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Уредувачки одбор/Editorial board: тел. (+389) 2 3066 232, email: [sd@fzf.ukim.edu.mk](mailto:sd@fzf.ukim.edu.mk)

GUEST EDITOR

Biljana VANKOVSKA, PhD, Macedonia – [biljanav@fzf.ukim.edu.mk](mailto:biljanav@fzf.ukim.edu.mk)

University Ss. Cyril and Methodius, Faculty of Philosophy – Institute of security, defence and peace

ТЕХНИЧКИ СЕКРЕТАР/TECHNICAL SECRETARY

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## GUEST EDITOR'S NOTE

Esteemed colleagues, dear readers:

You have probably become acquainted with "Security Dialogues" in the last five years. Since its first issue in June 2010, the journal has gone through a steady process of improvement. As of today, we are happy to present the first special issue. I hope that there will be many more in the future - and with good reasons too.

This time the Institute for Security, Defense and Peace Studies celebrates two significant anniversaries. Throughout the whole 2015, we have marked our 40<sup>th</sup> anniversary in different forms and at numerous events. This special volume is supposed to be a height of a long and successful year. The second jubilee refers to the journal itself: by reaching its fifth birthday, "Security Dialogues" may be declared well-established scholarly journal that fulfills all academic and legal criteria for an international journal (in accordance to the legal requirements set by the Ministry of Education and Science of the Republic of Macedonia).

Most of the time in the 40-year long period has been devoted to teaching, designing modern curricula and to accommodation to the higher education reforms but more importantly to the societal and other changes in the country and on a global level. The last decade is the period in which new generation of young scholars and researchers, together with their older colleagues, have opened the doors of international academia. The special issue of "Security Dialogues" is the best proof that speaks for itself: a fine combination of foreign and Macedonian scholars, of more mature and younger researchers, which jointly contributed to its exquisite quality and considerable volume. On behalf of the Institute's academic staff, we would like to thank all our foreign colleagues and guests that made our celebration even more special.

It has been great honor to be the first guest editor of this special issue - not only because I belong to the older generation of professors of the Institute but more significantly, because I was the first editor-in-chief of this journal. From today's perspective, I remain assured that the Institute is going in the right direction - so we may all look forward to its 50<sup>th</sup> anniversary. "Security Dialogues" is going to be the best testimony of that growing academic potential, and for our openness to further international academic cooperation.

Respectfully yours,  
Prof. Dr. Biljana Vankovska



## Multiple temporalities in violent conflicts: Northern Ireland, the Basque Country and Macedonia.<sup>1</sup>

Joseph Ruane and Jennifer Todd

[j.ruane@ucc.ie](mailto:j.ruane@ucc.ie), [jennifer.todd@ucd.ie](mailto:jennifer.todd@ucd.ie)

### Introduction

Ethnic conflicts are multi-layered and multi-temporal in their causality.<sup>22</sup> To understand the meaning, function and consequences of violence in these conflicts requires us to place it in historical, as well as spatial and relational, context. In this paper, we compare three conflicts - Northern Ireland, the Basque Country and Macedonia.<sup>3</sup> We show in each case how longer-term structures and processes defined the shape of conflict, constrained the options of the parties to it, informed the meanings of violence, and shaped the conditions under which agreed settlement became possible and the dangers that remain even after agreement is reached.

After an initial clarification of concepts and claims, we examine each case, showing the multi-temporal constitution of violent conflict, its course and ending, and the significance of the agreed settlement. This provides the basis for an analytic comparison of the role of violence in each case.

<sup>1</sup> Acknowledgements to the Irish Research Council for the Humanities and Social Sciences and the Irish Department of Foreign Affairs for funding the Patterns of Conflict Resolution project, 2010-11, and to co-participants, in particular to Lidija Georgieva, Ardit Memeti, Ali Musliu and Pascal Pragnere, and more recently to Roland Gjoni. This is a long version of a paper to be published in a volume edited by L. Bosi. A shorter version will be presented at the conference.

<sup>2</sup> We use the term 'ethnic conflict' in a broad sense to mean any intra-state conflict with a social basis in a culturally-differentiated population

<sup>3</sup> The Republic of Macedonia is a recently formed independent state with a population of about 2 million. The autonomous community of the Basque Country is a self-governing region within Spain, with a population of 2.2 million. Northern Ireland is a devolved region of the United Kingdom with a population of 1.8 million.

## **Multiple temporalities in conflict processes**

### *Conflict and settlement*

Violence within ethnic conflicts typically emerges in response to contingent short-term opportunities and threats, although it may then take on a logic of its own (Laitin, 2007; Kalyvas, 2006). Much of the effort in conflict resolution goes into stopping cycles of violence and counter-violence (Zartmann, 1989; Hartzell and Hoddie, 2007; Mattes and Savun, 2010).

These cycles, however, arise out of longer-term processes. For example, processes of nation-state-consolidation, with the build-up of state coercive capacity and practices of territorial governance that are implicitly or explicitly biased against one or another group, give incentives to violence, taken when the opportunity arises (Wimmer, 2002; 2013; Malesevic, 2013). These processes in turn are shaped by slowly changing patterns of demography and economy, spatial relations, and identity (Flora, 1999).

An adequate explanation of the course of any particular conflict, including its violent episodes, requires contextualisation at each of the levels, which constitute it (Bosi et al, 2015, this volume). It also requires identification of the interrelations between the levels. Most generally, longer-term structures set limits on shorter-term processes, embedding horizontal inequalities between populations, defining constraints on reform and compromise, and thus providing more or less strong incentives to conflict and violence. For example, whether or not a march turns violent, a social movement becomes radicalized or a single episode of violence escalates to a society-wide one is largely determined by middle range social institutions and longer term social structures.<sup>1</sup> Contextualizing action and choice in embedded structural contexts of different temporal depth reveal how different layers of the past shape the present and do so not just through 'mythical' perceptions and ideologies but also through real social processes and structural relations, which limit available choices and define likely outcomes.

While slow moving, these long-term structures are themselves in process of

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<sup>1</sup> For example, both Wright (1987) and Della Porta (2013) show comparatively that state structures and embedded practices affect whether or not protest movements become violent. Brass (1998), shows the role of embedded habits of policing and politics and Varshney (2002), the role of cross-community institutions in rioting and the spread of violence. Stewart (2014) shows the impact of horizontal inequalities on the likelihood of violent conflict.

change, with their own moments of transition – what Katznelson (2003) calls critical junctures - when more radical possibilities for change and settlement open up.

At this point, intervention can have a radical impact, sometimes determining the form of an emerging path. In the case studies that follow we show the varying effects of actions and interventions (be they violent episodes or settlement initiatives) on the slower moving patterns that converged to make conflict likely.

