the basis of articles 20 and 329 of the TFEU. Furthermore, the Office shall perform its duties in a highly complex context, with different actors for coordination (national judicial authorities, member-states and third countries) and with the use of different legal frameworks (future rules of procedure, mutual recognition, agreements with third countries).

In paragraphs 2 and 3 of article 86 are quoted the competences and responsibilities of the EPPO. But, the provision stipulating that the EPPO "shall exercise the functions of prosecutor in the competent courts of the Member States" again leaves additional space for questions. First, how shall the EPPO investigate if it is not a part of the national police authorities? Second, does the prosecution and bringing to judgment means instigation of a case, demanding sanctions and filling appeals?[1] Third, how shall the evidences be collected and evaluated and how shall the rights of the accused be protected? Fourth, but not the last, how shall the judicial review of the EPPO be affirmed (through national courts or by creating EU-level judicial system)? From the other side, article 85 (1) explicitly refers to the role of Eurojust in initiating crime investigations regarding the offences against the Union's financial interests, thus raising the question of EPPO's competences and shall the two institutions mutually overlap or act separately?

The main competence of the EPPO in the fight against offences that violate the financial interest of the EU, according article 86, indicates that such offences must also be defined in the regulation during its adoption. Also, question remains open regarding the jurisdiction shall it be according the European or national legislation? Paragraph 4 from article 86 make no repress only on offences connected with the financial interests of the EU, but also on the possibility to extend the powers of the EPPO to include serious crime having a cross-border dimension, again with unanimous act of the European Council after obtaining the consent of the European Parliament and after consulting the Commission, including the consent of those member-states that do not wish to be part of the enhanced cooperation, thus more and more heating the issue regarding the influence on Eurojust. However, if the EPPO is established through enhanced cooperation, its competences, most

[1] Martijn Zwiers, *The European Public Prosecutor's Office Analysis of a Multilevel Criminal Justice System,* (Antwerp: Intersentia, 2011), p. 398.

probably, will be limited on offences against the financial interest of the EU. Such initial restriction of the range in the EPPO's activities, also could contribute in prevention of jurisdiction conflicts with national prosecution authorities.

Despite the legal basis for the creation of the EPPO according the Lisbon Treaty, still it is not about a completely standard procedure from several reasons. First, there is no commitment according the Treaty for the creation of the EPPO, although the possibility is stipulated. Second, it is not about common legal procedure that enables the creation of the EPPO, but special procedure that according the article 289 (2) of the TFEU, the legal act is adopted by one institution (the Council) with the consent of other institution (the European Parliament), and not as it is common in the co-decision procedure. This mean that since the article 86 is invoked, the European Parliament cannot influence in the draft-regulation. Third, the procedure for the establishment of the EPPO refers to the point that not all members will be willing for an enhanced cooperation in the criminal area, because the limitations in article 86 (1) calls for consent by nine member-states. Since the question for establishing the EPPO is instigated in front of the European Council and in case of disagreement, the nine member-states may approach to drafting a proposal for enhanced cooperation according article 329 (1) of the TFEU. The special legal procedure is laboured by the fact that unanimity is needed by the Council, and there will always be member-states publicly opposing the creation of the EPPO, which means that, at the end, every proposal will move in the direction of enhanced cooperation.

OPTIONS AVAILABLE – PROS AND CONS

The establishment of the EPPO may be summarized as a possibility for vertical judicial cooperation in criminal matters, with wide EU-competences or to act as a supranational body in the area of freedom, justice and security. Several options are possible for the design of the EPPO and its connection with Eurojust, and it will also be a centralized or decentralized structure.

The first option is Eurojust to become EPPO. As regard the organizational transformation, the easiest scenario is to make transfer from Eurojust to EPPO. Eurojust may continue to function with its horizontal role and to act in the framework of the EPPO for the offences against the financial interest of the EU. The advantage of this option is excluding the possibility of competing capacities if the structures acted separately. The only problem in conducting this option is how to adjust the vertical integration of the EPPO in the existing horizontal cooperation of Eurojust and the national authorities of the member-states.

According the second option, the EPPO may be established as a separate entity in the frame of Eurojust, but to function independently. In such manner, EPPO in organizational sense will become part of Eurojust, but the horizontal and vertical functions would not unite. However, if the EPPO is only a unit in Eurojust, it remains unclear who will perform the EPPO

functions and who will be responsible in front of the Eurojust. The advantage of this model is that the infrastructure of Eurojust may be utilised by the EPPO. The risk is that the Eurojust might be overshadowed by a smaller entity and with a potential to be outgrown.

If the EPPO is established as separate and independent entity, at the same time using the Eurojust expertise, then this represents the most pure option regarding the responsibility and the internal organization, as the two entities will be completely separated. While the entire structure is going to be clearer if there is one unit for judicial corporation and other for investigation and prosecution of frauds in the EU, the tasks would overlap and as a result the tasks of Eurojust will have to be reduced with a view to the tasks of the EPPO. The risk that the two bodies will compete, instead of mutual cooperation, is very important and might create problems in the information exchange area.

The final scenario anticipates mergence of the EPPO and Eurojust in one single entity with the execution of the Eurojust tasks – cooperation and coordination – and the new tasks of the EPPO – investigation and prosecution. That will be a requirement for a completely new body with internal structure and decision mechanism different than what Eurojust has at the moment. In effect, merging would bring Eurojust to an end, and an essentially new body would emerge from it.

In all options, the creation of EPPO will have a bearing on the internal organization and the existing structure of Eurojust. The option in which Eurojust becomes EPPO will entail minimal changes in the existing structure of Eurojust, where radically new body emerges with the unification of Eurojust and the EPPO. Although, the prerequisite is the mutual cooperation, the manner this is going to be put in practice will depend on the compatibility of their structures. This is of absolute essence in order to avoid existence of the competing institutions.

INFLUENCE ON EUROJUST AND NATIONAL JUDICIAL AUTHORITIES

Regarding the effects that the eventually establishment of the EPPO may have on Eurojust, several things must be considered.

First, the EPPO is designed to adapt a supranational character and embody a vertical kind of integration in its area of competences with respect on the member-states. Should Eurojust move in the same direction through the use of article 85 (1) and with powers to initiate investigations and resolve conflict of jurisdiction, there will be inherent competition regarding which body is more supranational and have bigger powers. This may cause Eurojust to opt-out frequently from its formal competences and, most probably, move

forward towards a vertical model. For the EPPO, this shall mean to be constantly under pressure from Eurojust, causing it to use its powers in highest level.

Second, since the EPPO is established and competent in the fight against offences attacking financial interest of the EU, the powers of Eurojust in the same area should be adequately adjusted. As there is a higher chance that not all member-states may participate in the creation of the EPPO, this most probably mean that the priority crime area will not completely be separated from Eurojust competences. Accordingly, connected with the member-states that will not be a part of the EPPO creation, Eurojust shall keep its competences on offences against the financial interest of the EU. Although this looks like a clear division, the story does not end here, as other complications appears. For instance, which body will confront with cases that include member-states that participate in the creation of the EPPO and those that not participate? Shall that be the EPPO or the Eurojust or the both? Because of this reason, the EPPO is mostly discussed as to be condemned only on fight against offences affecting the financial interest of the EU.

For Eurojust, the establishment of the EPPO will entail cooperation with another body having parallel competences, but enjoys bigger vigorous powers. While the sort out of the parallel competences in limited sphere of the criminal law – offences affecting the financial interest of the EU - seems quite complex challenge, still the confrontation with the challenge is possible. The same cannot be said if the EPPO is competently created regarding other offences. Development behind these lines will lead to a degree of exceeding the functions and parallel competences, thus making both institutions, in large scale, incapable in conducting its tasks.

The circle of relevant actors will be incomplete without paying attention of the EPPO's relations with the national justice authorities. This is one of the deciding reasons regarding the difficulty of creating an ideal model for the future EPPO.

Important question in this context is how and whether the gathered information will circulate? Are the national authorities obliged to give information to the EPPO regarding a case? What will happen with the gathered information if the EPPO decides not to instigate a prosecution in a certain case? Is it possible for the national authorities to obtain the gathered information from the EPPO for instigating a prosecution on national level?

One of the most sensitive issues regarding the EPPO's relations with the national judicial authorities is the judicial review of its actions? Which acts of the EPPO should be subject to judicial review and through which forum? Member-states national legislations may be divided in two equal groups based on the judicial review of decisions for submitting a case for

trial. Only half of the member-states ask for judicial review of the decisions on pressing charges. Such review mostly covers formal and substantial needs, such as obstacles in the procedure or whether the indictment is based on sufficient evidences. These assessments mostly result in a) accusation, b) sending back the charges, c) stoppage of the procedure. If the EPPO's indictment shall underlie the judicial review of national courts, it will secure higher level of legal certainty.

Based on the above mentioned, the EPPO's activities may lead towards a proposal for direct accusatorial competences without further judicial assessments. Finally, it remains open the key procedural question regarding what forum will secure the judicial review. Whether it should be at European level (special chambers in the ECJ frame) or at national level (national judges)? From one side, such special chamber in the ECJ frame in this moment does not exist; from the other side, it is not clear whether the model of a national court reviewing decisions to a partly supranational body is logical in the necessary hierarchy system.

CONCLUSION

The idea of establishing the EPPO is a subject of detailed discussion and still remains a controversial proposal. Based on the previous indications, the design of the future EPPO and its relations with other existing EU bodies depends from several mutually connected factors. It is assumed that the final design of the EPPO, regarding the entrusted competences, may crucially influence on the existing designation of the EU actors in the judicial cooperation in criminal matters area. Therefore, pros and cons on different options are subject on assessments and clearly structured in order to minimize the overlaps and to secure efficiency.

Many practitioners are not convinced that the EPPO proposal will contribute for the fights against budgetary frauds and may represent an expensive distraction. With the possibility of giving bigger competences to Eurojust, it could be argued that the Eurojust needs more time to demonstrate its ability before considering the possibility of establishing the EPPO. Having in mind the reaction of most member-states, a question arises whether it can be achieved unanimity at the European Council level regarding the establishment of such body on short or medium term. In the absence of unanimity, a group of at least 9 member-states may establish the EPPO on the basis of enhanced cooperation. However, EPPO may act only on the territories of those member-states and in cooperation with Eurojust.

Also, the way in which the EPPO will be organized, will bear significant burden on Eurojust. From the options above mentioned, most

probable are those creating separate entity that has the need of coexisting and cooperation with Eurojust.

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FUNDAMENTAL PRINCIPLES OF THE PROTECTION OF HUMAN RIGHTS IN A MINOR OFFENCE PROCEEDING

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Abstract

The minor offence proceedings are regulated by the Law on Minor Offences of the Republic of Srpska. In terms of the basic principles of the minor offence proceedings, it should be noted that it is conducted according to certain rules or norms. These principles are taken from the criminal proceedings, or the Criminal Procedure Code of the Republic of Srpska. Those are classic, well-known principles taken from the Constitution of the Republic of Srpska and BiH Constitution, certain binding international conventions and other proceeding legislation in Bosnia and Herzegovina. In the introductory remarks of the paper, the authors reflect on the basic properties of the human rights and mechanisms for their protection in the court proceedings. Following that, they provide the definitions of each of the basic principles of criminal or minor offence proceedings.

Key words: *principles or norms, human rights, minor offence proceeding.*

INTRODUCTION

Minor offence proceeding is the law-regulated procedure conducted on the occasion of the perpetration of a minor offence, in which minor-offence-proceeding-based subjects undertake certain minor-offence-proceeding-based actions and establish some minor-offence-proceeding-based relations with a view to make a proper and lawful decision by a competent court or an

authorized body.[1] In addition to the minor offence proceedings being regulated by the Law on Minor Offences of the Republic of Srpska[2], there are also certain provisions of the Criminal Procedure Code of the Republic of Srpska[3], *mutatis mutandis*, that are applied in minor offence proceedings. When it comes to the basic principles of minor offence proceedings, it should be noted that these proceedings are conducted according to certain rules or norms which are applied in it as basic or governing principles. Proceeding principles can be defined as basic legal assumptions which make the foundation and the structure of the minor-offence-proceeding legislation and which are the governing ideas in terms of the content and basic requirements in terms of the activity[4]. Due to the fact that some principles are clearly defined in constitutional and other proceeding regulations, and while others are derived from a larger or smaller number of these regulations, there are different theoretical perceptions on how these principles should be systematized. It is right to say that there are as many different classifications of proceedings principles as there are theorists who have dealt with this issue.[5] Therefore, in this paper, the authors will discuss only the minor-offence-proceeding principles which are set forth in the Criminal Procedure Code of the Republic of Srpska[6]. The starting point in the minor offence proceedings presentation will certainly be the value of the principle, as well as the attitude of the law-maker expressed through the constitutional norms and the standards of criminal procedural law.

PRINCIPLE OF LEGALITY

The essence of the principle of legality (Article 2 of the CPC) is reflected in the obligation of the competent court (or designated authority) not to punish an innocent person, and in the necessity that the minor offence proceedings are conducted according to certain rules laid down by the Law on Minor Offences of the Republic of Srpska, alongside with the lawful and

[1] Mitrović, Lj. 2011 *Violation Law*. Banja Luka: International Association of scientific workers - AIS, pp. 116 - 117

[2] Law on Minor Offences of the Republic of Srpska ("Official Gazette of the Republic of Srpska, No 34/06, 1/09)

[3] Criminal Procedure Code of the Republic of Srpska ("Official Gazette of the Republic of Srpska, No. 53/12)

[4] Similar: Dimitrijević, D. 1981. *Criminal Procedural Law,* Belgrade: Contemporary Administration, p. 38.

[5] Stevanović, Č., Đurđić, V. 2006 *Criminal Procedural Law*, *General part* Nis: Faculty of Law, University in Nis, p. 68

[6] The Chapter I of the Criminal Procedure Code of the Republic of Srpska stipulates the basic principles of a criminal and minor offence proceeding (pursuant to the Article 8 Paragraph 2 of the Law on Minor Offence of the Republic of Srpska)

proper implementation of the substantive minor offence law. This principle implies and imposes an obligation to the court (or designated authority) that the offender must always be imposed an appropriate set of sanctions, in accordance with the Law on Minor Offences of the Republic of Srpska and other regulations. Basically, this principle means the implementation of a series of principles and rules by the court or the designated authority, such as: a) the offender shall be considered innocent of a crime until he is proven guilty by law, b) the offender may be punished only for an act which had been declared an offence under law at the time the act was committed[1], c) the offender may be imposed only those sanctions which had been declared a sanction under law at the time the act was committed, d) minor offence decision may be only made by a competent court defined by law e) minor offence warrant may be issued only by an authorized body in law-provided situations, etc.

In addition to these requirements, this principle also includes the requirements that the law and other regulations based on the law are clear, in written form, fair, published and have entered into force before the time the offence was committed. These requirements stem from the principle of the rule of law and have a special importance in criminal law.[2]

PRESUMPTION OF INNOCENCE AND THE PRINCIPLE IN *DUBIO REO PRO*

The presumption of innocence (*praesumptio inocentiae*) (Article 3 of the CPC) is a principle which is taken from Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 20 of the Constitution of the Republic of Srpska.[3] Rebuttable assumption (*praesumptio iuris tantum*) implies that one cannot be held responsible for the offence until found guilty by a final decision on a minor offence or a final minor offence warrant. The full acceptance of this principle is the guarantee of respect for the personality and dignity of the accused and contributes to the realization of a generally-accepted concept of a "fair trial". The presumption of innocence is applied in the minor offence proceeding law, while the presumption of liability is not possible. This means that the defendant is innocent if he is not liable. The assumption or presumption of

[1] Article 20 Paragraph 1 of the Republic of Srpska Constitution states: "No one may be punished for an act which had not been declared a criminal offence under law, or for which a penalty had not been prescribed, at the time the act was committed".

[2] Milosavljević, B., Popović, D. 2009. *Constitutional Law*, *Third revised edition*. Belgrade: Faculty of Law and the public enterprise Official Gazette, p. 154

[3] Article 20 Paragraph 1 of the Republic of Srpska Constitution states: „No one shall be presumed guilty for a criminal offence until found guilty in a final court judgment."

innocence may, in addition to the court, be violated by other state authorities, mass media, public figures, etc. This principle is further elaborated through the implementation of the rules which include the necessity of the proceedings "initiator" to provide the evidence and the obligation of the court or other authority when making a decision are led by the principle *in dubio pro reo* (Article 3 of the CPC).[1]

The principle *in dubio pro reo* implies an obligation of the court to make a decision halting the minor offence proceeding not only when the defendant is found innocent, but also when it is not proven that the defendant committed the offence .