Violence is typically conceived in terms of insurgent or military action, but it is also a characteristic of coercive institutions and the cultural and structural relations they uphold. As action, violence has lasting social consequences when it embeds itself at these deeper levels, for example by creating spatial, social or cultural inequalities that are then stabilised by coercive power. In specific circumstances, violent action may help undo such structures of coercion, thus opening up the possibility of constructing relationships of a less contentious kind. Through the case studies, we ask how far and when violence shifted a society from the path it was already on, and whether it affected upon long-term as well as short-term processes.

This approach has implications for the ending of violence and the achievement of political agreements. Common explanations of the end of violence focus on short-term factors - military defeat of terrorism (Bew et al, 2009) or military stalemate (Zartmann, 1989). Political settlement is typically explained in terms of short-term strategies such as confidence building, or particular institutional innovations, such as power sharing (Hartzell and Hoddie, 2007). Yet if longer-term relations, inequalities and structural processes underlie conflict, intervention in them is necessary if a stable settlement is to be achieved. There is evidence that in protracted conflicts the actors themselves, including the militants, judge the significance of short-term setbacks or opportunities in light of longer-term trends (see for example, Tonge et al, 2011). In the case studies that follow, we show that intervention in long-term processes helps settlement to be achieved.

### *European temporalities*

We have chosen to compare three conflicts – in Northern Ireland, the Basque Country and Macedonia -, which differ in their geo-political and geo-historical context, in the historical depth and extent of violence, in the social processes, and political constraints to which the societies and states have been subject, and in the form of settlement reached. They are sufficiently similar in their wider European context to permit meaningful comparison. Our aim is to throw the multi-temporal processes

involved in each conflict into sharper relief by comparison with the others, while developing general insights into the role of longer-term processes in generating violent conflict.

The cases we are concerned with emerged from long-term processes of state, empire and nation building and later contraction and/or dissolution. In schematizing this, we draw on Stein Rokkan's theoretical approach to Europe's historical development (Flora, 1999, 95-273) adapting and elaborating this to distinguish three phases of post-medieval development particularly relevant to our case studies.<sup>1</sup>

- (i) the early-modern period: this period was one of state and empire formation, emergent agricultural and merchant capitalism, religious reformation and confessional division, the opening up of global trade routes, and emergence of a system of sovereign states throughout Europe and interlocking with the Ottoman empire. Each of our cases was located at a distinctive point within three different state-empires (British, Spanish and Ottoman).
- (ii) The modern period: this period saw the birth of the bureaucratic, liberal democratic, nation state; industrialization and urbanization on a large scale; major advances in transportation and mass communication; the spread of literacy; the birth of nationalism and the emergence of bounded national societies; and differential processes of imperial expansion and contraction. Each of our cases was defined by the timing and manner of transformation of the state, to which it was subject, and the expansion and contraction in the larger state-empires to which it belonged.
- (iii) the contemporary period: one of the intensifying globalization of trade, financial flows and popular culture; replacement of a two-bloc world by a multipolar one; weakening of the boundaries, autonomy and status of national societies.

We also take from Rokkan his view of modern societies as layered phenomena. Successive epochs do not create social structures and divisions anew, but draw on and incorporate the structures and institutions of the period that preceded them. Whether and to what extent these elements are changed in their functioning in the new epoch, or instead shape its development, is a matter for empirical analysis in each case.

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<sup>1</sup> For the need for both adaptation (to include states beyond Western Europe and highlight the imperial contribution) and elaboration (to the current phase of globalisation), see Ruane 2003.

### **The three cases**

#### *Northern Ireland*

A sustained period of violence began in Northern Ireland in 1969 and lasted until the late 1990s, resulting in over 3,500 deaths.<sup>1</sup> Explanations for the conflict tend to be framed in terms of short term processes: communal mobilisation and counter-mobilisation around civil rights in the late 1960s leading to a cycle of state repression and paramilitary violence which came to a close only when the evidence of stalemate (on some interpretations defeat) became overwhelming in the mid-1990s. This leaves much unexplained: why reform was not offered earlier; why the Northern Ireland regime collapsed so quickly; why the British state was unable for so long either to end violence or to broker a viable settlement amongst the Northern Ireland political parties. To answer these questions requires attention to multiple layers of structure and temporality.<sup>2</sup>

#### Multi-temporality in the constitution and reconstitution of the Northern Ireland conflict

English state building began in the medieval period and the late medieval English state was one of the most centralized in Europe. A new phase of state building began in the 1520s and this time was extended to Wales, Scotland and Ireland (Pocock, 2005, 24-103). Wales was annexed during the 1530s. Scotland entered a union of Crowns in 1603 and of parliaments in 1707. Ireland, though a lordship of the English Crown from the end of the 12<sup>th</sup> century, proved much more difficult to integrate, and was secured only by the dispossession of the vast majority of the island's native, Catholic, landowners and their replacement with Protestant settlers from England and Scotland. In Ulster, in particular the process of displacement and replacement took place at all levels (Canny, 2001). Thereafter political stability depended on the continued economic containment and political exclusion of the Catholic majority population, achieved by the concentration of power in British and Protestant hands.<sup>38</sup> This system of rule was inherently conflictual

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<sup>1</sup> Both the dating of 'the conflict' and the death count are contentious, see McKittrick et al., 2004, 13-21.

<sup>2</sup> The analysis below is a development of Ruane and Todd, 1996, 2007, 2014. See also Wright, 1987.

<sup>3</sup> There were cross-cutting divisions within the Protestant population, so that significant democratization in Protestant access to the means of violence coexisted with class and

but from the end of the 17<sup>th</sup> century Catholics had lost the capacity to challenge it, and for the British to reconstitute or reform it risked general destabilization.

Rebellion in 1798 was crushed, but potential French involvement highlighted the dangers to British security. The British government pushed through an Act of Union (1800) with the object of strengthening its control and allowing Catholic grievances to be addressed without provoking a Protestant response. However, Catholic emancipation was delayed until 1829 and achieved then only by very Catholic mobilisation. As the century progressed, an economic cleavage was added to the political and religious ones: the Protestant North-East prospered under the Union, developing a local version of British industrialism; the predominantly Catholic rest of the country experienced economic dislocation, a massive famine at mid-century, and de-industrialisation. What chance there had been to persuade Catholics to accept the legitimacy of the British state had been lost: by the end of the century, they had become nationalist and were demanding Home Rule as a matter of right. In contrast, Ulster unionists, overwhelmingly Protestant, opposed it and mobilised militarily against any attempt to impose it on Ulster.

Home Rule was legislated for in August 1914 but its implementation was suspended for the duration of the war. Ulster unionists won (temporary) 6-county exclusion. Two years later, taking advantage of the war, radical nationalists staged a rising. It was rapidly put down, but it began a process of wider politicization and radicalization. Using a combination of political agitation and, after 1919, a campaign of violence, radical nationalists made British rule unworkable. They succeeded in getting a higher degree of independence sooner than would have been achieved by parliamentary means alone. However, the price was partition: with the location of the border determined by balance of forces on the island. Unionists secured their own (devolved) parliament within the United Kingdom.

The formation of Northern Ireland (1920-1) reconstituted the historic system of Catholic disadvantage with Protestant power and privilege backed by the British state. During the decades that followed Northern Ireland achieved stability through a coercive, discriminatory and clientelist mode of government. It reproduced sectarian division at the same time as Catholic weakness, undermining any possibility of the state achieving legitimacy among Catholics. With the development of a nationally cohesive and socially egalitarian Britain in the post-war period, new opportunities opened. Radicals,

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denominational differentiation in control of property and politics.

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nationalists of different hues, and liberals in the Civil Rights Movement of the late 1960s put the constitutional issue to one side and campaigned for reform in Northern Ireland. The movement alarmed sections of unionists who responded by counter-mobilisation, repressive policing, and loyalist attacks on civil rights marchers and Catholic neighborhoods. The Irish Republican Army (IRA) reemerged, first as community defenders and later as insurgents against the state. The British state supported the unionist government militarily and politically, while backing (most of) the civil rights demands. When this failed to win stability, it instituted Direct Rule from London (March 1972) thus ending unionists' political rule but remaining reliant on them in the security forces, civil service and the higher reaches of the economy. Violence intensified in the years immediately after Direct Rule and continued for another quarter century.

So profound a political crisis and so rapid a descent into violence requires a multi-leveled explanation. Viewed at the local level and over the very long term, it was yet another episode in a local struggle over power, property and security that began with the period of the plantations. Viewed geo-politically, it was a manifestation of a long and uneven Catholic political and economic recovery, which began throughout the island in the 18<sup>th</sup> century, continued after 1921 and in the 1960s made possible a serious challenge to the political structures of unionist dominance.

Other processes of different time-depths also helped shape the context out of which conflict had emerged: the chronic long-term failure of British institutions in Ireland to secure general legitimacy which made violence an option for all sides; the decline of the 19<sup>th</sup> century industrial economy of the Irish north-east and the growing economic dependence of Northern Ireland on the British state; the contradictions that Catholics encountered in dealing with a state that simultaneously showed a benign (educational, welfare), discriminatory (public sector employment) and repressive (security) face; the as yet incomplete British transition – at least in Ireland – from quasi-imperial habits of indirect rule and harsh response to revolt to a state based on equal rights for all (Ruane and Todd, 1996). These processes continued as the United Kingdom transformed itself from a post-imperial national society in the 1960s to a highly diversified and multi-cultural polity in the 1990s.

### The significance of settlement

With Direct Rule in 1972, the British government's aims were to restore stability, this time by creating a devolved settlement that would have the support of both unionist and nationalist communities. The 'Sunningdale' experiment, agreed in December 1973 involved power sharing between moderate nationalists and moderate unionists and an 'Irish dimension' to give formal recognition to the Irish identity of nationalists. In less than five months, a mass loyalist (Protestant) workers strike brought down the new power-sharing executive. It took a further quarter century for another cross-community agreement to be reached, the Good Friday Agreement (GFA) of 1998, this time paralleled by an end to violence and including the extremes as well as the moderates in a power sharing executive with an Irish dimension.

Why did it take so long? How has the GFA survived while Sunningdale so quickly failed? We have argued elsewhere that the difference lies in a change in the longer term conditions of conflict: in the repositioning of the British government in respect of the communities, and in a substantive equalization of the communities in every field (Ruane and Todd, 2007; 2014). This began with an Irish government role in policy-making (the Anglo-Irish Agreement of 1985) and progressed through a strong and effective Fair Employment Policy (1989), projected reforms of security and cultural institutions (after 1998), and new channels of cross-border institution-building. It was guaranteed by an internationally ratified British-Irish agreement to enact the will of a majority in respect to constitutional (British or Irish) preference, and to respect the rights of all to be and to be recognised as British or Irish or both. This was a new political configuration. It meant that for the first time the structural relations of Catholic inequality and Protestant power, established by plantation, reconstituted in an urban-industrial setting in the 19<sup>th</sup> century, and actively maintained by the British state was being dismantled by the British government and that this was guaranteed internationally.

Violence played a role in provoking these changes. It was not, as some unionists claimed, that these were concessions to the IRA, nor were they 'fig-leafs' to cover the IRA's failure to achieve a united Ireland. Nor was it, as some republicans latterly claimed, that the struggle had been for 'equality' all the time. Rather, increasing public support for republicanism stimulated the Irish government to propose a new track of British-Irish policy (Todd 2013) and, in the complex processes by which the British and Irish governments planned, negotiated, and finally brokered an agreed settlement, the balance

of coercive power was one element in the wider power balance that they took into account. The latter had changed such that nationalists could no longer be marginalised, nor – as an increasing 40% of the population and of the voters – treated as a ‘minority’ whose identity and aspirations were of lesser importance than those of the ‘majority’. But it remained unthinkable to force or even to try to persuade unionists to Irish unity: the destabilising potential of armed and determined loyalists remained too strong. The settlement was legitimated by a set of egalitarian and human rights principles, and a new and more open concept of sovereignty (Meehan, 2004). That these finally prevailed – pushed hard by the two governments and the US in an effective negotiation process – was in part because nothing else could cope with a situation of relatively equal power balance of the two blocs, with uncertainty whether and when the demographic and political balance would shift in the future.

The historic significance of the GFA was that for the first time the British government had disengaged from its dependence on and privileged support for the Protestant community and was creating a political system open to all sections of the population and open to further change. Is this an undoing of the longer-term conditions of conflict? With a loyalist flags protest (2012), loyalist mobilisation (2013) and near political breakdown (2014), it is clear that conflict remains (Nolan, 2014). While significant structural and institutional change has taken place, cultural change – both in the everyday embeddedness of cultural division and in the public place of British and Protestant symbolism – is slow and deeply contested. The battle is over the trajectory of the society. Is the implementation process now complete and British rule here to stay? Or are the principles of the GFA iterative, requiring ongoing changes in institutions and public culture long before constitutional change becomes possible? While this continues to divide unionists and nationalists, the historic conflict is far from undone (Ruane, 2014).

### *The Basque Country*

The militant separatist group, ETA, began a campaign of violence against the Spanish state in 1968 with the goal of an independent and united Basque Country; the campaign ended only in 2011. This, however, is but one strand of a much broader Basque nationalist movement that has challenged the Spanish centre from the late 19<sup>th</sup> century. A political settlement has been in place since the Basque Statute of Autonomy was accepted by a narrow majority in 1979. There is, however, widespread dissatisfaction that

it has not led to further autonomy. To understand the dynamics of nationalism in the Basque country and its internal dynamic, we have to situate it within the multi-layered processes that shaped it.