PRINCIPLE NE BIS IN IDEM

The principle *ne bis in idem* (Article 4 of the CPC) states that no one shall be tried or punished again after he is proven guilty by a final and binding decision in a minor offence matter. Therefore, if a minor offence proceeding related to a particular minor offence has been ended by a final and binding decision on a minor offence matter, it is not possible to have another minor offence proceeding against the same person for the same offence. This right not to be tried or punished twice for the same minor offence is provided by some international instruments (International Covenant on Civil and Political Rights[2] and Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms[3]), and its breach is a reason for making a decision on halting a minor offence proceeding. This principle makes a legal certainty and confidence in the legal system of a country stronger, and is achieved by full compliance with the principle of having a final and binding decision on minor offence.

The exception to this rule refers to the extraordinary remedy of repeating a proceeding. In this case, the convicted person, who has been found guilty, is given the opportunity to have another minor offence proceeding previously having been completed by a final and binding decision on minor offence. Repeated minor offence proceeding may be conducted only in favor of the convicted. Therefore, the court will accept the request to have a repeated minor offence proceeding only if new evidence or

[1] See more: Veić, P., Gluščić, S. 2009. *Violation Law – General part (Law of administrative offences)* Zagreb: Narodne novine

[2] *The International Covenant on Civil and Political Rights*, adopted by the UN General Assembly Resolution No. 2200 A (XXI) of 16 December in 1966, entering into force on 23 March in 1976

[3] *Protocol No. 7 of the Convention for the Protection of Human Rights and Fundamental Freedoms*, Strasbourg, 22 XI 1984

grounds for repeating, stated in the request, can lead to a significant change in the court's decision in favor of the convicted person.

RIGHTS OF A PERSON DEPRIVED OF LIBERTY

Given the fact that the Law on Minor Offences of the Republic of Srpska provides for a short-term detention of an individual suspected of a minor offence by a police officer or other authorized officer, as a measure to ensure the presence of the suspect in the court - up to 12 hours, and for a detention of an accused for not paying fines of up to 15 days, a person deprived of liberty has certain rights.[1] A person deprived of liberty has a right to be, in his mother tongue or any other language that he understands, immediately informed about the reasons for his apprehension and the offense he is charged with, and before first questioning advised that he is not obliged to make a statement and that everything he states can be used as evidence against him, on his right to a defense attorney of his choice and to a free communication with the attorney, as well as on the fact that his family or other person designated by him is informed about his deprivation of liberty, the right to be immediately brought before the judge, nor later than 12 hours after his apprehension, the right that a consular official of the state of which he is a citizen is informed on his apprehension, the right the make an appeal when apprehended, and some other rights.

RIGHTS OF THE ACCUSED

The accused is a person who the minor offense proceeding is being conducted against. The rights of the accused of a minor offense are prescribed by the Article 6 of the Law on Minor Offences of the Republic of Srpska. In fact, anyone accused of committing a minor offence has the right to demand for the court to decide on his liability for a minor offence. Furthermore, the person charged with the minor offence has the right to be presumed innocent until proven otherwise by a final and binding decision on minor offence. The accused has the right to be promptly informed on the request for the initiation of a minor offence proceeding, the type of the offence he is charged with[2], the nature and cause of the charges and evidence

[1] Article 15 of the Republic of Srpska Constitution states: "Unlawful deprivation of liberty shall be punishable. Deprivation of liberty may only last as long as there are legal conditions for it."

[2] Article 18 of the Republic of Srpska Constitution states: "Any person charged with a criminal offence shall be guaranteed a fair court trial. A person charged with a criminal offence must be informed of the reasons for the charges brought against him without undue delay, within a time limit determined by law. Court hearings shall not be conducted

against him, but also on the evidence and facts in his favor (this includes the right of the accused to exercise his rights in a language he understands, his mother tongue, and to have the free assistance of an interpreter if he cannot understand the language used in the court). Furthermore, the accused has the right to receive adequate time and facilities to prepare his defense, and he must therefore be given adequate time to prepare his defense. The accused, himself, decides on the manner of his defense and is not obliged to present his defense or answer the questions. An accused is entitled to the right to defend himself in a minor offence proceeding, but also the right to be defended by an attorney, provided that, if he has got insufficient funds, he can request that the attorney is provide for free. Finally, the accused has the right to use regular and extraordinary legal remedies by himself or with the professional assistance by an attorney.

RIGHT TO DEFENCE

The right to defense[1] (Article 7 of the CPC) comprises a set of rules and principles or procedural actions in which the accused opposes the request for initiation of a minor offence proceedings filed against him by the authorized body. This principle represents one of the fundamental principles of minor offence proceedings. In the minor offence preceding the defendant must be given the opportunity to make a statement regarding all the facts and evidence incriminating him.[2] In the minor offence proceeding, accused has the right to present his own defense or to defend himself with the professional assistance of a defense attorney of his own choice. That being said, the defense of the accused can be personal and professional. Personal or material defense is the one that is carried out by the accused, while professional or formal defense implies the assistance of a professional attorney, or the lawyer who has the necessary expertise that the defendant does not have or in case he has, they not guarantee him a full and adequate defense. The right of the accused to defense or the right to defense is closely related to other rights of the accused ones in the minor offence proceedings.

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in the absence of the accused person. If the person accused is inaccessible to the court, the court hearing may be conducted in his absence only in exceptional cases determined by law."

[1] Article 19 of the Republic of Srpska Constitution states: "The right to legal defence shall be guaranteed. The right to choose a legal defence representative and to freely communicate with him shall be guaranteed. The legal defence representative may not be held responsible for actions undertaken in the defence proceedings."

[2] Aviani, D. 2013. *Violence Law*, *Third revise edition* Split: Faculty of Law at the University in Split, p. 51

RIGHT TO USE MOTHER TONGUE AND ALPHABET, OR THE LANGUAGE AND ALPHABET THEY UNDERSTAND IN THE COURSE OF THE PROCEEDING

The issue of language and alphabet is regulated by the Constitution of the Republic of Srpska. The official languages of the Republic of Srpska are the language of the Serb people, the language of the Bosniak people and the language of the Croat people and official scripts are Cyrillic and Latin. Given the fact that this is the one of the most important procedural principles, and order not to burden the legal text, this principle is stated in the Article 8 of the CPC. Basically, the principle referring to the language and alphabet used in the minor offence proceeding implies the right of the accused, and other participants in the minor offence proceedings, especially at the oral hearing, to use their mother tongue or the language they understand. The court is obliged to inform the accused, and any other persons involved in minor offence proceedings of this right, before the first questioning. If the procedural action in a minor offence proceeding or an oral hearing are not conducted in the mother tongue or the language the accused or any other person involved in the proceeding understand, they have the right to request to be provided the free interpretation of their statements, or a free translation of documents and other evidence. Translation is performed by a court interpreter. The accused or any other person involved in the minor offence proceeding may waive the right to use mother tongue or alphabet or language that they understand (if they know the language in which the minor offence proceeding is conducted in), and the statement on the waiver must be entered into the record. The violation of this principle represents a serious breach of the provisions of the minor offence procedure and grounds for refuting the first-instance decision on a minor offence. The right to use mother tongue and alphabet (or a language you understand) is especially important when foreign nationals or persons of different nationalities and ethnicities participate in a minor offence proceeding.

The abovementioned principle is connected to the principle of sending and delivery of court papers by the courts and other authorities which send or deliver the summons, decisions and other papers in the minor offence proceeding. These papers are sent to persons who participate in the minor offence proceedings in the language of Serbian, Bosniak and Croatian people. Official scripts are Cyrillic and Latin.

LEGALITY OF EVIDENCE

The Court in a minor offence proceeding may not base its decision on a confession or any other statement extorted from the suspect, the accused or any other participant in the proceedings, or the evidence obtained through essential violation of human rights and freedoms prescribed by the Republic of Srpska Constitution and international treaties and conventions.[1] This principle implies the prohibition on the court, and other participants in the proceedings, to extort a confession or any other statement from the accused or any other person involved in the proceeding, because it would represent so called illegal evidence. The illegal or legally-invalid evidence which the decision on minor offence can be based on are also the testimonies of the witnesses who could have not been taken the testimonies from, the testimonies of the witnesses who are exempt from the duty to testify, but have not been warned by the court of the possibility for the exemption from the duty to testify, and the evidence obtained through violation of human rights and freedoms guaranteed by the Constitution of Bosnia and Herzegovina, the Republic of Srpska Constitution and international treaties ratified by Bosnia and Herzegovina, notably the European Convention on Human Rights and Fundamental Freedoms.[2] Violation of rights under the European Convention on Human Rights and Fundamental Freedoms and the Constitution determined by the Constitutional Court or the European Court of Human Rights is the basis for repeating of the minor offence proceeding if the court's decision has been based on these violations. If the decision on minor offence is based on legally-invalid or illegal evidence, or evidence which could not be used, then there is a substantial violation of the minor offence proceedings.

RIGHT TO COMPENSATION AND REHABILITATION

The minor offender may be deprived of freedom or convicted of a minor offense due to a miscarriage of justice. The right to compensation and rehabilitation (Article 11 of the CPC) refers to the right, primarily of the defendant, to compensate the damages from the budget, then to the right to

[1] Article 14 of the Republic of Srpska Constitution states: "No one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Any form of coercion in obtaining confessions and statements shall be prohibited and punishable. It shall be prohibited to conduct medical and other scientific experiments upon any person without his or her consent."

[2] *European Convention on Human Rights* (formally the Convention for Protection of Human Rights and Fundamental Freedoms), adopted by the European Council in Rome on 4 November in 1950, entering into force on 3 September 1953

rehabilitation, as well as other rights of persons unjustly convicted of a minor offense, especially wrongfully deprived of their liberty. This principle finds its basis in the Article 17 Paragraph 2 of the Constitution of the Republic of Srpska which stipulates the right to damage compensation to a person unjustly convicted of a minor offense, especially wrongfully deprived of their liberty.[1] The right to compensation due to unjustly conviction or wrongful deprivation of liberty is prescribed by the Article 9 Paragraph 5 of the International Covenant on Civil and Political Rights and Article 5 Paragraph 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This principle implies the right of unjustly convicted person to address the Republic of Srpska Ministry of Justice in order for them to establish the existence of damage and amount of the damage caused. If no agreement is reached, the offender is given the possibility to file a complaint with the competent court against the Republic of Srpska in order to be compensated for damages.

NOTE ON RIGHTS OR PRINCIPLES OF ASSISTANCE TO AN IGNORANT PARTY

This principle refers to the duty of the court or competent authority to inform the accused of a minor offence, but also all other parties participating in a minor offence proceeding about their rights under the law. The note on the rights or a principle of assistance to an ignorant party (Article 12 of the CPC) includes the obligation of the court to warn the parties in a minor offence proceeding, particularly the accused, of the consequences of failure to use their rights in a minor offence proceeding. Assistance to the ignorant party usually implies pointing out the remedies available to the party, the facts the party may use, as well as deadlines and consequences of missing deadlines, the consequences of failure to show up at the oral hearing, as well as all other rights of the accused under the Article 6 of the Law on Minor Offences of the Republic of Srpska, etc. The importance of the note on the rights of the participants in the proceedings can be most clearly seen in situations where failure of this obligation represents a serious breach of minor offence proceedings.

[1] Article 17 of the Republic of Srpska Constitution states:" Everyone has the right to compensation for damage caused through unlawful or irregular actions by an official or a state body performing under state authority or as a bearer of public authority. Any person unjustly convicted or unlawfully deprived of liberty shall have the right to rehabilitation, compensation for damage, public apology and other rights determined by law."

RIGHT TO TRIAL WITHOUT DELAY

The right to trial without delay or the principle of economy involves conducting a minor offence proceedings without delay and procrastination, as well as preventing any abuse of procedural rights that the participants in a minor offence proceeding are entitle to. This principle is universal, or so to say, the general principle for many proceedings, such as criminal, administrative, civil, etc. In any case, the principle of economy cannot prejudice the adoption of a proper and lawful decision of the court, and this principle should not come into conflict with the principle of legality and the principle of establishing the truth. The minor offence proceeding should be fast and carried out in the shortest possible time and with the cost little as possible, by avoiding unnecessary actions. The purpose of this principle is to have the greater efficiency of court proceedings, and prevent a lot of time to pass from committing offenses to the imposition of sanctions for a minor offence. Of course, the implementation of this principle cannot go to the expense of duty to establish all relevant facts and to have a legal decision-making process.[1] In accordance with this principle, the Law on Minor Offences of the Republic of Srpska provides some new solutions that will contribute to the implementation of fast and efficient minor offence proceedings, such as issuing a minor offence warrant by the competent authority as a way of initiating and conducting a minor offence proceeding; whenever possible, making a decision on a certain minor offence matter at an oral hearing; defining the specific manner of delivery of papers; setting relatively short deadlines; introducing the institute of the agreement on the sanction; and others. It is certain that the time ahead of us will bring new modalities of the most efficient and most meaningful proceedings, in particular the modalities of so-called shortened procedures.

THE EQUALITY OF ARMS

This principle is a general principle for all types of proceedings, such as criminal, administrative or civil proceedings.[2] The principle of material truth (Article 14 of the CPC) includes the obligation of the court to truthful, accurate and complete identification of all material facts that are important for making legal decisions, both of those that are against or in favor of the accused (those are the facts indicating the existence of minor offence, accountability, culpability, the facts relevant to the determination of

[1] Aviani, D., *op. cit.,* p. 54

[2] Article 16 Paragraph 1of the Republic of Srpska Constitution states:" Everyone shall be entitled to equal protection of rights in any proceedings before a court and before other state authorities and organisations."

sanctions and other facts that are the basis of a decision in the process). The truth is determined on the basis of the evidence presented in minor offence proceedings, and by presenting the evidence the court seeks to completely, thoroughly, accurately and objectively resolve all issues and reach a reasonable solution in a minor offence matter, taking especially into account the need to have a complete and safe overview of a committed offence and the liability of the perpetrator. Impartiality, objectivity and conscience of the court are implied when determining the truth, noting that the court has full freedom in its determination. The law obliges the court to use all legal means at its disposal when it determines the full and real truth in a proceeding on a particular minor offence matter, to treat the proceeding parties equally, and to provide each party with the same opportunities in terms of access to the evidence and presenting the evidence at the trial.[1]

THE PRINCIPLE OF FREE ASSESSMENT OF EVIDENCE

The principle of free assessment of evidence (Article 15 of the CPC) includes the obligation of the court to collect all relevant evidence when trying to establish the truth in a proceeding, to assess the evidence freely, all in the furtherance of the principles of truth. The principle of free assessment of evidence implies a certain freedom that is given to the court to assess the probative value of each of pieces of evidence and to assess each particular piece of evidence and all them together in a conscientious and careful manner, thus making a conclusion about what is a complete and genuine truth in a certain minor offence matter. This principle means that the court is completely free in the evaluation of all available evidence and is not bound by any formal rules when evaluating presented evidence. The principle of free evaluation of evidence essentially means free conviction of the court in terms of its decision which evidence will be given more credence and intensity. This principle, manifested in the free conviction of the court, cannot lead to the arbitrariness and arrogance of the court, which again is eliminated by the obligation of the court to fully elaborate its decision, especially in light of the evidence and the facts presented.

THE ACCUSATORY (INQUISITORIAL) PRINCIPLE

The accusatory (inquisitorial) principle (Article 16 of the CPC) means that a minor offence proceeding against the suspect may be initiated

[1] Simović, M. 2005. *Practical Comments on the Law of Criminal Procedure* Banja Luka: High School of Internal Affairs, p. 53.

by an authorized body[1] (pursuant to Article 39 of the Law on Minor Offences of the Republic of Srpska the injured party is unable to initiate minor offence proceedings). The accusatory (inquisitorial) principle also means that the minor offence proceeding may be initiated solely on the basis of the request for initiation of a minor offence proceeding filed by the competent authority (prosecutor) and not *ex officio* by the court (*ne procedat iudeks ex officio*), and that the minor offence proceeding must be stopped if the request is withdrawn (*nemo iudex sine actore*). The minor offence proceeding will be terminated if the court finds that it has been carried without previously filed the request for initiation of a minor offence proceedings or if the authorized body has withdrawn the request.

THE PRINCIPLE OF LEGALITY OF PROSECUTION

The essence of the principle of legality (Article 17 of the CPC) of minor offence prosecution reflects the obligation of the authorized body to initiate (or request the court to initiate) a minor offence proceeding, to keep the proceeding ongoing, as soon as the law-prescribed requirements are met. Namely, the authorized body is obliged to initiate minor offence proceeding whenever there is sufficient evidence that an offence has been committed. This means that initiation of the minor offence proceedings does not depend on the will of the authorized bodies.[2]

PRINCIPLE OF TWO-INSTANCE MINOR OFFENCE PROCEEDING AND RIGHT TO APPEAL

This principle implies the right of authorized persons (appellants) to file an appeal thus allowing its review by a higher court.[3] The accused and authorized body (the one which made a request to initiate a minor offence

[1] Article 2 Paragraph 1 Point a) of the Law on Minor Offences of the Republic of Srpska provides that authorized authorities are relevant police authorities of Bosnia and Herzegovina and the Republic of Srpska, competent inspection authorities and ministries, companies or other legal persons with public authority whose jurisdiction is direct or indirect law enforcement or regulations prescribing minor offenses (here, of course, we include the Indirect Taxation Authority of Bosnia and Herzegovina, the Tax Administration of the Republic of Srpska, Currency Inspectorate of the Republic of Srpska, the Directorate for Inspection Affairs of the Republic of Srpska, municipal inspection, etc.).