#### Multi-temporal processes and the constitution of conflict

As in the case of Britain, Spanish state- and nation-building had uneven success.<sup>1</sup> It began as the expansion southwards of the northern kingdoms into territories recovered from the Moors and was completed with the conquest of Granada in 1492. The final stage was achieved by the union of the crowns of Castile and Leon. This was in principle a union of equals, but Castile was the larger and stronger partner and became the political centre into which the regions would be integrated. Resistance came mainly from Catalonia with its orientation to the Mediterranean and historic ties to France. Two Catalan rebellions ended in defeat, and the second one in 1714 saw it stripped of its *fueros* (regional institutions and rights). In contrast, the Basques kept their *fueros* for another century and a half. Although also bordering France, their relationship was more fractious and they benefitted from their strategic importance in the chain of trade linking Castile with Northern Europe and the North Atlantic (Medrano, 1995, 21-28).

Basque autonomy would become an issue in the 19<sup>th</sup> century as Spain adjusted to the loss of its empire and began its long and difficult transition to economic and political modernity. The strong and absolutist Spanish state of the 18<sup>th</sup> century became a battleground between rival economic interests and conflicting political and religious ideologies, further complicated by political factionalism and dynastic rivalry. At issue was the degree to which the state should be centralised and the autonomy of the regions reduced, the position of the traditional elites and the question of popular political access, the burden of taxation, the wealth and power of the Church and the role of religion in Spanish society, the uneven progress of agricultural and industrial capitalism and contrasting views about how it might be speeded up, the conditions of national progress and the reasons for Spanish decline (Junto and Schubert, 2000; Medrano, 1995, 56-68). Much of the conflict was confined to the elites, but it had broader ramifications and open conflict could trigger popular revolt.

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<sup>1</sup> For analytical overviews, see Linz 1973; Smith and Mar-Molinero, 1996, pp. 1-30; Medrano, 1995; Mees, 2003.

The divisions twice converged in wars of dynastic succession (the Carlist Wars of 1833-39, and 1872-76), with rival claimants supported on the one hand by the traditionalist Carlists and on the other by centralising liberals. On each occasion the Basques sided with the Carlists for religious and economic reasons, and also, crucially, as a way of retaining their *fueros*. The final defeat of Carlism in 1876 saw their abolition, and nurtured a deep sense of Basque grievance. But other factors also contributed to the emergence of a separatist Basque nationalism. The new political and economic order opened up the Basque region to rapid industrialisation and exposed it to new class, urban-rural and cultural divisions and to an inflow of immigrants from other parts of Spain. Separatist nationalism was a reaction to this. It was conceived in a quasi-racist kind, ruralist, anti-centralist, anti-capitalist, form with a marked 'nostalgic' aspect and had limited appeal (Muro, 2005; Conversi, 1997; Mees, 2004). But there was substantial support for Basque autonomy.

The issues that had divided Spain in the 19<sup>th</sup> century continued to do so in the 20<sup>th</sup> century, given new forms and further depth by the crisis of 1898, the extension of the franchise, and the advance of industrialisation, socialism and anti-clericalism. Basque nationalists continued to press for autonomy and, along with the Catalans, espoused federalism in the 1920s, briefly securing autonomous status in the Second Republic. By this stage the multiple lines of tension had converged into a single political opposition, for or against the Republic, and the Franco-led rebellion produced civil war, with Basques and Catalans siding with the Republic.

Franco's regime was not simply violently imposed; it was violently maintained for reasons that were partly punitive and vindictive, and partly a response to continued conspiracy, challenge and subversion. But there was also symbolic violence in the attempt to impose a single model of Spanishness - Catholic, Castilian, traditional and imperial - on the whole of Spain (Grugel and Rees, 1997). While superficially successful in that it further diluted the regional cultures and languages, it produced a reaction that undermined any possibility of eventual success.

That reaction was the context in which ETA began its campaign of violence. The national goals which ETA set for itself came directly from the more radical versions of 19<sup>th</sup> century Basque nationalism, purged of its racist assumptions. It also modelled itself on Third World liberation movements. Its intention was to de-colonise the Basque region and violence was to be used to provoke the state to counter-violence that would in turn provoke a wider Basque mobilisation. The strategy had a degree of success in the early

period, and ETA played a significant role in the Spanish transition to democracy, by killing Franco's designated successor, Carrero Blanco, and by foregrounding the urgency of the regional question. On the other hand, even a democratised Spanish centre was not willing to entertain its goal of Basque independence.

Spain's 1978 Constitution was intended as a compromise that would reconcile democrats, monarchists and military, regionalists and centrists, in a democratic, unitary state and it represented by far the most radical regionalisation of any European state at the time. The regions would enjoy a high measure of autonomy that over time could be expanded, while remaining within the framework of a unitary Spanish state (Wilson and Keating 2011, Comas, 2003). The Constitutional referendum of 1978 failed to secure a majority in the Basque Country but the 1979 Statute of Autonomy was supported by a narrow majority. Unlike the Constitution, it recognised the *fueros*, and included the right of the Basque Country to raise its own taxation before transmitting a segment to the central government. For ETA, however, this was a defeat and it continued its campaign.

The 1980s and 1990s were decades of economic and social transformation in the newly democratic Spain. The regional question was, however, far from settled and the centre resisted granting further autonomy to the strong regions (as in the 'coffee for all' decrees of the 1980s and 1990s (Comas, 2003, 49-50). In the Basque Country, the PNV - usually the major party in the Autonomous Community (AC) government - enacted policies that ensured both greater economic development and greater social equality than in the rest of Spain (Goikoetxea, 2013). They were too weak in the central parliament to leverage concessions on further autonomy (Idoiaga, 2006; Comas, 2003) and even moderates remained unhappy with the autonomy achieved.

ETA violence was met by exceptional security responses by the Spanish state (Heiberg, 2007, 42-3; Conversi, 2010). There were also attempts to broker an end to violence, all of which failed, as much from governmental refusal to give concessions as from ETA intransigence (Idoiaga, 2006; Pragnere 2011; Keating and Bray, 2007; Keating and Wilson, 2011). Eventually increasing public anger with the campaign, overt opposition, falling sympathy and improved security measures, in the context of international mediation, convinced ETA to end the campaign (Heiberg, 2007; Pragnere, 2011). Although formally undefeated, and without concessions by the state, it declared a ceasefire in 2011 and an end to its campaign in 2012.

The significance of settlement

The search for a political settlement to the Basque conflict began with the death of Franco and, by comparison with Northern Ireland, was quickly achieved. Agreement was reached on the Statute of Autonomy in 1979. It can be seen as a compromise between two existential imperatives, with the terms of the compromise set by the balance of power between them. The Spanish state would not entertain the possibility of secession by either the Basque country or Catalonia. If by the late twentieth century the British state could declare that it had 'no selfish strategic or economic interest' in holding onto Northern Ireland,<sup>1</sup> the Spanish state had both in the 1970s and later. It had a clear economic interest in retaining its two most advanced and wealthy regions, and a strategic interest in stopping a process of state contraction that had begun with the end of empire and if it continued would relegate Spain to one of Europe's small and backward states.

Basque nationalism was divided between independentists and autonomists. Its maximal goal was a unified Basque-speaking homeland. This, however, was from a weak basis: it was a region divided by an international frontier in which – even on the Spanish side – not all citizens were Basque, not all Basques were nationalist, and not all nationalists wanted independence. In the early 1980s in the Basque AC, still almost half of the population felt more Spanish than Basque, the Basque language was spoken only by a fifth of the population, and only a quarter wanted full independence (Keating, 2001, pp 80-81; Conversi, 1997, 163). Autonomy was as much as could be achieved politically.

ETA continued its campaign. But while violence became self-sustaining, it achieved little: it weakened Basque nationalism by dividing it. Meanwhile autonomy was showing some results. Nearly half of Basques, and a full 75% of young Basques, now speak Basque (Bray, 2013); a distinctive Basque society and economy has been created (Goikoetxea 2013); an increasing majority identify as Basque and an increasing percentage, if still a minority, want independence.<sup>2</sup> Significantly, once violence ended, radical nationalism rebounded in popular support, winning over a quarter of the Basque

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<sup>1</sup> Downing Street Declaration, 1993, para. 4.

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/peace-process--joint-declaration-1993-1.pdf>. Accessed 12.11.2014.

<sup>2</sup> Only 10% feel more Spanish than Basque, Euskobarometer poll, May 2013

<http://www.ehu.es/documents/1457190/1525260/EUSBAR+MAY13.pdf>, accessed 31 October 2014.

vote in the 2011 regional elections at the expense of the socialists, with the moderate PNV taking a similar proportion.

The end to ETA's campaign does not, therefore, mean the end of radical Basque nationalism. On the contrary, it may be strengthening at a time when the centre has been seriously damaged by the economic crisis of 2008. That crisis resurrected the perennial question of Spain's difficulty with modernisation and strengthened the Basque (and Catalan) desire for independence. The core demand now is not for independence but for the right to exercise a choice about it. This is not a right that the Spanish state is currently willing to concede. If it were granted, it would introduce a new element of uncertainty. While it is not, it represents a continuing source of grievance.

### *Macedonia*

The Macedonian-Albanian conflict is the most recent of the three conflicts and in its present form began with the breakup of Yugoslavia and the formation of the Republic of Macedonia in 1991. In 2001, after a decade of simmering conflict, an influx of refugees and fighters from neighbouring Kosovo triggered violence that lasted 7 months and led to over 100 deaths. It alarmed the international powers in the region (EU, NATO and UN) and they quickly negotiated a peace settlement that remains in place. This may give the appearance of a conflict of minor proportions produced by short-term conjunctural processes and addressed by quick and effective external intervention. A longer-term view shows that while the conflict is recent, longer term processes exacerbated it, prevented the stabilization of settlement, and, if not addressed, could make this conflict much more serious.

### Multi-temporal processes and the constitution of conflict

Today's Republic of Macedonia is based on the region of Vardar Macedonia, the north-western portion of the historic region of Macedonia. The latter was a geographical rather than cultural or political entity but it had strategic significance as the trade route from the Aegean to the Danube, and from the Black Sea to the Adriatic. It was already a complex weave of religions, languages and ethnicities before it came under Ottoman rule in the 14<sup>th</sup> century and the Ottomans added further to the mix (Agnew, 2007). Ottoman rule was based on religion rather than ethnicity; identities were local, ethnicity was often fluid and indeterminate and frequently followed religion rather than language; where



ethnic conflict existed it was also, on occasion, outweighed by other cleavages (Braude, 2013; Balalovska, 2002). The decline of Ottoman power in Europe in the 19<sup>th</sup> century created a new situation. Greater Macedonia became a zone of interlocking great power and small state rivalry, and its historically varied ethno-religious landscape was subjected to the logic of modern competitive state and nation-building.

Greece gained independence in 1830 with French and British help. Serbia achieved autonomy in 1817 largely by its own efforts, progressing to full independence with great power support. Bulgaria secured autonomy in 1878 after the Russian defeat of the Ottomans in the war of 1876-77. All three were expansionary and had designs on different parts of Greater Macedonia, basing their claims on their version of its history and ethnic composition. For the Bulgarians the peasants of Vardar Macedonia spoke a dialect of Bulgarian which made them part of the Bulgarian nation; Serbians claimed it as historically part of Serbia. Greece wanted as much of Aegean Macedonia as it could Hellenize. The three states cooperated to defeat the Ottomans in the war of 1912, after which Serbia secured most of Vardar Macedonia, Greece got a large part of Aegean Macedonia, including Thessaloniki, and Bulgaria secured Pirin Macedonia, by far the smallest portion. Bulgarian dissatisfaction led to a second Balkan War in 1913. Bulgaria attacked the combined forces of Serbia and Greece, but in doing so triggered Romanian and Ottoman invasions to recover territory they had lost to Bulgaria. The outcome confirmed the earlier division, led to a further extension of Greek territory and the emergence of Albania as a state.

As a province of Serbia, Vardar Macedonia was part of Yugoslavia after 1919, a period marked by both Macedonian and Albanian grievances against the Serbs (Balavonska, 2002). As Yugoslavia disintegrated under German invasion, Bulgaria re-asserted its claims to Vardar Macedonia and occupied most of it, with some remaining with Serbia (now under German control) or going to Albania (now under Italian control). The re-establishment of Yugoslavia in 1945 saw Macedonia given national status as the Socialist Republic of Macedonia, reframing historical tensions between Slavs, Serbians and Albanians within a narrower Macedonian-Albanian compass, although also diffusing them through Albanian cultural rights and mobility within Yugoslavia.

In 1991, as Yugoslavia began to break up, the parliament of the Socialist Republic of Macedonia declared the right of its citizens to determine their future. Independence was overwhelmingly supported by referendum in September, 1991 and in November parliament approved the constitution of the new sovereign Republic of

Macedonia. It faced external as well as internal challenges. Greece recognised its claims to statehood but objected to its name, preventing its admission to the UN under that title (Risteke and Dashkavlovki, 2011, Vancovska, 2013). By 1994 it was subjecting Macedonia to a trade blockade. Bulgaria recognised the new state, but by refusing to regard its language as separate from Bulgarian implicitly questioned whether Macedonians were a separate nation. Serbia raised similar doubts about the Macedonian claim to nationhood and delayed recognition until 1995. Albania recognised it but objected to its relegation of Albanian citizens to secondary status (Engström 2002).