[2] See more: Grubač, M. 2009. *Criminal Procedural Law*, *sixth revised edition* Belgrade: Faculty of Law and the Public enterprise "Official Gazette"

[3] Article 16 Paragraph 2 of the Republic of Srpska Constitution states: "Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions by which his rights or legal interests are determined."

proceeding) are entitled to the right to file an appeal (the applicant for legal proceedings) against the decision rendered in the first instance proceeding. The second instance decision is final and binding and it only extraordinary remedy (repeat of a proceeding) could be used against it. The injured party also has the right to file an appeal against the, but only in respect of the property claim. The appeal is a regular remedy which is decided on by the competent district court. The appeal in favor of the accused may be filed also by his legal counsel, defense attorney, marital or extra-marital partner, parent or child, and the adoptive parent or adopted child (but not against the will of the accused). This principle is of special importance because it enables the immediate implementation of a number of other principles, especially the principles of legality and equality of arms.

PRINCIPLE OF PUBLICITY

The principle of publicity is another universal principle which also represents an international obligation established by the International Covenant on Civil and Political Rights (Article 14, Paragraph 1) and the European Convention on Human Rights (Article 6, Paragraph 1). The principle of publicity or transparency in a minor offence proceeding can be seen in two ways. Firstly, it can be seen as a principle which makes the work of courts and other competent authorities public, and secondly, as a principle which allows the control over the courts by the public, citizens and proceeding parties. The work of the courts is public, given that there are certain situations where the public will be excluded or limited (under prescribed conditions).[1] Essentially, the publicity of work involves the right of every adult citizen to attend a discussion of a certain minor offence matter before the court (of course, if the technical and spatial possibilities of the competent court allow it). The presence of the public at the minor offence proceeding, especially at the oral hearing, has a multiple benefits, especially if one bears in mind that this is a specific and outstanding quality control of the citizens over the work of the court, but that it also has an educational and preventative effect achieved through media exposure. The principle of the publicity enables the specific media representatives to be present during certain stages of minor offence proceeding.

[1] Article 124 of the Republic of Srpska Constitution states: "Court hearings shall be public. In exceptional cases provided by law, for the purposes of protecting the interests of the Republic, confidentiality, moral, interests of juveniles, privacy of the participants in the proceedings, and other public interests, the public may be excluded from court hearings."

PRINCIPLE OF CONTRADICTION

This principle is the most pronounced during the oral hearing. It implies the participation of the court, the accused and the representative of the authorized body during the oral hearings in minor offence proceedings. In essence, the principle of contradiction represents a need and an obligation to enable the parties in the minor offence proceeding, primarily the accused his counsel, to make a statement on all the key facts in the case. In this way the right to defense is exercised, and its violation would represent a substantial violation of the minor offence proceeding.

THE PRINCIPLE OF IMMEDIACY AND VERBALITY

This principle implies that the decision on a certain minor offence matter is based only on the facts and evidence presented or shown at the oral hearing. Violation of the principle of immediacy and verbalism may be a substantial violation of the minor offence proceeding.

INSTEAD OF A CONCLUSION

The minor offence proceeding entails certain principles which represent its fundamental provisions. Their respect is a presumption for making a legal and correct decision, which means that no innocent person is found guilty nor imposed or applied against a minor offence sanction, but on the other hand, it also means that the offender is imposed appropriate penalty or other punitive sanction. The implementation of the basic principles of a minor offence proceeding provides a guarantee for the respect of the rights and dignity of the accused individuals. These principles are the responsibility of the courts and other state bodies which initiate and conduct minor offence proceedings. Their task is to interpret, in the spirit of these principles, all other procedural provisions of minor offence legislation.

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STRATEGIC CRIMINAL ANALYSIS

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Abstract
A long-term course of action that enables the achievement of the objectives of the organization through various forms of decisions on the allocation of resources across the organization is set by strategy. Crime strategy provides different view that goes beyond reactive responses to specific commission of offenses and points to the need for a more comprehensive understanding and approach within which will specific criminal acts be seen in the broader spatial and temporal dimension. Thus, it essentially means the framework for the optimal application of law enforcement resources in solving crime problems. Regardless of the type of strategic work we talk about, generally, every strategy is implemented through strategic analysis, strategic choice and creating strategic change. The focus of this paper is focused on strategic analysis, which is a delicate phase of implementation strategies. Namely, by using the proper strategic analysis we can implement changes and achieve the priorities set by strategic vision.

Keywords: *crime strategy, strategic criminal analysis, operational analysis of crime, organized crime*

1. INTRODUCTION

Contemporary society is characterized by a steady and increasingly rapid development as well as increasing number of processes in every sphere of life, especially in the field of countering organized crime. The condition of our time is continual and constant upgrading. Namely, the lack of development creates a growing backlog and ongoing waste of space and influence. The strategic crime analysis is a *powerful* tool that enables us to keep pace with the *evolution* of organized crime and other types of criminal activities. Strategic crime analysis of criminal phenomenon makes it possible for us to recognize the link between the data which are relevant for combating crime, identification and assessment in order to have a more successful discovery, clarification and evidence of criminal activity. The

purpose of the activities of crime analysis is to obtain valuable data from various sources and preparing decisions that are based on them.

Strategic crime analysis deals with tendencies that can be expressed in the long term, by defining goals focused on certain aspects of the criminal phenomenon or its specific manifestations (e.g. organized crime). More specifically, the focus is on showing the scope, dynamics, structure and trends of crime, victimology aspects, characteristics of offenders, as well as the identification of the position, resources and efficiency of criminal investigations and the preparation of decisions that contain defined tasks aimed at solving the problem of crime. Strategic crime analysis allows obtaining meaning from data by processing, interpreting, reorganizing and searching for structures in the collected material. By studying the general and specific trends of criminal activities through a broader spatial and temporal perspective objectives are formulated and priorities and suggestions for the improvement of criminal activity are set (Maguire, 2000 14).

The main objective of analytical thinking is to come to the right conclusions by using known facts, which we use for making decisions in accordance with our interests. Analysis, the need for evaluation comes from the request to solve the problem (curiosity). Attention is focused on the solution of the task based on the principles of logic, establishing a causal relationship, and in doing so we follow the strength of facts the evidence collected in criminal processing. Each analysis result should be reproducible and based on detailed factual reality in the police work. The results of the analysis support the hypotheses, suggestions, conclusions based on the facts, but also those that are based on experiences and assumptions.

Strategic crime analysis provides the answer to the crime problems by determining the date of execution in accordance with the required strategic goal. She is a regular, targeted, coordinated activity of recognition, identification and assessment of the links between criminal and other potentially useful data, i.e. crime relevant information. The aim of the strategic analysis is the survey of the general tendencies, criminal activities and crimes of individual events in a defined temporal and spatial framework in order to define proposals and set priorities that enable efficient resource allocation and crime work. This is achieved by generating as much useful information from the collected data sets, from different sources, to organize the criminal investigation and the preparation of decisions based on them.

The task of strategic crime analysis is that besides using unique, established methods also perform targeted data collection and analysis, which will enable harmonized distribution of resources used in criminal investigations, time saving and making the right decisions. Basic principles of criminal strategic analysis are targeting, regularity, frequency, completeness and objectivity. Areas of activity of strategic crime analysis are

usually referred to assistance in clarifying the specific crimes and the implementation of operational activities, identification of information sources, the construction of specialized databases, support crime prevention design of the model and define the basis for the development of long-term strategies to combat organized crime and other forms of crime. Indicators that can be used in strategic analysis are related to the collected facts concerning the solved cases, victims and offenders, the work of the prosecuting authority, effectiveness and efficiency of policing, control mechanisms in police work, the effectiveness of the organizational structure of the police organization, frequency and distribution of criminal activities in a particular time and place, crime hot spots, citizen's perception of the degree of possible criminal behaviour that can be threat to their safety etc.

2. CORRELATION BETWEEN STRATEGIC AND OPERATIONAL CRIMINAL ANALYSIS

Strategic crime analysis is oriented towards finding out the capabilities, plans and intentions of the crime investigation object. Operational crime analysis is not focused towards creating a model object, but toward upgrading and updating of existing models in order to get to the current intention of the object, and to determine the indicators that point to the behaviour of the object of crime investigation. Operational criminal intelligence analysis activity requires immediate answers to questions that allow planning of specific activities in real time.[1] Strategic criminal analysis is oriented towards long-term goals. The analyst creates object models of criminal processing, elaborate scenarios to act in different situations and long-term forecasts possible action of the object. Strategic crime analysis is the foundation for good operational activity, because it creates an object models of criminal investigation that are only built on and complemented, so that information obtained in this way are used for concrete action.

Operational crime analysis is an activity that examines the data and criminal intelligence information related to specific crimes and assist in identifying unknown perpetrators, planning investigations, and determining the tasks during investigative activities that focus on different objects criminal investigation(Paulsen et al., 2009: 23). The most common forms of operational analysis are: determination of the case analysis, comparative case

[1] Division in crime analysis activities on strategic and operational was officially adopted in 1996 at the Assembly of Interpol, an international standard that should be applied by all member countries of the international organizations

analysis, investigation analysis, offender group analysis, specific profile analysis, analysis of call lists, and more.

Determination of the case involves the reconstruction process of the committed offense, understanding the activities of the participants in it, which provides the ability to determine the direction of further investigation. As a result of analysis we get a set of links *time - space - case - activity - a person* and that provides an opportunity to understand the facts about the criminal event and discover contradictions in the information gathered from various sources.

A comparative case study deals with the examination of the similarities in the facts of the crimes that are subjected to analysis, and by doing that we want to answer the question of whether certain crimes are a series of acts committed by the same perpetrator / perpetrators. It provides greater opportunity for detecting serial offenders because several cases of crime carry crime relevant information.

Analysis of the investigation involves examining of the entire investigation, i.e. the manner and chronology of actions during the execution process. During this analysis, we test whether we have performed all necessary and possible investigation work in the interest of obtaining results in compliance with legal norms.

Analysis of the group of offenders relates to the systematization of information about a famous group of offenders in order to get a 'glimpse' of its activities, the structure and roles of certain participants of criminal activity within the group.

Specific profile analysis enables creating a hypothetical picture of the perpetrator of a particular crime / crimes. The goal is to be based on the collected information describing the characteristics of perpetrators of specific crimes.

Operational criminal analysis is focused on specific support-planned activities. It is characterized by the activities of a limited period of time, which means the existence of the object model of criminal process that is built by using the received information. Received information is integrated with existing through analytical work and conclusions are drawn on the basis of which specific actions are planned (cut the smuggling channels, detention of leaders of criminal organizations and the like.). The existence of a base which is provided by strategic crime-intelligence activities makes it possible to draw conclusions about the current issues with a higher degree of reliability. Strategic crime analysis is 'like putting money in the bank that can be used later when needed' (Fiora, 2001 44). It is focused on the connections and links, not on solving specific cases. Strategic and operational criminal analyses are two inseparable entities of police work - strategic represents a basis and the operational an upgrade and finalization of police work.

Strategic criminal analysis is closely related to strategic planning in different areas. Strategic planning is achieved through adoption of short-term, medium-term and long-term plans, defining the vision, mission, objectives, participants, their rights and responsibilities, evaluation procedures (Simonovic, 2006: 185). Part of the process of strategic planning for crime prevention also includes estimates of the object in crime investigation concerning the strengths, weaknesses, opportunities and threats. In foreign literature, this process is known as *SWOT - Strength, Weaknesses, Opportunities, and Threats* (Lowenthal 2002 87). Strategic crime analysis should provide information on the skills (assessment of strengths and weaknesses) and plans (certain opportunities and intentions) of the object of crime investigation.

Strategic crime analysis is associated with strategic planning in the area of predictions of crime interesting phenomena. Namely, in the analytical work predicting is at the highest level, and at the same time the most difficult to implement, because it should predict the behaviour of a system over time. The longer time period, in which we observe the system, the harder it is to predict the behaviour of the system, because it depends on many factors. The fundamental question that arises when predicting is whether the system can be applied to observe the principle of causality. When it is possible to apply the principle of causality, the behaviour of a system can be predicted based on the behaviour of its components, and then we talk about convergence phenomena. In the event that the behaviour of a system in one segment depends on the individual, we are talking about divergent phenomena that can be predicted only with some degree of probability.[1] The majority of crime problems are divergent phenomenon, which significantly complicates their crime analysis.

In order to predict a future state, the basis of the prediction process in criminal activity is based on the observation of past and current state of the crime investigation object. In this context the crime analytics and intelligence at the strategic level need to identify the causes and conditions that are conducive to the development of the analysed forms of crime, highlight the potential vulnerability of a particular person or entity, create a database that would serve as the basis for the action planning and optimal use of existing resources, develop guidelines for the suppression of certain types of crime, define indicators of various security concepts and more.

[1] Details of convergent and divergent developments in: Gharajedaghi, J (1990). Systems Thinking: Managing Chaos and Complexity. Boston: Butterworth-Heinemann, p 54

3. THE PROCESS OF STRATEGIC ANALYSIS

The process of strategic analysis is carried out in a number of intertwined phases, enabling the integrity of insight into all aspects of crime problems (Figure 3). Namely, by defining a task we define needs, priorities and focus areas that are followed by: data collection, evaluation, coordination, analysis, communication and identification of new issues. Basically, at the strategic level this process is a continuous work in criminology, but its focus is directed towards the most recent problems of law enforcement.[1] The knowledge obtained by strategic crime analyses are presented in the report which is the basis for decision-making and selection of the best possibilities, which will allow the creation of strategic changes.

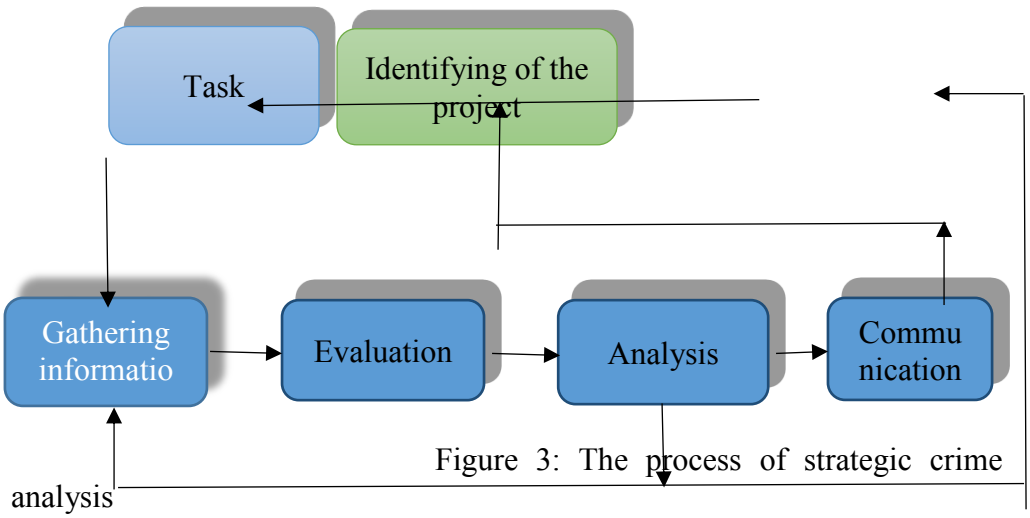

Figure 3: The process of strategic crime analysis

Formulating crime task is the first step in the process of strategic analysis and includes answers to some of the key questions that must be answered before we can move on: who is in charge? In which way is the task set (needs, priorities and focus areas)? What is analysed? Why is exactly this analysed? What purpose will the final product (analysis) have? In this process it is important to think broadly about the areas that we are focused on, write down ideas and thoughts and sort and organize information on various aspects of crime problems. Crime problem needs to be viewed through the issues raised with a certain reasonable aim and in such a precise

[1] See, in John, T., Maguire, M. (2003). Rolling out the National Intelligence Model: Key Challenges In: Bullock, K.; Tilley, N. (Eds.), Crime Reduction and Problem-Oriented Policing, Cullompton: Willan.

way that they can be answered by using scientific methods. In further work it is important to define key terms in order to avoid misunderstandings, create clear instructions performing tasks, prepare a detailed plan of analysis, set the roles and responsibilities of those involved in the work, define the resources that are available and specify the terms and necessary manpower.