The challenge from within came from the Albanian population who refused to participate in the census of 1991, contested the results and boycotted the referendum on independence in protest at the secondary status they were being accorded within the new state (Risteke and Daskalovski, 2011). That status was most evident in the preamble to the new constitution which declared the state to be the 'national state of the Macedonian people', with Albanians along with Turks, Vlachs and others given the lesser status of 'nationalities'. But it was also in provisions that declared Macedonian to be the official language and gave official status to the Macedonian orthodox church (Georgieva et al, 2011; Daskalovski 2002). In January 1992 Albanians held their own referendum (declared illegal by the government) in which a large majority voted for territorial autonomy within the Macedonian state.

In the period that followed, Macedonians made some attempt to reconcile Albanians to the new state, granting them formal political rights and seats in cabinet, and addressing their underrepresentation in state positions. This was partly in response to international pressure (Ahrens, 2007: 401- 412; Ackerman, 1999: 102-5) and partly from a desire to build a model, plural and peaceful Balkan state. The pace of reform was slow, however, and Albanian political representatives were easily outvoted (Ackerman, 1999: 88-94; Hislope, 2003:132-3). The constitution remained a serious bone of contention, for it lessened the rights Albanians had enjoyed in Yugoslavia, both formally and substantively in access to Albanian language education (Agnew, 2007, 404 ). Restrictions on language rights threatened the linguistic reproduction of the community, and – by default – made Macedonian the language of higher position in the state (Koneska, 2012, 36-40).

The Macedonian-Albanian conflict was fed by a number of streams. One was historical: the grievances carried over from the immediate and more distant pasts (Balovska, 2002). Another was social (Sofos, 2001). Albanians had a lower socio-economic

status in a state where poverty and unemployment were high for everyone (Georgieva et al, 2011). Religious and linguistic differences made for greater social distance between the two groups than was typical of the Western Balkans (Bieber 2011). Albanians were more likely to be rural and there was a concentration of Albanians in the western and northern border areas (Neofotistos, 2004). Most of all, internal and external challenges intersected: Macedonians feared that anything less than a unitary Macedonian national state could create the conditions for its breakup (Engström 2002).

Albanian discontent in the 1990s expressed itself in low scale confrontation and occasional local violence. In 2001 more extensive and serious violence for seven months, causing on some counts close to two hundred deaths, was triggered by the influx of some 360,000 Kosovan refugees including armed rebels (Georgieva et al, 2011). This not simply put an enormous strain on local resources, it also destabilized existing inter-ethnic relations and provided unemployed Albanian youth with the resources and repertoires of violent conflict (Gleditsch, 2007). The National Liberation Army (NLA) emerged as a spin-off from the KLA, seeking equal rights for Albanians within a federated Macedonia (Vankovska, 2013; Ackerman 1999). Armed clashes in so volatile a region brought immediate international attention, offers of mediation and pressure to reach an agreed settlement: the Ohrid Framework Agreement (OFA) of 2001 remedied the immediate problems and remains in place.

#### *The significance of settlement.*

The OFA promised a substantial improvement in the position of Albanians. First and foremost, it provided for constitutional amendments that no longer privileged the nationality of Macedonians, while retaining a unitary inclusive Macedonian Republic (for detail see Georgieva et al, 2011). Albanians were no longer defined as a 'minority' or 'nationality' but as one of the constituent communities in the state. The OFA provided for increased inclusion at all political levels, with proportionality in state employment, including in the military and police. The conflict over Albanian education was addressed with new state funded Albanian language universities (for detail, see Koneska, 2012) and new language rights. A strong level of local territorial autonomy was instituted, which would permit greater Albanian local self-government in areas where they were a majority (Lyon, 2011; 2012) thus creating local areas where Albanian language and education were not only official but also predominant.

Macedonians were also promised benefits. Macedonia would remain a unitary state and would be offered EU and NATO membership conditional on its fulfilment of the OFA obligations. This promised economic opportunities and support in a state where unemployment averaged 30% and stimulated massive out-migration (Georgieva et al, 2011) and it would give the Albanian population an economic interest in remaining in Macedonia. Just as important, it would guarantee Macedonian statehood and borders. Meanwhile, immediate and future financial and other support was made conditional on Macedonian agreement and implementation of the OFA (Koksidis, 2013 295).

Implementation has taken place, although unevenly and under pressure. Benchmarks on policing reform, and later on civil service reform, have been implemented (Vasilev, 2011:55, 57). However, some benchmarks are met by the dominant Macedonian and Albanian parties distributing state positions (some fictive) to party supporters, rather than by a sharing of participation and power. There has been no accession either to the EU or to NATO (blocked by Greece) and conditional promises of membership have lost credibility for many Macedonians (Ilievski and Taleski, 2009). There is also continuing Albanian demographic advance – they are now reportedly at least 700,000 out of a population that, because of economic emigration, has shrunk below 2 million.

Frustration at progress and concern at the weakening of their position has spurred Macedonian nationalist resentment, and has favoured the election of the more extreme nationalist party VMRO-DPMNE (International Crisis Group, 2011). The result has been a stronger affirmation of Macedonian nationalism at the level of the state, its symbolism, and its architecture.<sup>1</sup> Albanians, on their side, have supported the more extreme Albanian nationalist party. Increasing tensions have led to a series of local clashes, and more generally a symbolic contest between the two dominant parties that could easily lead to more serious confrontation (Gjoni and DioGuardi, 2014).

The Macedonian case exemplifies the way that wider regional processes from the end of the nineteenth century limited the available options for Macedonians and Albanians. While historic repertoires of resentment and conflict were available to each group, the elements were forged into a conflict configuration with the formation of a Macedonian nation state in 1991. The Kosovan war triggered a period of violence: its

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<sup>1</sup> Macedonian symbolism is pervasive in the capital, Skopje, with a giant statue in the main square, enormous Macedonian flags, the renovation of the fort and the building of state offices on the Albanian side of the city.

importance was that it tapped into horizontal inequalities and cultural hierarchies surrounding the Macedonian-Albanian distinction and brought them sharply onto the political agenda. In so doing, it also highlighted the long-term regional dynamics that made Macedonian statehood insecure. While in principle the OFA addressed the problems, other long-term patterns have prevented its effective implementation: low state capacity, deep poverty and unevenness of economic development, a historic fluidity of state boundaries, and, in the short term, indecision by the EU and NATO.

### **Analytic comparison**

The three cases show both differences in social, political and historical context, and similarities in the mechanisms by which political violence functions within ethnic conflicts and the paths by which it may be overcome. The geo-politics of each case are very different. Northern Ireland is a small part of the strong and (since the Scottish referendum of 2014) stable United Kingdom and financially entirely dependent on it. The Irish Republic aspires to Irish reunification in the long term, but its short to middle term concern is political stability and it engages with the British government in consensual conflict-management. The US government maintains an interest in helping resolve the conflict and both the Irish and British states have been amenable to its influence. The Basque Country AC is a small but relatively wealthy part of the fissiparous Spanish state which also faces a separatist movement in Catalonia. France has small (potentially irredentist) Basque and Catalan minorities and – like the EU – an interest in Spain surviving in its present form. Macedonia is a small and impoverished state surrounded by larger states, two of which claimed its territory in the past and, in the event of Macedonia's breakup, would reassert those claims, while both Albania and Kosovo would be open to including the Albanians of Macedonia in their state. For the moment a still fragile stability is buttressed by the presence of NATO, the UN and the EU in the region. Despite these differences, there is a notable similarity; support for the insurgents came from sympathetic co-nationals on the other side of the international border (that with the Irish Republic, France and Kosovo).

In all three cases, ethno-national relations are characterised by 'horizontal inequalities' (Stewart, 2014) but these differ markedly in extent and in type and in the capacity of the state to tackle them. Catholics and nationalists in Northern Ireland, like Albanians in Macedonia, have long experienced deep and systemic disadvantage across a wide range of political, economic and cultural fields. The British government never lacked

the resources to address this inequality but until recently prioritised unionist concerns over nationalist ones. The economically weak Macedonian state has a limited capacity to address Albanian inequality, while also lacking the will until the crisis of 2001. The Basque Country is economically more developed and with higher levels of income than most of Spain. At least until 1979, however, it was seriously disadvantaged in cultural and national status and in political influence. The Spanish state's dilemma, in contrast to that of the British and Macedonian states, is how to secure redistribution of a portion of Basque wealth across the country while recognising Basque distinctiveness and without adding to the region's separatist tendencies.

These different political and social configurations coexist with a very similar dynamic of legitimation in each case. The political system in each case is what Jung et al (2005) have called an 'imperfect' democracy.<sup>1</sup> For our purposes, the central feature of an imperfect democracy is that the legitimacy of the state is differentially accepted. This legitimation deficit coincides with the ethnic distinction and is often articulated by militants in terms of nationalist ideology. However it is not a function of ethnic identity or nationalist ideology alone, but rather of the structural positioning of the population. The colonial manner in which the British state established itself in Ireland in the 16<sup>th</sup> and 17<sup>th</sup> centuries left it with a chronic legitimation deficit for Catholics long before they became nationalist. But a state that lacks foundational legitimacy can still attain a high level of practical legitimacy by adhering to democratic norms of fairness and justice and by good governance. Northern Ireland lacked foundational legitimacy for nationalists, but it was only the breach of the latter norms, in and after the Civil Rights Movement, that completed delegitimation (see Bosi and O Dochartaigh, 2010). In the Macedonian case, the Macedonian parties created a new legitimation deficit by defining the state as 'their' state and by failing to do much at the practical level to ameliorate this. In the Basque Country there was an interplay between *nationalist* resistance to accepting the legitimacy of Spanish rule, and practical acceptance of the legitimacy of the post-78 order, not for its national but for its functional benefits and wider democratic values. The latter predominated among the Basque public after 1979, even while Basque national identification and desire for greater autonomy grew.

The imperfect democracy of each state was central to the mechanisms by which

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<sup>1</sup> They see imperfect democracies as central to processes of negotiation. We see them as central to processes of conflict and the role of violence within it.

violence functioned, drew support, and had effect. On the one hand, the insurgent groups emphasised and highlighted the imperfections: the 'colonial' rule of the British or the Spanish; the marginalisation of minorities by the power of majorities. Many of these imperfections were addressed in the agreed settlements - the constitutionally guaranteed autonomy accorded to the Basque Country in 1979, the consociationalism and constitutional guarantees of the GFA of 1998 and the OFA of 2001 - although for some militants, and in particular for ETA, they were radically insufficient to guarantee popular and national rights.

In each of the cases, violent insurgency was sustained by a legitimacy deficit that permitted popular understanding and tolerance of violence even among those who did not support it. ETA emerged from the long years of Francoist oppression and this assured them a significant degree of sympathy through the 1970s. In Northern Ireland the IRA emerged from the violence directed at the civil rights marchers and the wider Catholic community by the security forces, loyalists and later by the British army: while the mass Catholic public rejected IRA violence they also rejected that of the state security forces. Violence in Macedonia was initially an overspill of the Kosovan crisis; its support base, however, lay in Albanian public alienation from the procedures, policies and even the very existence of the Macedonian state.

Once violence began and became embedded, it produced a level of political polarisation that enabled it to continue. In both the Basque and Northern Irish cases, it began to take on an autonomous logic and to nurture a self-contained culture of violence - what Bar Tal (2013) calls an institutionalised 'conflict ethos' - on which it then drew. But the role of wider public tolerance remained important: where it was lacking, as for ETA increasingly in the 1990s and 2000s, the security options available to the state were much enhanced and the resources of insurgents reduced.

A limited amount of political violence can make a major impact in democracies, and still more in imperfect democracies. Liberal democracies have a limited range of responses they can make to political violence without incurring domestic and international costs.

They offer a range of easy targets, and are vulnerable in respect of foreign investment and international reputation. Protracted violence and emergency anti-terrorist measures tend to corrupt democratic principles and practices and to damage public culture. A public legitimacy deficit makes state responses more difficult and dangerous. In each of our case studies, at different periods the central state intervened

to repair the legitimisation deficit. It did so with considerable effort and to considerable effect in the Basque Country in 1979, in Northern Ireland in the 1990s, and - with strong international help and pressure - in Macedonia in 2001.

Is anti-state violence effective in achieving its goals? States resist the claim, not least because they have a strong interest in retaining their authority, monopoly of violence, international and domestic reputation, and in deterring future insurgencies. In the cases discussed here, the insurgents did not achieve their explicit goals. Plausibly, however, violence did have an effect, if different from the intended one. In each case, it incentivised the state and the international community to act decisively to repair the wider democratic deficit. This was most evident in Macedonia, where the onset of violence focussed the attention and resources of the international community and led to the brokering of a comprehensive agreement. Here a decisive response in the early phase of crisis stopped further destabilisation and the embedding of a culture of violence. In Northern Ireland, the opportunity for such an early decisive response was not taken, the process of reform was much slower and much more indirect, with parallel security and political paths (see Todd, 2014; Ruane and Todd, 2014). In the Basque Country, the legitimisation deficit was substantially addressed in the democratisation and autonomisation process and thereafter the state's responses were primarily in the realm of security.

The cases also show important features of settlement. In these cases, it was not simply, as Jung et al (2005) have argued, a matter of ensuring legitimacy for the negotiations and agreement. This also required intervention in longer term structural processes. In Macedonia, the OFA addressed two sets of historically deep problems – the role of regional instability and insecurity, and the horizontal inequality of the Albanian population. In Northern Ireland, the GFA changed the state's relation to the communities, and addressed the long-term inequality of Catholics. It did not resolve the national question, but it removed one of the reasons why Catholics became nationalist. In the Basque Country, the settlement of 1979 signalled an end to the centralising project of the Spanish state and the disvaluing of Basque culture even while it did not fully address Basque demands.