Collecting (gathering) requires analysts to be focused on gathering information, identifying the necessary information and relevant sources of the crime problem, and determine the credibility of certain information. This can be a challenge, because there may be too little information (new and less-known area of analysis) or too much (information overload in modern society). In this paper, the data is always used for asking questions - how do we know that we have found the right information? Physical evidence may be hidden in what you do not register. The first rule of data collection is objectivity. Thus, it is essential that the data are properly recorded and that there is full agreement on the concepts used in working with different types of data.

Using a variety of sources is the basis for completing the puzzle of crime problems. In this process it is important to make a list of the needed information and resources that may have information. Then, it is necessary to plan which kind of information we want to get from a variety of sources in order to avoid contacting them several times. Any contact with the source is recorded as well as the type of information that we have obtained. It is very important to pay attention to the mode, types of criminal activities, criminal connections and links and also future trends. Information which are used are collected systematically and put into a process based on a specific template, in order to detect capacity, the actions and goals of other parties and on that basis focus our own activities.

The evaluation involves a critical attitude towards the information. Namely, the source and the information must be evaluated so that their relevance and validity can be determined. A system regulated in this way determines the degree of reliability of sources and information and provides understanding of the phenomenon and the disclosure of its mechanisms and prevalence, causal links, connections and development. In this part of the process the material that is collected is prepared, in order to compare reference and information and prepare the analysis.

Analysis involves interpretation, evaluation and identification of significant common factors, identification of problem areas, the description of the phenomenon, examining genesis of the appearance of influential factors and their consequences (Gwinn, Bruce, 2008: 25). By analysing data we obtaining information, i.e. we find what is important for law enforcement work. The process of analysis itself runs through the formulation of a hypothesis - we determine what we seek and what we find. The impact on

the analysis may have: prejudices, opinions, personal experience, the experience of others, personal motives and interests, ideologies, religious beliefs, complexes, prestige, mass media, the opinions of others, chief's opinion, posttraumatic reactions and the like. When we talk about hypotheses, we should bear in mind that they exist independently of the reality and that is the basis for what we choose to look for in reality. Also, we cannot draw conclusions that go beyond the data or hypotheses that are questioned and we cannot generalize the results. We have to examine each case. In complex situations, we often need several hypotheses in order to create a good picture of the crime situation. We have to analyse the different areas and try to focus specifically on the analysis of problem areas. This approach requires creativity, a variety of approaches and interdisciplinary collaboration.

Recommendations are always related to the priority areas, and the management has to decide which to accept. They should be as specific as they can be, because in this way it is easier to estimate them, and they may be adopted if applicable. *Communication* involves distribution of completed products of analysis through making the focal points of analysis concrete. *Identification of new problems* in analytical work allows the identification of crime problems that need to be further investigated through creating new projects.

At the end of each strategic crime analysis the report is made, and its purpose is to contribute to increasing the knowledge and facilitate making the right decision. The structure of the report consists of a summary (the main content of the report, why is an analysis of the case done and the main findings, evidence), Introduction (principle, the purpose of analysis, basic questions, work methods, etc..), The main part (in which documentation and in-depth analysis of cases is performed as well as the analysis of the current situation, identification of the main actors and their activities, operation, connections, motives, previous and future activities, etc..), the conclusion (the main findings and their validity), recommendations (methods for solving the conclusions that have been reached) and accessories. Reports can be situational. The most commonly they are divided by topics include the current picture of crime and are facing short-term perspective.

FORMS OF STRATEGIC CRIME ANALYSIS

Crime strategy allows optimal use of resources. No organization has unlimited economic, human, educational and other resources. Therefore, it is necessary to assess how the available resources can be used in the best way possible. Strategic crime analytics is a *tool* in this process, and enables the identification, assessment and defining priorities, and recommendations to

effectively solve crime problems. The purpose of this is that police leaders have the best possible knowledge about crime, especially organized one, before defining goals and make concepts of the strategies.

Strategic crime analytics enables identification of: the types of crime, its scope, problem areas, crime hot spots, certain criminal groups, criminal markets, possible trends of criminal activities, and more. This is accomplished through the process of collecting, evaluating and analysing and then on basis of all that important patterns, its specific features are identified, which allows the testing of hypotheses and chance to determine cause and effect links.

Activities at the strategic level should be based on an analysis of the relevant areas. As with any strategy, and with the crime, focused on organized crime, attention should be paid to the area of the opponent, your own potentials and the environment in which the strategy game takes place. [1] Forms of strategic crime analysis may be different, but they are most often in the police work at the strategic level: Analysis of the form of the offense, the general profile analysis, analysis of detection methods, risk analysis, vulnerability assessment (Peterson 1998: 53). It is important to note that the *basis* for criminal analysis at the strategic level consists of operational crime analysis, because these are two inseparable entities of police work – strategic represents the basis, and operational upgrade and finalization of police work.

Analysis of the form of the offense involves examination of the facts of the characteristics and changes of criminal offences in a particular geographical area in a given period. In addition to the general description of the phenomenon we also analyse the association between individual characteristics and events. During the analysis, we try to find an explanation for the events and examine the impact of the efficiency of policing on the criminal event. This type of analysis can help us:

- identify trends and new criminal phenomena
- determine tasks for law enforcement work,
- plan financial resources for law enforcement work,
- organize the law enforcement agencies,
- optimize the resources and their allocation,
- define recommendations for proactive and preventive work, and more.

The general analysis profile should show what a "criminal" who has committed certain offenses is like, or who and why one becomes a victim of crime? Basically, this involves the identification of the typical characteristics of perpetrators of certain crimes.

[1]See, in Cornish, D. Clarke, R. (2002). Analyzing Organized Crimes in: Piquero, A., Tibbetts, S. (Eds.), Rational Choice and Criminal Behaviour , London: Routledge

The results of the general profile analysis make it possible to:

- determine personal circle of perpetrators, where the intensity of the police investigation should be enhanced;
- identify areas which analysts of certain profiles should focus on;
- identify certain groups that are at *risk* and exposed to danger;
- provide assistance to the investigation and as well to prevention of crime, and more.

The methods investigations analysis reveal the experience gained on the earlier use of tactics and techniques during previous investigations, and on that basis, recommendations for more efficient use of investigative methods are made. In fact, it is the assessment of efficiency of methods that are used in controlling crime, in order to enhance their effects.

Assessment of exposure to threats involves comprehensive analysis, during which the characteristics, incidence and impact of crime in the given space and time frame are assessed, allowing the determination of the expected trends and examines the interconnection of social, economic, political and other factors that affect the criminal phenomenon. Threat assessments include the assessment of threats and the possibility of appearance of bad consequences, description or interpretation of *images* of crime (current state), their characteristics and scope, the possible consequences of future trends and long-term perspective (takes into account the relevant political, economic, social and demographic factors), which allows the creation of recommendations for future action. The difference between threat assessment and risk assessment is reflected in the orientation on the threat on one side and the orientation on the object that is vulnerable and exposed to possible threats on the other side. The threat consists of motivation (product of desires and expectations) and capabilities (product of resources and knowledge).

Risk analysis is a regular, targeted, harmonized activity of detection, identification and assessment of the connection between crime and other relevant data and information about the tasks, which contain analysis of the strengths, resources, quantitative and qualitative indicators, methods, and weaknesses, and internal analysis, i.e. danger and threat to public safety, which is directed toward fighting criminal activities. Risk assessment usually refers to: the potential consequences of criminal activity, the level of risk of an attack on the vulnerable object or area, assessing the certainty of adverse actions and possible damage, the affected facility vulnerability assessment, identification of vulnerable areas in society that are or can be used by criminals, but also to defining the appropriate response mechanisms.

A significant product of strategic crime-analytical and intelligence work are warning indicators that should indicate potential threats. Indicators can be used in various areas as a basis for identification of different

phenomena (indicators of money laundering in the banking business, indicators of existence of organized crime in a particular area, etc.). When using indicators that warn of certain phenomena, especially in the area of transnational organized criminal activities, there is always the possibility of errors in reasoning and drawing conclusions, so a set of indicators about a particular phenomenon that we observe should be made in order to increase the possibility that errors will not occur in the conclusion (Williams, Godson, 2002: 325). Indicators are important for operational crime-analytical activity that takes place during specific actions. The analyst monitors the actions of operatives on the ground using modern means of communication. Information which he/she obtains from the field is compared to existing indicators which may point to some unforeseen situations and warn operatives of the possible consequences.

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JUDICIAL REFORM IN SERBIA AND NEGOTIATING CHAPTER 23 – A CRITICAL OUTLOOK

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Abstract

A sound and independent judiciary is a precondition for accomplishing the rule of law. Sound judiciary and citizens' trust in it are of critical importance in any state. However, the attainment of true judicial independence is a task faced both by old democracies and transition countries. For countries facing the challenge of EU accession, such as Serbia, good judiciary is not only an imminent value to be obtained, but will also be a key issue during the negotiation process. Since the adoption of the new constitutional framework in 2006, Serbia has embarked on the task of improving its judicial system. Unfortunately, this process was carried out under strong political influences, and has had a devastating effect on the Serbian judicial corps, at the same time undermining any trust citizens had in the judicial force. Following the change of the political majority in the Parliament and the changes in government, the Serbian Ministry of Justice has undertaken the task of formulating a new Judicial Reform Strategy and Action Plan for its implementation, which are the core instruments used in the attempt to attain the two above-mentioned objectives: establishing sound and independent judiciary and meeting the relevant EU accession benchmarks. In this paper, the authors will provide their critical account of the Serbian National Judicial Reform Strategy 2013 - 2018 and the Action Plan for its Implementation, identifying its major deficiencies and drawbacks. The authors will also analyse the planned and implemented changes to the Serbian regulatory framework.

Keywords: *judicial reform, EU accession negotiations, Chapter 23*

THE IMPORTANCE OF GOOD JUDICIARY IN THE EUROPEAN UNION ACCESSION PROCESS

Without good and independent judiciary there can be no rule of law. A sound judiciary and citizens' trust in it are of crucial importance for any state, where true judicial independence remains a challenge which both old democracies and countries in transition face. When it comes to countries accessing the European Union, as the case is with Serbia, good judiciary is not only an immanent value to be achieved but is also a key point of the accession negotiations. Experiences of the so-called fifth accession to the European Union (accession of 10 Central and East European States in 2005 and of Bulgaria and Romania two years later, in 2007) have shown that changes in the rule of law area are a lengthy and complicated process, and that problems concerning judicial reform and combating organised crime were not fully overcome in the accession process[1] - with almost no exception, the countries of the Western Balkans have failed in implementing European standards into their judicial systems. This is the reason why, when the negotiations with Croatia were opened, a new Chapter 23 - Judiciary and Fundamental Rights - covering judiciary, combat against corruption, fundamental rights and rights of EU citizens - was introduced. At the same time, a new methodology was introduced in the accession negotiations.[2] Following the experience with Croatia, the European Union has adopted the so-called "new approach" in its strategic accession documents for the 2011 - 2012[3] and 2012 - 2013[4] periods; according to this approach, negotiations for chapters 23 and 24 (Justice, freedom and security) are opened first[5], coupled with a detailed screening, which entails the setting of clear benchmarks that a candidate country must fulfil. The idea is that candidate countries are thus left enough time to make actual quality changes in these areas prior to accession.[6]

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[1] W. Nozar, "The 100% Union: The rise of Chapters 23 and 24", accessed February 10, 2014, http://www.clingendael.nl/ publication/100-union-rise-chapters-23-and-24

[2] Presidency Conclusions, European Council, Brussels, 15 December 2006

[3] Communication from the Commission to the European Parliament and the Council, "Enlargement Strategy and Main Challenges 2011 - 2012", COM (2011) 666 final, October 2011, p. 5

[4] "Enlargement Strategy and Main Challenges 2012 - 2013", European Commission, Brussels, October 2012, accessed February 10, 2014, http://ec.europa.eu/enlargement/pdf/key_ documents/2012/package/strategy_paper_2012_en.pdf

[5] In the case of Serbia, an additional Chapter 35 on Kosovo is opened as well

[6] C. Hillion, "Enlarging the European Union and deepening its fundamental rights protection", *European Policy Analysis, June issue 2013,* p. 6. This methodology was first applied in negotiations with Montenegro - see "General EU position – ministerial meeting

However, the judicial reform is a topical issue even in countries with long democratic traditions as shown in the Report on Judicial Reform in Europe[1] of the European Network of the Councils for the Judiciary and the Vilnius Declaration[2]. Admittedly, the challenges these countries face are somewhat different.

The explanatory screening for Chapters 23, 24 and 32 for Serbia had started on September 25, 2013, and the EU negotiations were officially opened on January 20, 2014. What of kind of operational and legislative framework is this challenge, and are the measures it plans to implement realistic and sound?

JUDICIAL REFORM IN SERBIA - STRATEGIC FRAMEWORK

The First Judicial Reform Strategy in Serbia was adopted in 2006.[3] The Strategy rested on the following four key principles: independence, transparency, accountability and efficiency, whilst its proclaimed objective was to establish the rule of law and legal certainty and thus restore citizens' trust in the Serbian judicial system.

The objective of this Strategy, however, was not accomplished. As pointed out in the Judicial Reform Report issued by the Anti-Corruption Council in April 2012[4] the Global Competitiveness Report of the World Economic Forum for 2011 - 2012 ranks Serbia 128 out of 142 countries, whilst it ranked 106 in 2008 and 2009. The perception of judicial independence, a key objective of the 2006 Strategy has in fact deteriorated after the measures for implementing the Strategy - adoption and implementation of a set of judicial laws - were carried out.[5] Similarly, other

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opening the Intergovernmental Conference on the Accession ofMontenegro to the European Union" (AD 23/12, 27 June 2012), as well as "Outcome of Screening on Chapter 23 for Montenegro: Judiciary and fundamental rights" (doc. 17785/12, 14 December 2012)

[1] European Network of Councils for the Judiciary, "Judicial Reform in Europe 2011-2012", accessed February 10, 2014, http://www.encj.eu/images/stories/pdf/GA/Dublin/encj_report _judicial_reform_def.pdf

[2] Vilnius Declaration on Challenges and Opportunities for the Judiciary in the Current Economic Climate, adopted at the European Network of Councils for the Judiciary, General Assembly in Vilnius, June 8 - 10, 2011, accessed on February 10, 2014, http://www.encj.eu/images/stories/pdf/ GA/Vilnius/encj_vilnius_declaration.pdf

[3] "National Strategy of the Reform of the Justice System of the Republic of Serbia", Official Gazette of RS 44/2006

[4] The report is available online, accessed February 10, 2014, http://www.antikorupcija-savet.gov.rs /izvestaji/cid1028-1965/izvestaj-o-reformi-pravosuđa

[5]This primarily refers to the following statutes: the High Judicial Council Law (Official Gazette of RS 116/2008, 101/2010 and 88/2011) , the Law on Judges (Official Gazette of RS 116/2008, 58/2009 - CC decision, 104/2009, 101/2010, 8/2012 - CC decision and

measures envisaged by the Strategy either failed to succeed or their success may at best be assessed as partial. The major failure in implementing this reform was, beyond any doubt, the general appointment of judges and prosecutors in 2009 - a process that was only seemingly finalized by the decisions of the Serbian Constitutional Court of July 2012 and January 2013.[1]

It is therefore that in 2013 Serbia has embarked with a thoroughly distressed judicial system, burdened with the legacy of the general appointment process, compromised independence of the highest representatives of the judicial power (the High Judicial Council and the State Prosecutors' Council)[2] and a considerably altered but less functional court and prosecutorial network.[3]

The work on the new judicial reform strategy started in 2013 - a working group consisting of representatives of the Ministry of Justice, professional associations, judges, prosecutors and the Bar, and one representative of the civil sector - was formed for that purpose.[4] The work of the Working group was followed by controversies - on February 25, 2013 the Prosecutors' Association and the Judges' Associations have forwarded a letter to the Minister of Justice informing him of the methodological

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121/2012), the Law on Organisation of the Courts (Official Gazette of RS 116/2008, 104/2009, 101/2010, 31/2011 - other law, 78/2011 - other law and 101/2011), the Law on State Prosecutors' Council (Official Gazette of RS 116/2008, 101/2010 and 88/2011), the Law on the Public Prosecutors' Office (Official Gazette of RS 116/2008, 104/2009, 101/2010, 78/2011 - other law, 101/2011, 38/2012 - CC decision and 121/2012), the Law on the Units and Territories of Courts and Public Prosecutors' Offices (Official Gazette of RS 116/2008)

[1] Decision No. VIIIУ-413/2012 (published on October 9, 2012); Decision No VIIIУ-420/2012 (published on October 24, 2012); Decision No. VIIIУ-486/2012 (published on November 22, 2012); Decision No. VIIIУ-880/2012 (published on January 31, 2013); and Decision No. VIIIУ-961/2012 (published on February 13, 2013). For a deailed critisim of the judicial reform process in Serbia in 2008 - 2012 period see V. Rakić-Vodinelić, A. Knežević Bojović, M. Reljanović, *Judicial Reform in Serbia 2008 - 2012,* CUPS, Beograd, 2012, the text is available online, accessed on February 10, 2014, http://cups.rs/wp-content/uploads/2013/04/Judicial-Reform-in-Serbia-2008-2012.pdf

[2] *Ibid.*

[3] More on this issue and the problems concerning the efficiency of courts and access to justice in A. Knežević Bojović i M. Reljanović, "The Reform on the Justice System in Serbia*", Adjustment of the Law in the Republic of Serbia with the legal flows in the EU: priorities, problems, perspective*, Institute for Contrastive Law, Belgrade, 2012, p. 89 - 118

[4] The Working group was established by a Ruling No. 337-00-77/2001-06 of January 3, 2013. It consisted of 24 members. Even before the working group was formed, the annoucement that it will be coordinated by the assistant minister of Justice Čedomir Backović raised concerns in the civil sector - http://pescanik.net/2012/10/ko-je-cedomir-backovic, accessed on February 10, 2014.

drawbacks and the reasons for which they have decided to leave the group. Attached to the letter was a document elaborating in details the positions of the Prosecutors' Association and the Judge's Associations - one of their main objections related to the indecision on the part of the Ministry to deal with the responsibility of the current members of the High Judicial Council and the State Prosecutors' Council for the failed 2011 - 2012 review process.[1] Strikingly, some of them were in fact members of the Working group, which clearly compromised the legitimacy of the Strategy drafting process and the Strategy itself. However, this issue was subsequently dealt with, to an extent, in the adopted version of the Strategy, which is a welcome step forward.

The first two versions of the Judicial Reform Strategy were made available to the general public via the Ministry of Justice webpage and the adopted National Judicial Reform Strategy[2] (hereinafter: the Strategy); they differ, and certain improvements are notable. On the other hand, some of the measures set out in the Strategy and the Action Plan for its implementation cut deeply into sensitive issues that were not a subject to an open public debate, and are sure to raise controversies - e.g. the Judicial Academy being a single entry point to the judicial profession or the establishment of the Commission for Unification of Jurisprudence. It also seems that the timeframe of the Action plan is very ambitious and planned as a tangible response to the start of the EU Accession screening process - a way to show that there is some activity in improving the Serbian judicial system, which was sadly missing in the 15 months preceding its adoption.[3] Unfortunately, the dangers of setting such a tight and compact timeframe - insufficient time to reconsider the best possible options for improving or amending the legislative framework and limited time for an open public debate and ensuring support to the change - do not seem to have been taken into account. It seems that the Ministry has forgotten that it was precisely these issues that were the key in the failed implementation of the 2006 Judicial Reform Strategy.

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[1] This process was in fact a review of the decisions on non-appointment of judges and prosecutors passed in 2009 with regards to persons who held judicial and prosecutorial offices before the 2009 reform. The process was marked by many irregularities and was formally finalised by the mentioned Constitutinal Court decisions adopted in 2012 and January 2013.

[2] "National Strategy of the Reform of the Justice System of the Republic of Serbia", Official Gazette of RS 57/2013

[3] A careful analysis of the Action plan shows that the plan in the third and fourt quartal of 2013 was to form working groups and draft as much as 22 normative acts (either new statutes or amendments to the exsiting ones) and simultaneously implement a number of important activities, such as drafting the programme for permanent training of judges and prosecutors and adopt the rulebooks on assessing the work of judges and public prosecutors.

The new Strategy sets as its objective "The improvement of quality and efficiency of justice, while strengthening judicial independence and responsibility, thus also strengthening the rule of law, democracy, legal certainty, access to justice and restoring faith in the judicial system". The Strategy rests on five key principles:

- independence
- impartiality and quality of justice
- competence
- responsibility
- efficiency

Transparency is not a separate, but rather a cross-cutting principle. At the same time, the Strategy has identified priorities[1] - urgent measures that must be taken in order to deal with urgent needs; these are:

- reintegration of judges and prosecutors who were reinstated by the Constitutional Court decisions in the judicial system and changes to the judicial network
- dealing with case backlog
- judicial decisions are to be made within reasonable time
- improving the status of the High Judicial Council and the State Prosecutors Council and setting a regulatory framework which will govern the accountability of these two bodies
- unification of case law
- setting up a single e-justice system

Indeed, some of the measures that were planned to be undertaken in 2013 were aimed at resolving priority issues - such as the drafting of the Amendments to the laws on the High Judicial Council and the State Prosecutors Council[2] and the drafting of Amendments to the Seats and Territories of Courts and Public Prosecutors' Offices Act.[3] However, whilst the latter amendments were swiftly drafted, adopted and have entered into force, the former remain undebated and are not pushed forward. It seems clear that the issue of the HJC and the SPC remains a highly political one - and as long as that is the case, there can be no true judicial independence and all other measures to that effect are simply a façade.

One of the main problems of the Judicial Reform Strategy and, in fact, one of the main problems of all the judicial reforming efforts is an evident lack of precise information as to how many judges, public prosecutors and

[1] Strategy, p. 3 - 4
[2] Measure 1.1.1.1. and measure 1.1.1.2. in the Action plan
[3] Measure 2.6.1.8. in the Action plan

deputy public prosecutors Serbia has today.[1] Although it seems logical that such data would be crucial in any strategic planning - particularly if one of the recommendations made in the Strategy is a need for every judge, prosecutor and public prosecutor to have a judicial / prosecutorial assistant[2] - accurate figures are still missing. And this is truly paradigmatic of the Serbian judiciary at present.

The Judicial Reform Strategy and the Action plan include a number of comprehensive legislative interventions, but, at the same time, there is an evident lack of clarity or purpose to these measures, which, again, makes it difficult for the key stakeholders to take ownership of the strategy and the normative changes and support their implementation. Even though, as pointed out before, the final wording of the Strategy does differ from its working versions, and while some comments made by the stakeholders have been taken into account, the public debate on the Strategy was, in fact, for most part a one-way street and the reason why the Government has opted for one of many possible solutions were not provided, which is not good - the only way to truly reform the judicial sector is to ensure full understanding of the measures being taken and through that, do ensure as wide support as possible from the key stakeholders. Otherwise, the reformatory measures may well prove futile.

ACCESS TO JUSTICE

Access of citizens to justice is one of the essential postulates for establishing functional democratic society. Access to justice is equivalent to the existence of legal procedures which any person can initiate before an independent court in order to protect and defend his or her rights. There are two components to the access to justice:

- the legal component, which means that the right to access to justice has to be guaranteed by the law
- the factual component, which means that there has to be a clear practice of realization of this right without any practical obstacles

[1] As for an exact number of judges, it is available in the Statistical report on the work of judges in the Republic of Serbia for the 01.01 - 31. 12. 2012 period and amounts to 2380; accessed February 10, 2014, http://www.vk.sud.rs/assets/files/izvestaji/statistika_2012.pdf

[2] Strategy, page 12 Curiously, this idea is not explicitly referred to in the Action plan, but is mentioned indirectly, in strategic guidelines 1.2.1 and 5.3.3., as well as in measure 1.5.1.3. - Defining the status of judicial and prosecutorial assistants in order to protect their acquired rights, given the change of conditions for appointments to judicial and prosecutorial offices.

The Judges' Association of Serbia has analysed access to justice using several indicators of accessibility: physical, financial, legal and time availability, also covering standards of independence and impartiality of judges.[1]

The judicial network developed in 2009 in fact created a number of problems for the citizens and has had an adverse effect on the implementation of the right to access to justice. Namely, the Seats and Territories of Courts and Public Prosecutors' Offices Act of 2008 established 34 basic courts instead of 138 municipal courts in the first instance. Furthermore, 103 so-called "court units" were also established, mostly in places that had municipal courts before the reform. The number of second instance courts, named High Courts, was reduced from 30 to 26. The number of commercial courts was also reduced from 18 to 16. Newly established courts were the Administrative Court, four Appellate Courts and 45 Misdemeanour Courts. There were 34 Basic Prosecutorial Offices instead of 109 former Municipal Prosecutorial Offices, as well as 26 High Prosecutorial Offices, which replaced 30 District Prosecutorial Offices.

Reform of the judicial network practically created "judiciary centres", 34 cities in which basic courts were situated. There were no planning or clear criteria as to which municipal courts should continue their existence. Such poorly conducted efforts resulted in some municipalities and cities being left without judicial institutions although there was a clear need for them; inhabitants of some places that were left without judiciary services were in a particularly difficult situation because of the fact that the nearest court was as far as few tens of kilometres away. In addition, other important factors, such as the number of cases of courts before 2009, demographic, social, economic, and infrastructural factors (the amount of time and money one needs to access the nearest court, were not taken into account).

The newly adopted Seats and Territories of Courts and Public Prosecutors' Offices Act[2] only slightly mitigate these shortcomings. The number of misdemeanour courts is reduced to 44; there are 66 basic courts, which is still significantly less then 138 courts before 2009; there are 25 high courts, and the number of appellate courts has not been changed. In addition, according to 2013 changes there are 58 basic prosecutorial offices, while the number of high prosecutorial offices has been reduced to 25; the number of appellate prosecutorial offices has not been changed compared to 2009 legislation.

[1] Društvo sudija Srbije, *Jednaki pred sudom i zakonom: država vs. građanin*, 2012, p. 1. Source: http://www.sudije.rs/, accessed on February 10, 2014

[2] Official Gazette of RS 101/2013

Despite these changes and a higher number of basic courts and prosecutorial offices, the situation described above will not be significantly different. Citizens are being forced into far more expenditures in order to communicate with the justice system and protect and / or practice their constitutional and legal rights. It is not difficult to imagine that travel costs constitute a significant burden for people that do not have courts in their cities; many of them will give up on protecting their rights only because of the fact that it will cost them too much to travel several times to fairly distant cities (and possibly stay there for a few days). Thus, the overall opinion is that access to justice of citizens of Serbia has been seriously reduced.

There are also grave problems with the Law on Civil Procedure that was enacted in 2011 and has already been twice amended by decisions of the Constitutional Court. The ruling of the Constitutional Court regarding unconstitutionality of Article 85 of this Law has special significance for the analysis of the right to access to justice. This article proclaimed that citizens had to represent themselves before the court, or had to engage advocate for representation. Only legal persons had the option of being represented by a bachelor of law who had passed the bar exam. This solution led to further extension of citizens' procedural costs, without any proper explanation given by legislators. Law had not made any exceptions regarding the type and value of the disputes; that meant extremely high costs for the so-called "small-value disputes" when advocates' fees could far exceed the value of the disputes in question. One of the outcomes of forming "judiciary centres" was also migration of advocates in these cities, so persons whom needed their services had to pay travel costs in order to communicate with their representatives in court and / or perform procedural actions. Constitutional Court ruled that such solution is unconstitutional and repealed it[1], concluding that it diminishes the achieved standards of human right of access to justices, at the same time being contrary to the European Convention on Human Rights.

Financially most vulnerable citizens have the right to free legal aid. However, free legal aid in Serbia is currently provided to citizens only by NGOs, legal clinics, workers' syndicates and political parties (for their own members), as well as by a handful of municipalities. Free legal aid is considered to be one of the essential human rights; however, this field remains unregulated over the years, which leaves much room for abuse. Regulation of free legal aid system has been delayed several times, mostly for two reasons: efforts of advocates' associations to hold a monopoly over free legal aid in order to reserve all state funds for this activity, and a lack

[1] Constitutional Court decision No. *IUz-51/2012*, Official Gazette of RS 49/2013

of financial means in the state budget to create quality network of free legal aid providers.

The most recent draft of the Free Legal Aid Act[1], which is currently in the public debate phase, contains some very questionable solutions, especially considering the regulation of restrictive procedures for granting a free legal aid to a person. Given that all free legal aid providers, except for advocates giving legal representation in court, public notaries and mediators, will not be paid from budget funds for providing legal aid (practically, they will be left to their own sources of financing) it is unclear why the state would want to restrict access to free legal aid they provide. Furthermore, the concept of non-financing free legal aid activities, with very narrow exceptions, is detrimental to the free legal aid future in Serbia. Lack of will to help free legal aid providers who perform important social duties and raise quality of exercising the right to access justice, has been chronically present for the past two decades and will be set as a standard once this Act has been adopted. Free legal aid providers mostly work *pro bono*; however, they will still be denied for reimbursement of their basic administrative expenditures.

CONCLUDING REMARKS

Based on the previous analysis, it is reasonable to expect that Serbia will face several serious problems during negotiations on Chapter 23. Some of these will certainly be as following:

- The new judiciary network is inefficient.
- Access to justice has been significantly reduced.
- The changes which were (or will be) made by introducing new legal professions into the system.
- Corruption and lustration are problems no one is dealing with.

As it is correctly noted in the 2013 Progress Report[2] "Regarding the independence of the judiciary, the current constitutional and legislative framework still leaves room for undue political influence, in particular when it comes to appointments and dismissals, and needs to be amended". Sadly, it seems that the failed 2009 judicial reform has resulted in the one thing that the members of the judicial profession and the legal community

[1] Source: Ministry of Justice and Public Administration, http://www.mpravde.gov.rs/sekcija/53/ radne-verzije-propisa.php, accessed on February 10, 2014.

[2] Commission Staff Working Document Serbia 2013 Progress Report, SWD (2013) 412 final, Brussels, 16.10.2013, p. 39

were fighting against - an indolent and submissive judiciary, almost fully subjected to political influences, in constant fear of the executive power.

While the voices which challenged the premises of the 2009 reform were clear and numerous, there seems to be little or no reaction to the planned interventions in the judicial sector. The single point of entry into the judicial profession - the Judicial Academy - has every chance to become a highly political and highly corruptible operation - but no one in the profession seems to voice these concerns openly. Despite the changes to the judicial network, it remains inefficient and burdened with considerable case backlogs. The country's distribution of population and business is an additional challenge - judges in Belgrade work on as much as 5 times more cases than judges in smaller towns in Serbia.[1] Even though public notaries were introduced into the system by a new law, the Notarial Chamber remains non-constituted because too few candidates have managed to pass the mandatory exam and the state is reluctant to start the operation of this profession any sooner.[2] The manner in which trials are conducted shows that political will is paramount in high-profile cases. The author's first-hand experience in organising a set of lectures on the consequences of the 2008 - 2012 process has shown us that judges and prosecutors alike are reluctant to speak of what had happened and prefer to act as if it never had. The members of the HJC and the SPC have remained the same - and while it is true that there were no legal grounds for their removal from the office, no one within the profession attempted to create constant and persistent public pressure on them and ask them to resign. They remain in office and are as susceptible to political pressures as ever. On the other hand, the European Commission, even though having duly noted the problems with judicial independence, remains somewhat unrealistically optimistic with regards to the ongoing and planned legislative interventions in the sector in Serbia. In fact, the problems the judiciary and the citizens using its services have faced in 2008 remain the same, if not worse, in 2014. If the profession remains as reluctant to react and does not make an attempt to use the accession process to truly advance in the right direction, than the reform will fail once again.

[1] An average number of new cases per judge amounts to just over 178 in the Second Basic Court in Belgrade, or 138 in the First Basic Court in Belgrade, whilst it amounts to just over 37 in Vranje, 56 in Paracin, 66 in Zajecar, 70 in Novi Pazar Source: *Statistical report on the work of judges in the Republic of Serbia for the period 01.01 - 31.12. 2012* accessed on February 10, 2014, http://www.vk.sud.rs/assets/files/o_sudu/izvestaji/statistika_2012.pdf

[2] Pursuant to the relevant statute, the Chamber is to be constituted once the first 100 notaries are appointed. This could have been change by an amendment to the law and the cca 50 persons who have passed the exam so far could have been appointed and started to work.

Whether Serbia will become an EU member with a competent and independent judiciary or shall not depend on the EU and the Ministry of Justice - it shall, by and large, depend on the profession itself. Presently, it seems that prospects in this respect are bleak.

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NTEROPERABILITY OF THE OPERATIONAL PLANNING PROCESS AT OPERATIONAL LEVEL IN ARM WITH OPERATIONAL LEVEL PLANNING WITH NATO

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Abstract

Considering that modern threats and challenges are highly dynamic, occurring in a short period of time and often surprising, the response to such threats and challenges is one of the most important factors. In order to shorten timeframe and to successfully deal with contemporary threats and challenges the entities responsible for national security, need to be trained for fast and high-quality implementation of the planning and decision making procedures for managing such challenges and threats as a state and on international level. Republic of Macedonia in the past period of eleven year continuously contributing to international operations led by the UN, NATO and the EU, and has a strategic commitment in the future to continue with that contribution and thus promotes peace and protection of its security interests. For efficient and effective realization of these goals is important ability of ARM to work in a multinational environment, especially in the area of operations planning. Canvassing, comparative methods and results used during the study are presented in the paper. During canvassing is seen the level of implementation of planning processes at the operational level in the Army. With this research process are perceived ability of staff of commands and units of the ARM at the operational level for crisis response operation planning, which provides interoperability with the Crisis Response Operations Planning in NATO. Trained staff for crisis response operations planning at the operational level provides better interoperability of the Army in frameworks of NATO and thus more successful promotion of peace and protection of the security interests of the Republic of Macedonia.

Keywords*: planning, operational level, security, operations, crises.*

INTRODUCTION

Today when the world situation is more complex, peace, security and development are mutually more connected than ever, this situation highlights the need for close cooperation and coordination between the elements of national security in a country, but also with international organizations in the performance of their complementary and interconnected roles in the prevention and management of modern crises. Given that crises are very dynamic, occurring in a short period of time and often suddenly, the response to such crises becomes one of the most important factors for their effectively solving. To be in the shortest period of time and to successfully deal with contemporary crises, the entities responsible for it (at the national and international level), should be able for quickly and quality implementation of the planning process and decision making for successfully managing such crises.

The planning of crisis response operations is perhaps the most complex and most critical activity to be undertaken by any organization. Interoperability of crisis response operational planning in ARM at all levels and especially at the operational level with NATO crisis response operational provides quick inclusion of ARM staff who works in NATO commands at operational level. Such interoperability of the planning process at the operational level ensures rapid decision -making and quality of response and avoids unnecessary loss of force and resources and thus put into question the outcome of operation. Planning system at the operational level facilitates the overall process of planning, preparation and approval of plans, which need to respond to any unforeseen situations timely. The system should be based on clear and precisely defined responsibilities for each institution separately, as well as temporary bodies that form in keys of crisis. With fulfillment of its mission and objectives, the Army of the Republic of Macedonian gives great contribution to improvement of national and global security. In purpose of more easily integration in coalition's and joint forces and effectively dealing with current and future threats, in the Army of Republic of Macedonia at the operational level, is pay great attention of crises response operation planning.

INTEROPERABILITY

Interoperability is a very broad and complex subject. It is far more difficult than the binary attribute of single system operation. Interoperability is a key enabler for the conduct of effective, collaborative, and multi-service military operations across a wide spectrum of scenarios, and successful conduct of operations is the ultimate test of whether an adequate degree of interoperability is being achieved. Because of these various levels and multiple dimensions, we examine interoperability from the broadest available definition:

The ability of systems, units, or forces to provide services to and accept services from other systems, units, or forces, and to use the services so exchanged to enable them to operate effectively together (Joint Staff 1999 229). The ability of systems, units, or forces to provide services to or access services from other

systems, units, or forces, and use the services to operate effectively together (Defense Acquisition 2000). The ability of the forces of two or more nations to train, exercise and operate effectively together in the execution of assigned missions and tasks. The ability to act together coherently, effectively and efficiently to achieve Allied tactical, operational and strategic objectives. The ability of military forces to train, exercise and operate effectively together in the execution of assigned missions and tasks (North Atlantic Treaty Organization 2013 2-F-5, 2-I-8, 2-M-6). The ability to operate in synergy in the execution of assigned tasks. The degree of interoperability should be defined when referring to specific cases (U.S. Joint Chiefs of Staff 200 276).

Operational interoperability addresses support to military operations and, as such, goes beyond systems to include people and procedures. It addresses interacting on an end-to-end basis. Implementation of operational interoperability implies not only the traditional approach of using standards, but also enabling and assuring activities such as testing and certification, configuration and version management, and training. These definitions of operational interoperability encompass the full spectrum of military operations, including intra-service/agency, joint (inter-service/agency), and ad hoc and formal multinational alliances (U.S. Joint Chiefs of Staff 200 276).

In the remainder of this part of the paper we will elaborate on these definition by examining interoperability in greater detail in the context of operational level.

Interoperability at the operational level is where strategic/political interoperability and technological interoperability come together to help to shape the environment, manage crises, and win wars. This is the real-world realm of the war fighter. Interoperability's purpose and focus is to satisfy the political leadership's strategic objectives, within the given constraints and with the maximum possible efficiency and economy of force.

The benefits of interoperability at the operational level generally derive from the fungibility or interchangeability of force elements and units. Planning for and conducting NATO-led operations or operations by ad hoc "coalitions of the willing" in out-of-area of military operations other than war (MOOTWs) involves a process of force "rationalization," i.e., assessing how best to accomplish the mission with the resources available from the coalition members.

The result can vary from a tightly integrated operation (e.g., mixed coalition strike packages) to a coordinated partitioning of the mission or battle space into separate country-specific chunks. Integration can be achieved through a variety of means, including "interoperable" command centers with standardized communications and computerized data networks, intelligence, surveillance, and reconnaissance (ISR) systems, and force elements, or through ad hoc techniques, procedures, and linkages that include extensive use of liaison officers.

Interoperability-associated costs at the operational level tend to result from inefficiencies caused by a number of possible factors outside the immediate control of the warfighters, such as the strategic objectives, strategy and doctrine, role, and systems capabilities of the coalition partners. Coalition-related reductions in operational tempo can result in longer conflicts, with resultant increases in material and human costs and possible loss of resolve at the political level.

PLANNING OF OPERATIONS AT THE OPERATIONAL LEVEL

In military planning, decisions are made by authorized officers, commanders and commanders of units. The decision must fit the task and the conditions under which it should be implemented. Skill in planning operations is skilful deployment of military forces to achieve strategic and operational objectives through the design, organization, integration and conduct of operations. Because operations are dynamic and the planning process is cyclic, during planning of operations, there must be a continuous process of review which would provide updates to the design, plan and execution of the operation.

Operational planning requires, commanders at the operational level and their staffs truly to think at the operational level. This means that they need to think much further to identify possible changes in the situation and then determine which decisions need to be made when need to be made and how could positively influence events before they occur. It mentally prepares commanders at operational level to identify potential decisive points.

The operational planning at the operational level, establishes common procedures how to initiate, develop, coordinate, approve, execute, review, revise and complete all categories of operations plans. Most military operations are taken in order to prevent the enemy operational initiative. Good operational planning at the operational level increases the likelihood of better results in comparison with unscheduled activities, but perfectionism and excessive detail can lead to a plan that cannot be executed by subordinate levels. Therefore it is better to have and implement a reasonable plan than to wait on making the best possible plan.

To do that commanders at the operational level should think in the manner in which the desired goal can be achieved. Good knowledge of planning significantly improves the ability of the operational level commanders and their staffs in the preparation and execution of plans. It also greatly reduces the time between decisions and actions during the execution of operations.

Traditional operational level planning and control refers to the management processes that focus on two fundamental activities: (1) implementation of the strategic plan to get short-term results and (2) comparing the performance in terms of the plan and taking action to ensure the achievement of strategic and operational results (Contrada, 2009).

Operational-Level Planning Process (OLPP) was developed to support the joint force commanders and their staffs in the implementation of the planning at operational level. In order to comply with requirements such as complexity or time constraints, strategic level commanders can rearrange or individual steps of planning at the operational level to eliminate. The steps should be arranged in such a way as to ensure compliance of the planning process at the operational level with process planning operations at other levels. This task can be fulfilled through a comprehensive directive for planning operations.

Like any other similar planning activity, planning at the operational level is cyclical activity consists of making the concept of operations, making a plan, execute the plan, assessment and analysis (Figure 1).

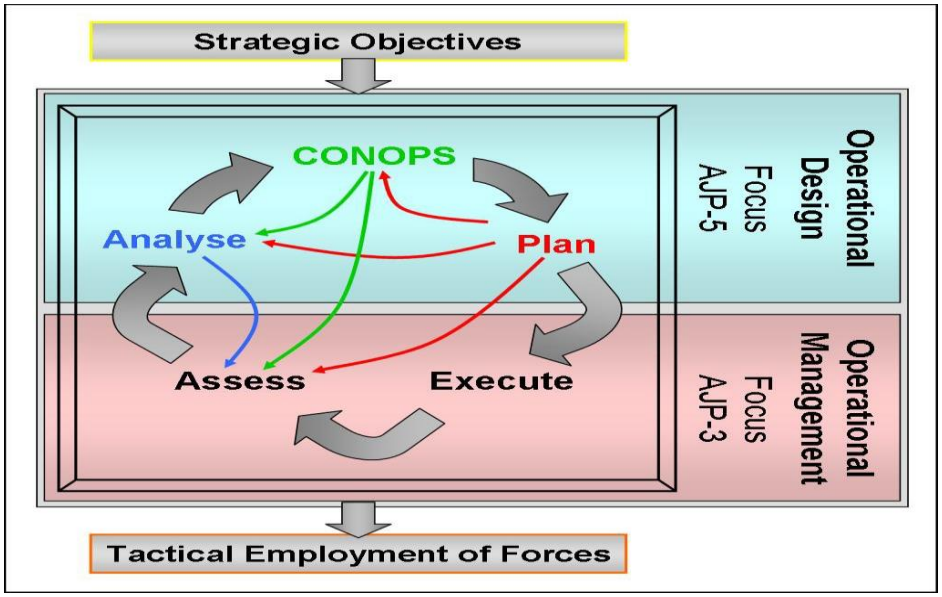

Figure 1 - Cyclic Character of Operational-Level Planning

Planning at operational level is oriented towards achieving of political and state and strategic goals set by political authorities and executed within the political constraints and resource constraints set by those authorities. Planning at operational level required to implement the strategic directions and guidelines integrated into a series of military actions conducted by joint forces to achieve strategic goals efficiently and with acceptable risks. Planning at operational level begins with an analysis of the situation and mission, developing a clear picture of **WHAT** must be done, under what **CONDITIONS** and within which framework of CONSTRAINS. Based on this is setting up **HAW** operations should be organized within the overall operational design that provides the basis for further development of the operational concept and detailed plan. Operational level planning is determining and applying best way of performing operations (METHOD) using the available forces and capabilities (MEANS) to effectively achieve objectives (ENDS) and with acceptable risks. Key to the application of operational art is the ability to predict the use of forces and their effects in time and space, to evaluate the area of possibilities, and to predict possible outcomes.

During the preparation of the plans at the operational level should highlight military procedures and obligations governing the preparation, approval, evaluation, implementation and review of operational plans in order to enable a common approach in the operational planning. This includes supporting documents that are required to perform the mission. They also include details of the preparation, approval, manufacture, distribution, implementation, review and management of documents of the operational plans necessary to perform the tasks. Designing, planning and execution are human issues that commanders manage and provide staff support. Intuition, experience and military assessment remain of particular importance in the processes and tools for support commanders in making military

decisions. Planning at operational level to be effective, it is important planners to have a common understanding of the situation in which need to conduct operations, to have a common approach to developing the necessary plans, but also an understanding of how is working higher level, thus be able to contribute and influence the process.

CRISIS RESPONSE OPERATIONAL PLANNING PROCESS IN ARM AT OPERATIONAL LEVEL

Taking into account that according to the Defense Strategy, the Republic of Macedonia will continuously contribute to international operations led by the United Nations (UN), North Atlantic Treaty Organization (NATO) and the European Union (EU) as a way of promotion of peace and its security interests, Army of the Republic of Macedonia (ARM) should be prepared to work in a multinational environment, especially in the area of operational planning, together with its partners from the armies of other countries, especially the members of the armed forces of NATO and EU member states. For these reasons in the ARM is paid great attention to the planning of operations at the operational level. Operational planning in the ARM is realized by Commanders and their staffs through a cycle of processes and procedures.

With Planning is conducting analyze of situation, is extracting all needs for a successful realization of the mission and determined the best way for realization set objectives and achieving the desired military end state. Common procedures and formats of documents are one of the key elements for successful implementation of the plan of operations and achieving of interoperability. This includes: standardized format of orders and reports, procedures and forms for communicating, as well as similarities in the headquarters' structures, working and planning documents.

On the basis of recognition of the theoretical part which regulates the operational planning process and decision making process was concluded the following: The doctrinal part of the Army, at operational planning domain, the pyramid of documents that would support this process is in progress. ARMD Doctrine 3.0 (Operations) is in the final stage and it should fit the needs of ARM and also to complies with existing NATO doctrine, doctrine ARMD 5.0 (Planning) was prepared in 2008 but because of the changes that have occurred in structure in the Ministry of Defense and formational organizational structure in the ARM from its preparation to the present, part of it requires updating, separation and specifying of strategic and operational level of planning and alignment with the new situation. For updating of the Planning doctrine ARMD 5.0 (Planning), a working group has been formed and is working on her progress. Given that military planning and decision-making is of particular importance for the efficient functioning of the Army and not approved planning doctrine, General Staff (GS) of the ARM in 2008 has developed and approved guidelines for military decision making process on a tactical level (GS of the ARM 2008). Approved guidelines for military decision making process in the ARM processing tactical level and essentially do not differ among them, causing one to question the existence of two directions rather than one. With promulgation of the guidelines are standardized procedures of military

decision making process at the tactical level, but they need to be updated because the guidelines for military decision making process on Brigade/Battalion level" are given twelve (12) annexes to operational command, but not given Appendix to the annexes.

As a fact that the size of the armed forces (numerical) in the country is small, the largest tactical unit is brigade and for this level are approved guidelines for military decision making process. But although Macedonia has a small army still like every other country must be ready to plan on operational and strategic level, because the "operational level is not defined by the number and size of forces " and " strategic level is the level at which a nation or group of allied nations defined national security objectives, by development and use of national resources for the realization of those goals".

RESULTS OF THE RESEARCH PROCESS FOR CRISIS RESPONSE OPERATIONS PLANNING IN ARM AT THE OPERATIONAL LEVEL

For better understanding of the operational planning process at the operational level in the ARM had been conducted a study by completing a questionnaire by members of the commands and units of the Army at the operational level (units at operational level are: JOC, SOF and CT and D). The objectives of the study were to see whether officers in the commands and units of the ARM at the operational level in the description of their duties is scheduled to work on the planning of operations at the operational level, whether they are qualified to conduct such tasks, whether those tasks they performed and on the basis of which documents they conduct it. The research was conducted in March. The group consisted of 61 members of the commands and units at the operational level. During the research on the question "Does the in the description of your duties is scheduled to work on the planning of operations at the operational level?" from 61 respondent majority of respondents 32 or 52 % in the description of their duties have responsibilities in the area of operational planning, and the same number of respondents are working on operational planning at the operational level, while a smaller number of respondents 29 or 48 % neither in the description of their duties have responsibilities in the area of planning operations, nor working on operational planning at operational level (Figure No. 2 and 3)

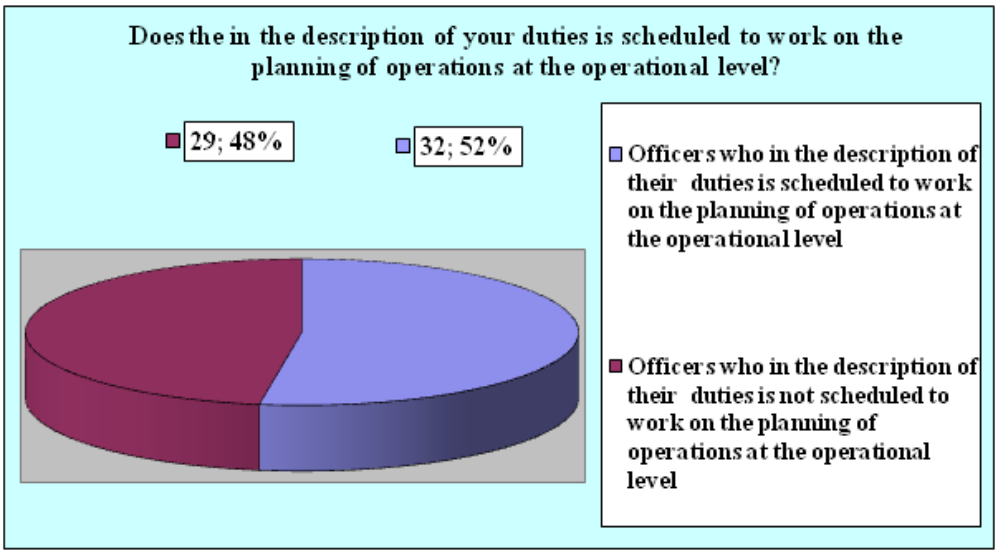

Figure 2 Number of officers who in the description of their duties have included work on the planning of operations at the operational level

Figure 3 Number of officers who on their working places work on the planning of operations at the operational level

Also, with the research find that all 32 respondents that in their jobs are working on operational planning at the operational level have completed operational planning training at the operational level , which is one of the basic prerequisites for successful planning of operations at the operational level. But also a respectable number of 45 respondents (forty -five) or 74 % expressed the need for attending additional operational level operational planning training, and a smaller number of respondents 16 or only 26 % expressed that they do not need to attend the operational level operational planning training (Figure no. 4 and 5).

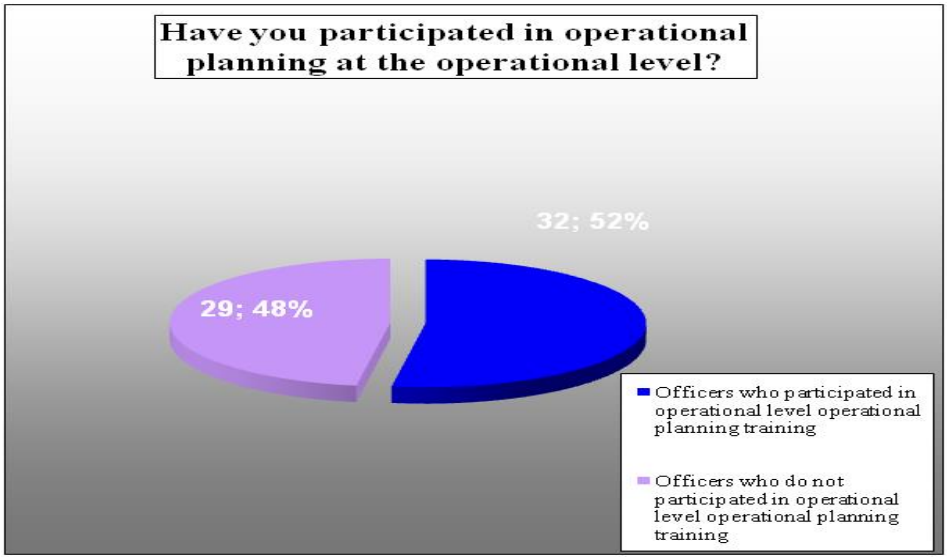

Figure 4 Number of officers who participated/not participated in operational level operational planning training

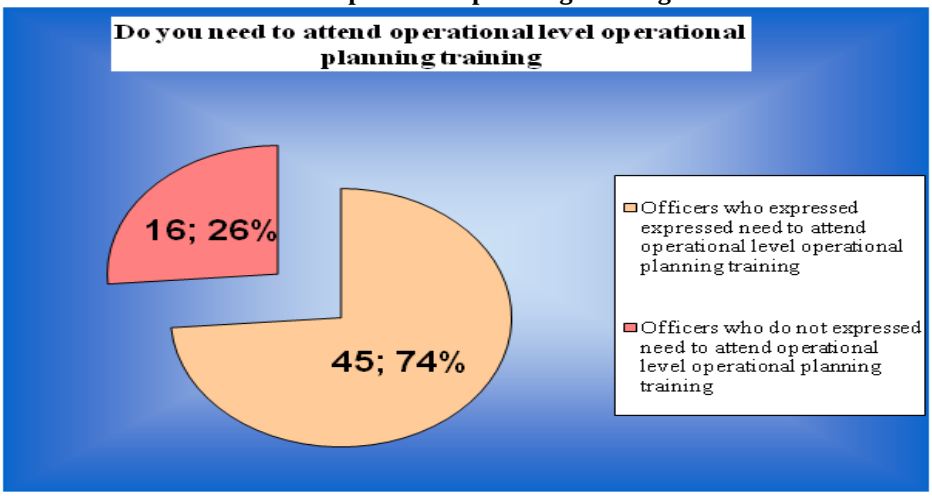

Figure 5 Officers who expressed / did not express need to attend operational level operational planning training

These results indicate that the personnel in the commands and units of operational level (ho in his description of the duties has planning of operations) has completed operational planning training and suggest organization and implementation of courses, seminars and workshops or other operational planning training at the operational level for the staff located in the commands and units in the ARM at the operational level.

In the further part of the research on question "If in your unit are documents governing the planning of operations at the operational level in the ARM , specify them." have stated documents that governing the planning of operations at the operational level ARM which they use are: NATO comprehensive operational

planning directive issued in 2010, NATO operational planning guidelines issued in 2005, Planning Doctrine ARMD 5.0 and standard operating procedures , or they are not familiar that exist documents that governing the planning of operations at the operational level (Figure 6).

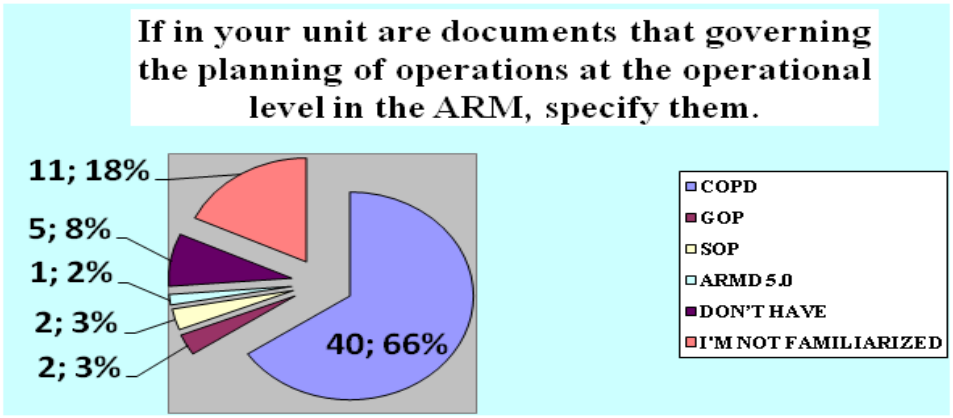

Figure. 6 Review of the familiarity of the operational level staff in ARM with documents that regulates operational level planning process in the ARM.

These results show that ARM depending on the command or unit, are cited various documents governing operational planning at the operational level. If we take in consider that 32 respondents or 48 % in the description of their duties are not obliged to plan operations at the operational level and 39 respondents or 52 % have such obligations then it is understandable that the respondents who do not have responsibilities for operational planning at the operational level and are not familiar with the documents governing this process. Also in the table we can see that the majority of respondents 40 or 66 % refer to NATO comprehensive operational planning directive as a document that is used during the planning of operations at the operational level. This number is greater than the number of respondents that in the description of their jobs have responsibility for operational planning at the operational level and they do it (32 or 52 %) which means that some of the respondents in the commands and units of the ARM at operational level that in the description of their duties are not obliged to work on operational planning at the operational level have found that NATO comprehensive operational planning directive is in use. Considering that the NATO comprehensive operational planning directive and the need for adoption of a national document that would regulate the process of planning of operations at the operational and strategic level GS is working on a new doctrine for operational planning ARMD 5.0 ARM. The results also show that the small number of respondents 5 and 8 % reported that such procedures and related documents do not exist, and 11 or 18 % that are not aware that such documents exist.

If we look at the documents that are cited as the basis for operational planning at the operational level, we can conclude that the Guidelines for Operational Planning GOP in NATO issued in 2005 is out of use and were replaced by Comprehensive Operational Planning Directive. Doctrine for Operational

Planning ARMD 5.0 as stated in the previous chapter is in the process of upgrading and preparing for approval. Standard operating procedures are mentioned only from a small part of the respondents. Considering the complexity of modern crisis response operations and the need for involvement of units from various branches and many other subjects, standard operating procedures can not entirely replace Planning Doctrine. In the end the only document that is in use in NATO and covering strategic and operational planning processes and is used by members of the commands and units of the ARM at the operational level is NATO's Comprehensive Operations Planning Directive (COPD) issued in 2010. In this directive in Chapter 4 is very well processed complete planning process at the operational level and in the same document are provided annexes and appendices to annexes that are made at strategic and operational level. By using this Directive ensures interoperability of operational planning process at the operational level in commands and units of the ARM with the operational planning at the operational level used in NATO.

In the further part of the research objective was to determine to what extent the officers commands and units of the Army at the operational level, are familiar with the operational planning process at the operational level, which is processed in the NATO COPD. On this question the huge number of respondents or 45 respondents answered that in different extent are familiar with the process. From total number of respondents 14 of them or 23 % are sufficiently familiar, 19 or 31 % are familiar in good measure, 10 or 17 % are familiar to many good measure 2 or 3 % are familiar with the great extent , while a small number, 16 or 26 % were not familiar with the process (Figure 7). These results answer to this question is understandable because the number of those that neither in the description of their duties have responsibilities in the area of planning operations , nor working on operational planning at operational level (as you can see from the answers previous issues) is 29 which is greater than those who do not know the process.

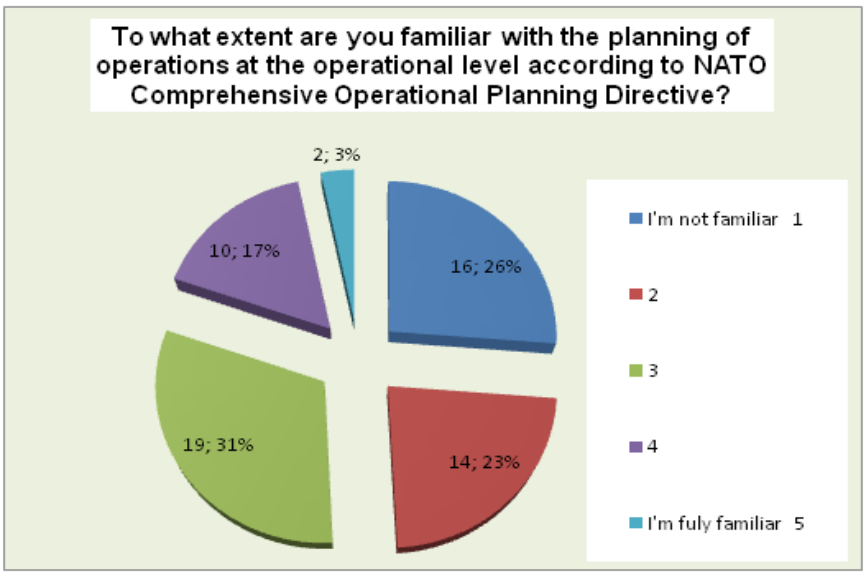

Figure.7 Degree of familiarity of the officers in the commands and units of the APM at the operational level in the planning of operations at the operational level, which is processed in the Allied Command Operations COPD.

CONCLUSION

At the end of this study we can conclude that all participants in the commands and units of the ARM at the operational level that in their description of their duties have responsibilities for planning of operations at the operational level, they work on planning of operations at the operational level and are capable for that matter. Also we can conclude that all of them are familiar with the operational planning process at operational level that is covered in the NATO comprehensive operational planning directive. That means that operational level personnel in the ARM are interoperable with NATO in using operational planning process. But although operational level personnel is familiar with the NATO comprehensive operational planning directive ARM need to adapt our Planning Doctrine ARM (ARMD - 5) that would provide regulation of the operational planning process in the ARM which will be compatible with NATO comprehensive operational planning directive and to organize additional training in planning of operations at the operational level.

On this way will be strength ARM interoperability capability and support to our national security. Also can reduce the costs of participation in crises responses operations and increase an opportunity to enhance future coalition operations. This benefit confers additional advantages and will improve the prospects of Republic of Macedonia to join the NATO.

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THE PERSPECTIVES OF UNIVERSAL AND REGIONAL SYSTEMS FOR PROTECTION OF HUMAN RIGHTS

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Abstract

This paper analyzes the mechanisms of protection of human rights by comparing the universal/international and regional systems for protection of human rights. The focus is on the various documents and acts regarding the protection of human rights, the institutional machinery, the enforcement mechanisms and the advantages of both systems in the area of protection and promotion of human rights.

This paper will focus on the main systems for protection of human rights at international and regional level. The primary focus is on the international system represented by the United Nations (UN) mechanisms for protection of human rights and the regional systems represented by Council of Europe and OSCE (the so-called "human dimension of OSCE"). The above mentioned systems are effective regional systems for protection and promotion of human rights. However, there are other regional and transnational alliances of states that have chosen to demonstrate their commitment to universal human rights by adopting instruments protecting the rights they declare to respect (such as The Organizations of American States, The Organization of African Unity/The African Union, The Arab League, The Commonwealth of Independent States, Asia-Pacific cooperation, Association of South East Asian Nations (ASEAN)). These systems of regional cooperation include a diverse range of states at different stages of development and democratization and varying human rights reports.

However, none of these organizations are yet supported by effective implementation machinery. Some regional organizations, such as the Council of Europe, have developed their own system which ensures the protection of basic human rights through judicial mechanism.

The international or universal system for protecting human rights is not perfect because there are still numerous violations of human rights and many of them appear to go unchallenged at international level. Chapter VIII of the Charter of the UN provides development only of regional systems aimed at securing the maintenance of peace and security (such as, OSCE). In fact, it encourages regional organizations so long as their activities are consistent with the principles and purposes of the UN. Moreover, the first regional system for human rights protection occurred in Europe under the support of the Council of Europe, but such systems were met with some skepticism and distrust by the UN. On the other hand, there are

many advantages in developing regional systems of human rights. The advantages can be measured by few criteria, such as possibility for drafting and adopting documents and agreements, accessibility, enforceability, etc.

However, all regional systems for protection of human rights remain creations of international law and have the same problems regarding, for example, the enforcement. The regional systems are part of the universal system for protection of human rights and fundamental freedoms, and, operating under the limitations of international law, they cannot take precedence over international human rights. The benefits of the regional systems are evident as they operate in harmonious co-existence with the international system, and the individual benefits from improved arrangements protecting human rights can only be a positive development.

Keywords: *human rights, systems for protection of human rights, international and regional organizations, United Nations, Council of Europe, OSCE*

INTRODUCTION

The debate over universal *vis-à-vis* regional system for human rights protection has noted that the regional system is more likely to succeed if the states and their peoples have a wider agenda of co-operation that includes, but is not confined to human rights, and that there is some clear purpose stimulating them to cooperate more widely and to create institutions to deliver that co-operation. In the case of European regional system for protection of human rights, the main driver was the greater political integration or union between states, such as Council of Europe.

Regional human rights treaties are more culturally specific then universal human rights treaties. Furthermore, while United Nations human rights machinery (as an universal system for protection of human rights) seems remote and detached, regional systems are often more accessible and are frequently better informed about regional issues. Moreover, the regional systems have different strengths and weaknesses. Thus, the European system has successful procedure for dealing with individual complaints, but has not been effective in addressing massive violations of human rights.

This paper will examine the universal and regional systems for protection of human rights, providing an overview of documents, institutional machinery, mechanisms, enforcement, advantages and disadvantages of these systems.

REGIONAL SYSTEMS FOR PROTECTION OF HUMAN RIGHTS

Protection of fundamental human rights in the territorial region of Europe can be found in many legal documents (of national and supra-national level) that represent the autonomous legal orders and are related to each other. At national level, the protection of fundamental rights is usually observed in the Constitution that defines the first level of protection. In supra-national level there are two documents on fundamental rights. On one hand, there is the EU Charter of

fundamental rights that embodies the EU legal order and it is effective within the EU and on the other hand, the European Convention on the protection of human rights and fundamental freedoms, also known as European Convention on human rights (ECHR) that reflects the principles of the Council of Europe in a more pan-European dimension (Margaritis 2011, 33).

According to Rhona Smith (2012, 90), there are three main regional systems that aim to promote and protect human rights: the Council of Europe, the Organization of American States and the Organization of African Unity (the African Union).

Europe has the oldest and most developed system with an established judicial mechanism for determining complaints brought by individuals.

The Organization of American States has a very long history, but its human rights machinery is not as developed as the European system. The priority of this organization is the promotion of democracy, but human rights have often been relegated in importance in response to serious problems of political and economic stability.

The Organization of African Unity is the youngest developed regional system. This region has a recent history of serious and systematic violations of human rights, so the attempt to consolidate human rights should have been condemned to failure. However, this system has succeeded in developing a coherent regional system for protection of human rights (Smith 2012, 90).

Some authors consider that the system for protection of human rights developed by the United Nations (UN) made no possibility for regional human rights systems. This consideration is related to Chapter VIII of the Charter of the United Nations which only provided the development of regional systems aimed at securing the maintenance of peace and security (such as OSCE). However, the first regional human rights system occurred in Europe under the auspices of the Council of Europe and such scheme was met with some distrust and skepticism by the UN. The Council of Europe adopted a single legally binding instrument of human rights less than two years after the United Nations' General Assembly agreed upon the Universal Declaration of Human Rights and more than fifteen years before the adoption of international treaties (Smith 2012, 86).

EUROPEAN REGIONAL SYSTEMS
COUNCIL OF EUROPE

The Council of Europe works on promoting human rights, democracy and the rule of law across Europe. With its 47 members, it works through a system of "peer review" under which member states review each other against their legal commitments (United Kingdom Foreign & Commonwealth Office 2011, 90).

After the establishment of the Council of Europe in 1949, human rights were high on the agenda of this organization. It has sought to provide a mechanism for realizing civil and political rights and freedoms as proclaimed in the United Nations' Universal Declaration of Human Rights. The Council of Europe has developed one of the most advanced systems for the protection of human rights.

This organization has a refined enforcement mechanism and it is very effective with almost all states taking the necessary remedial actions to conform to the ECHR as interpreted and applied by the European Court of Human Rights (ECtHR). Most of the member states have established democratic institutional frameworks and there are relatively few instances of flagrant violations of human rights, especially the right to life or freedom from torture (Smith 2012, 97).

Speaking of instruments for protection of human rights, we must mention the prime instrument within Europe – the European Convention on the protection of human rights and fundamental freedoms (ECHR). Most of the rights protected therein are essentially drawn from the first half of the Universal Declaration of Human Rights. Thus, with the focus on civil and political rights, the ECHR did not expand the UN Universal Declaration. However, it did provide more detail on many of the rights and it articulated a binding legal framework to ensure the realization of those rights. From this point of view, the ECHR is the first instrument to provide an effective enforcement mechanism – the European Court on Human Rights (ECtHR) in Strasbourg, France. The obligatory nature of the individual compulsory mechanism dates from the entry into force of Protocol No.11, from November 1998.[1]

The Council of Europe has adopted a number of other conventions aimed at securing a broader spectrum of human rights within its jurisdiction, which are not going to be explained in this paper.

As the most developed regional organization involved in the protection of human rights and fundamental freedoms, the Council of Europe has a highly developed institutional framework, although not all of its bodies are involved directly in the protection and promotion of human rights. The member states of the Council of Europe have developed the ECtHR and the Committee of Ministers, which together implement the ECHR. The Council of Europe also has a Parliamentary Assembly that (together with the Committee of Ministers) elects members of the ECtHR and adopts resolutions on human rights issues and situations of human rights concern. The ECHR sets the civil and political rights and the European Social Charter guarantees social and economic rights. This organization has also established a Commissioner for Human Rights as an independent institution aiming to promote respect and awareness for human rights (Weissbrodt and De la Vega 2007, 312).

The responsibility for implementation rests within the states (Article 1 of ECHR), but the ECHR includes a comprehensive and popular system for monitoring state compliance through a Court which considers applications lodged by individuals against states (Smith 2012, 105).

Keller and Stone (2008, 25) claimed that "the ECHR has evolved into a sophisticated legal system whose Court can be expected to exercise substantial influence on the national legal systems of its members. In the 21st century, Europe is a Europe of rights. The Convention system constitutes an authoritative, dynamic, and transnational source of law".

[1] Protocol No.11 changed the two tier Commission and Court machinery for bringing complaints to a single reformed permanent Court.

As a conclusion, the originality of the ECHR lies not so much in the rights listed, but in the setting up of the institutional machinery necessary for their protection. The Convention is the first instrument to provide an effective enforcement mechanism for human rights protection, along the lines of international law (Kassimeris and Tsoumpanou 2008, 3: 330).

THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

The Organization for Security and Cooperation in Europe (OSCE) is the largest regional security organisation in the world, with members from all around the world, including the EU member states, the USA, Russia and countries of Central Asia and the Southern Caucasus. The OSCE promotes regional stability through three "dimensions" of security, covering political and military work, economic and environmental activity, and the so-called "human dimension", including human rights, fundamental freedoms, democracy and the rule of law.

As OSCE Handbook (2007, 1) explains, this organization is a comprehensive security organization with a geographical remit stretching from Vancouver to Vladivostok. It is the biggest regional security organization in the world (recognized under Chapter VIII of the Charter of the UN as the European regional arrangement for those purposes), which, despite its emphasis on security (conflict prevention, arms control, economic and environmental security), it has also attached increasing significance to the so-called human dimension of security matters. The promotion and protection of human rights is an important factor in the maintenance of international peace and security. Unlike the UN, OSCE does not have legal status in international law, because it is predominantly treated as a political body. This was inevitable, taking into consideration that this organization (or conference, at the time of its foundation) grew out of an ideologically divided Europe with a focus on security and cooperation in Europe.

The Final Act of the Helsinki Conference was signed in 1975. It sets out the aims and interests of the organization in security of Europe and preventing conflicts, but the third set of recommendations adopted in the Final Act addressed the importance of the respect for human rights. Although the priorities of OSCE include assisting in building democracy and civil societies based on the rule of law, preventing local conflicts and promoting a cooperative system of security, this organization also aims to utilize human rights in an attempt to secure and maintain peace. The fulfilment of protection of human rights is achieved through the functioning of the Office for democratic institutions and human rights. Democracy is viewed as a precondition to facilitation of the realization of human rights, and human rights can prosper only in democratic systems (Smith 2012, 108-110).

THE EUROPEAN UNION AND COUNCIL OF EUROPE'S SYSTEM FOR PROTECTION OF HUMAN RIGHTS

Protection of fundamental rights is crucial. It is an issue of "constitutional nature" and it is impossible to be excluded from the so-called European public order (Besselink 2007, 3)

An issue that remains quite unclear and could be examined further concerns the relations among the Council of Europe and the European Union (EU) under the light of the accession of the latter to the ECHR.

Although the application of the ECHR in national legal orders and its hierarchical position therein varies among member states, the impact and influence of the Convention in interpreting the constitutional rights and freedoms has become inextricable (Van Dike and Van Hoof 1998, 16-22).

This approach adopted especially by EU member states should be interpreted under the light of the general relations between national law and EU law. The EU had already entrenched the protection of fundamental rights through the case-law of the Court of Justice of the European Union (former European Court of Justice (ECJ)) by being inspired by the ECHR, a fact that was later converted to Treaty law in Single European Act (SEA) and the Treaty of Maastricht. As European law takes precedence over national law, the member states are obliged to respect the Convention when acting in EU competence domain. At EU level, even before and besides the embracement in the Treaties, the ECJ has provided many rulings that incessively and eventually accepted such rules of supra-national level within the EU legal order.

Another form of interaction could be observed in the formulation of the criteria for accession to EU. According to Article 49 of the Treaty on European Union (TEU), any potential EU member state has an obligation to respect the values that the EU has been founded on and promote them. The relevant values of Article 2 of the TEU represent the core of the Council of Europe, whose aim is greater unity of Europe through the common heritage of the countries, which embodies their common thoughts and principles. It comes natural that those common principles are related to the rule of law, democracy and respect for human rights. Therefore, the EU developed some standards for accepting new member states similar to the ideological background of the Council of Europe (Margaritis 2011, 34).

It would not be exaggerative to say that the interaction among the two supra-national legal orders (EU and Council of Europe) has already commenced as far as human rights are concerned. The interaction described will be upgraded with the accession of EU to ECHR in the sense that the EU does not just accept the rules of the ECHR as guiding principles, but wants to actively participate therein. Therefore, what remains is to examine to what extent this participation may occur. The legal basis provided within the new TEU for accession to ECHR does not simply set an obligation for the Union, it also establishes the vertical effects of such an accession. Article 6, para. 2, section 2 of TEU states: "Such accession shall not affect the Union's competences as defined in the Treaties."

Article 59 (2) of the ECHR, Article 6 (2) of TEU and Protocol No. 8 to the Treaty on the functioning of the European Union (TFEU) open the possibility of the EU

acceding to the ECHR. The modalities will pose a lot of challenges, not only the question of exhaustion of local remedies, the differences between monistic and dualistic states and the options open to an aggrieved individual - only the ECHR has jurisdiction to consider complaints by individuals against states (Smith 2012, 108).

The talks on EU accession to the ECHR began in July 2010. This process ensured that the institutions of the EU were covered by the same human rights standards under the convention, like all member states of the Council of Europe. The successful conclusion of these negotiations was completed as a commitment in the Treaty of Lisbon.

With the accession to ECHR, there would be no justified reason for the continuation of the same attitude towards EU on behalf of the Strasbourg Court (the European Court for Human Rights - ECtHR). By acceding to the Convention, the EU would agree to have its legal system measured by the human rights standards of the ECHR. The Union would have the rights to participate in proceedings before the ECtHR when EU law would be at stake, it would no longer be the case that the member states would have to act as sole respondents in lieu of the EU. Consequently, there would no longer be a need for them to be privileged in cases currently covered by the presumption.

Both the Council of Europe and the EU have their courts. The Council of Europe created the first international court in front of which individuals have automatic *locus standi*, while the Court of Justice of the European Union is a supra-national court with unique jurisdiction.

On the other side, the OSCE remains a political initiative with limited potential for enforcement of human rights. However, all three bodies interact well and when necessary, the two European courts cross-refer to each other and thus, the three organizations coexist to the greater benefit of human rights (Smith 2012, 96).

All member states of the EU are members of the Council of Europe and bound by the terms of the ECHR. Because the original focus of the European Communities was the economic restoration of Europe in the post-war period, human rights were not on the agenda in the constituent documents. The founders of the European Communities considered that economic integration would not impact negatively on human rights and fundamental freedoms and the pre-existing Council of Europe would have human rights on its agenda thereby obviating the need for the Communities to address the area. However, there is a constitutional recognition of human rights in the EU. Article F (2) of the Treaty on EU provides the first explicit recognition of human rights in EU constitutional law.[2] The Treaty of Amsterdam extended the role of ECJ with respect to human rights by bringing more provisions of the Maastricht Treaty on European Union within the so–called Pillar One over which the Court has jurisdiction. The Charter of fundamental rights of the EU plays central role in protection of human rights in the EU, raising and consolidating the importance of human rights within the EU. It was adopted at the Nice Summit in

[2] Article F (2): "The Union shall respect fundamental rights, as guaranteed by the European Convention for the protection of human rights and fundamental freedoms". Article J (1) (2) refers to the need to develop and consolidate democracy and the rule of law with respect for human rights and fundamental freedoms.

December 2000 and it was incorporated in the latest treaty - Treaty of Lisbon which entered into force in December 2009. The human rights in the Charter need to be recognized and applied by the institutions of the Union and by the member states (Smith 2012, 113). Finally, the Treaty of Lisbon makes clear the centrality for respect for human rights in the EU. In this statement we can find the reason why Wetzel (2011) defined the European Union as a global player in the area of human rights or why Babayan and Huber (2012, 3) claimed that Europe has exerted leadership in human rights and democracy promotion.

As the ECHR will remain the minimum fundamental rights protection provider in Europe, the EU Charter of Fundamental Rights continues in further elaborating human rights based on that ground. In that sense, the idea of a Composite European Constitution (in the field of fundamental rights) that Besselink (2007) has envisaged turns to be closer than ever.

UNIVERSAL SYSTEM FOR PROTECTION OF HUMAN RIGHTS

UNITED NATIONS

The United Nations (UN) and its bodies play a crucial role in the protection and promotion of human rights.

All UN human rights field presences perform one or both of two key functions. The first is to *monitor human rights* in the country or region concerned. The second function is to provide *technical assistance* in building a human rights culture and strengthening the necessary supporting structures at the national level. This type of assistance is also referred to as 'institution building' or even 'democratisation'. While a distinction is usually maintained between these two functions, in practice they almost always overlap.

Parallel to this development, there has been a change in the UN's approach to mediating conflict and overseeing peace agreements. Human rights considerations have traditionally played a marginal role in the UN's peace and security work. However, the situation is changing (Gallagher 2003, 7). It would be unwise to ignore the serious challenges that the UN are facing as it attempts to take a more proactive, public and field-based approach to its human rights functions. Some of these relate to the Organisation's own structure, its capacities and limitations when it comes to issues such as recruitment, coordination and funding. Other challenges are essentially political and consequently more difficult to resolve. While the erosion of absolute state sovereignty is well underway, a significant number of the UN member states continue to maintain the position that human rights are internal matters and not the business of other states or the international community. The UN's attempts to set up field operations (particularly of the kind that are seen as aggressively 'monitoring') in countries experiencing

human rights violations are rarely welcomed and sometimes openly resisted, even by apparently unaffected outsiders. As a result, field operation,s like all other UN human rights interventions, do not always end up where they are most needed.

The United Nations has a goal of securing the universality of human rights with full recognition of dignity and equality for all. The Universal Declaration of Human Rights (UDHR) from 1948 is the first document that confirms the universality of human rights - it declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. It recognises that 'the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world'. The Universal Declaration includes civil and political rights, such as the right to life, liberty, free speech and privacy, but it also includes economic, social and cultural rights. The Declaration is the first attempt of the international community to define a complex codex which must be implemented by the states. The issues of its declarative character or the small number of enforcement mechanisms are not as important as its role of a universal pioneer in protection of human rights (Brown 2011, 497-508).

The General Assembly is one of the UN bodies that have the responsibility for human rights. The Security Council has primary responsibility for the maintenance of international peace and security, but history confirms that many international disputes have been precipitated by violations of human rights, especially minority rights and thus non-observance of human rights may constitute a threat to international peace. Therefore, the Security Council also has some responsibility for these human rights issues. The support for this obligation is drawn in the Charter of the UN; Article 1 (2) states that "the purpose of developing friendly relations between nations is firmly based on a mutual respect for the principle of equality and it is second only to the maintenance of international peace and security in the stated purposes of the organization". This is a situation where human rights are contributing to friction between states, and the Security Council may take action to restore the peace under the terms of the Charter. This is the most obvious situation in which the Security Council will involve itself in human rights (Smith 2012, 52-53).

The formal reports on human rights are eventually challenged by the General Assembly of the United Nations, often via the Economic and Social Council (ECOSOC). Alongside these institutions, there are two more, United Nations High Commissioner for Human Rights (UNHCR, based in Geneva) and the Human Rights Council, which have an important role in the protection of human rights.[3]

[3] There are also special procedure mechanisms (the Country Reporters and the Thematic Reporters) and various working groups reporting to UNHCR and the Human Rights Council. There are also nine Committees that are created in accordance with the principal human rights treaties within the UN as treaty-monitoring bodies that monitor the implementation of each treaty.

CONCLUSION

When regional system is compared with the universal system for protection of human rights, there are many advantages to regional systems, as follows: fewer numbers of states will be involved, thus political consensus on documents and any enforcement or monitoring machinery should be more forthcoming; and many regions are relatively homogenous in relation to culture tradition, language, which has advantages, too. However, as mentioned previously, all regional systems are "creatures" of international law, created by treaties.

Regional arrangements are easier to draft than their universal/international counterparts. The documents should be easier to manage and distribute. On the other hand, the geographical accessibility is a significant factor - regional systems are more accessible and cheaper. However, Europeans have an advantage as the European region is home to both mechanisms - Council of Europe and United Nations (situated in Geneva). Linguistic accessibility is another potential benefit, because most regional systems publish documents and receive communications in all major languages of the region. In contrast, the UN has a more limited range of official languages although the Universal Declaration of Human Rights is the most widely translated document in the world.

Considering the enforceability, regional systems can be easier to enforce than universal/international systems. The reason is that there may be a greater political will to conform to regional documents as they are seen as being of more immediate concern than the international initiatives. Also, diplomatic efforts may be more successful when "pressure" is applied by neighboring states rather than states from more distant regions and there will be more of an incentive with respect to implementation of decisions of regional bodies.

Nonetheless, the Council of Europe has its weaknesses; not addressing economic, social and cultural rights is a major one. The Framework Convention on national minorities and the European Charter on regional and minority languages are addressing minority issues, and the Social Charter – economic and social issues, though without the strong implementation mechanisms which characterize the ECHR.

The OSCE has successfully focused on minority issues and the rights of minority groups, but it does not operate and enforceable system of rights *per se*. The processes in newly independent states have enabled the organization to arrange the foundations for the protection of universally recognized human rights.

Finally, the pioneering efforts of the EU must not be forgotten. The Union has a strong enforceable system of securing human rights, especially social rights and rights of workers in the labour market. Although the EU has economic origins, it has developed into the regional authority on human rights, overtaking some of the earlier work of the Council of Europe. Human rights have achieved greater importance in the Union as the adoption of the Charter demonstrates.

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Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

327.57.071.51(497.7:100-622НАТО)
327.57.071.51(497.7:4-672ЕУ)

МЕЃУНАРОДНА научна конференција (2014 ; Охрид)
Македонија и Балканот 100 години од Првата светска војна : безбедност и евроатлански интеграции / Меѓународна научна конференција, 3-5 јуни, Охрид ; [уредник на изданието Цане Мојаноски]. - Скопје : Факултет за безбедност = Skopje : Faculty of Security, 2014. - 2 св. (535 ; 575 стр.) : илустр. ; 26 см

На стр. 3: Macedonia and the Balkans, a hundred years after the World War I : security and euro-atlantic integrations / International scientific conference, 3-5 June 2014, Ohrid, Republic of Macedonia. - Фусноти кон трудовите. - Библиографија кон трудовите

ISBN 978-608-4532-51-4 (Т. 1)
ISBN 978-608-4532-52-1 (Т. 2)
1. Гл. ств. насл. - I. International scientific conference (2014 ; Ohrid) види Меѓународна научна конференција (2014 ; Охрид)
а) Македонија - Евроатлански интеграции б) Македонија - Зачленување - Европска унија в) Македонија - Зачленување - НАТО г) Балкан - Безбедносна политика
COBISS.MK-ID 97703434