## Conclusion

The three cases discussed in this chapter are not representative of the wide diversity of ethnic conflicts, not least because each takes place within a European democracy. In each case, the conflict is fought not simply by paramilitary groups but also by political parties, supported by large sections of the populations. Each involves popular as well as elite divisions. In each case, violence has been limited, and both a political agreement and an end to violence have been secured. But these are also the reasons that the cases are significant. They show factors – the interaction of changing political strategies and change in embedded slow-moving structures – that may be missed where large powers take the opportunity to carve up territories, or where conflicting armies hold sway over them and the interest of the powerful prevails.

In these cases, violence did not follow an autonomous logic, determined by the aims of military success independent of political aims and public norms. Nor was it simply an expression of cultural divisions, myths and ideologies. Rather it was intimately if also indirectly linked to social structure and to deeply-rooted patterns of governance. For this reason, violence could be marginalised only by directly addressing these issues. This suggests the need to reconsider some of the common wisdom of peace-making and to bring in a longer temporal perspective. Our analysis suggests that the factors that are correlated with settlement stability, for example confidence building measures (Hartzell and Hoddie, 2007) and costly gestures (Glassmyer and Sambanis, 2008), succeed in building confidence *because* they tackle deep-set problems of legitimisation and are costly *because* this typically involves a difficult and costly process of restructuration.

In conclusion, political violence must be placed in its temporal context if we are to understand its causes, course, and the dangers that remain when it ends. Doing so reveals causal processes that are missed in wider and flatter generalisations – the social relations and structural processes of long provenance that increase the propensity to violence and determine the success or failure of settlement initiatives. Long-term structures can be changed, and small changes in them may make a big difference in outcome. The actors most able to change them are powerful states and international actors. This is a difficult and costly task and they may be tempted to stop when political agreement is reached. We have argued that much more is needed.

## References

1. Ackerman, Alice, (1999) *Making Peace Prevail: Preventing Violent Conflict in Macedonia*. Syracuse: Syracuse University Press
2. Agnew, J. (2007) 'No Borders, No Nations: Making Greece in Macedonia' *Annals of the Association of American Geographers*, 97(2), 2007, pp. 398–422
3. Ahrens, G. H. (2007) *Diplomacy on the Edge: Containment of Ethnic Conflict and the Minorities Working Group of the Conferences on Yugoslavia*, Woodrow Wilson Center Press with Johns Hopkins University Press,
4. Balalovska, K. (2002) 'A Historical Background to the Macedonian-Albanian Inter-Ethnic Conflict' *New Balkan Politics*, 3(4) 2002.  
<http://www.newbalkanpolitics.org.mk/item/A-Historical-Background-to-the-Macedonian-Albanian-Inter-Ethnic-Conflict#.VDzSXRZS6R8> accessed 16.10.2014
5. Bar-Tal, D. 2013. *Intractable Conflicts: Socio-Psychological Foundations and Dynamics*. Cambridge : Cambridge University Press
6. Bew, J, M. Frampton and I Gurruchaga (2009) *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*, London: Hurst and Co.
7. Bieber, F. (2011) 'Introduction: Assessing the Ohrid Framework Agreement' pp 12-24 in Risteska and Daskalovski (below
8. Bosi, L. And N. O Dochartaigh, 2010 'Territoriality and Mobilisation: the Civil Rights Campaign in Northern Ireland', *Mobilization: An International Journal* 15(4):405-424
9. Bosi, L. N. O Dochartaigh, and D. Pisou (2015) 'Contextualizing Political Violence', this volume.
10. Braude, B. 2013 The Success of Religion as a source for compromise in divided empires, pp 176-197 in J. McEvoy and B. O'Leary, eds, *Power-sharing in deeply divided places*. Philadelphia: UPenn Press
11. Bray, Zoe. (2012) 'Basque Nationalism at a Political Crossroads', in *World Politics Review*, Feature Report on 'People without Borders: Kurdish, Basque and Tuareg Nationalism' May 9.
12. Canny, N. (2001) *Making Ireland British 1580-1650* Oxford: Oxford University Press
13. Conversi, D. (1997) *The Basques, the Catalans and Spain: Alternative Routes to Nationalist Mobilisation*. London: Hurst and Co.

14. Conversi, D. (2010) 'Building bridges on the road to peace. Centralism, resistance and the Basque revival', *Political Geography* Volume 29, Issue 8, November 2010, pp. 463–465
15. Daskalovski, Z. (2002), 'Language and Identity: The Ohrid Framework Agreement and Liberal Notions of Citizenship and Nationality in Macedonia' *Journal on Ethnopolitics and Minority Issues in Europe*, 1, 2-32
16. Della Porta, D. (2013). *Clandestine Political Violence*. Cambridge : Cambridge UP
17. Engstrom, J. (2002) 'The Power of Perception: The Impact of the Macedonian Question on Inter-ethnic Relations in the Republic of Macedonia', *The Global Review of Ethnopolitics* 1(3) 3-17
18. Flora, P. (ed.) (1999) *State Formation Nation Building and Mass Politics in Europe: The Theory of Stein Rokkan*. Oxford: Oxford University Press.
19. Georgieva, L., Memeti, A., Musliu, A. (2011) 'Patterns of Conflict Resolution in Macedonia', *IBIS discussion papers*, no8, [www.ucd.ie/ibis/publications](http://www.ucd.ie/ibis/publications) accessed 17 October 2014
20. Gibbons, J. (1999) *Spanish Politics Today*. Manchester: Manchester University Press.
21. Gjoni, R. and DioGuardi, S. C. (2014) 'Brewing Crisis in Macedonia', Open Security: Conflict and Peace Building September 23 *Open Democracy*, <https://opendemocracy.net/opensecurity/roland-gjoni-shirley-cloyes-dioguardi/crisis-brewing-in-macedonia> accessed 19 October 2014
22. Glassmyer, K. and Sambanis, N. (2008) 'Rebel Military Integration and Civil War Termination' *Journal of Peace Research* 45(3): 365-384.
23. Gleditsch, K. S. (2007) 'Transnational dimensions of civil war', *Journal of Peace Research* 44.3 293-309
24. Goikoetxea, J (2013) 'Nationalism and Democracy in the Basque Country (1979–2012)', *Ethnopolitics*, 12:3, 268-289
25. Grugel, J. and T. Rees (1997) *Franco's Spain*. London: Arnold
26. Hartzell, C. and Hoddie, M. (2007) *Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars*. University Park: The Pennsylvania State University Press.
27. Hislope, Robert (2003) "Between a Bad Peace and a Good War: Insights and Lessons from the Almost-War in Macedonia", *Ethnic and Racial Studies* 26, no. 1 129-151.

28. Idoiaga, Gorka Espiau (2006) 'The Basque Conflict: New Ideas and Prospects for Peace' USIP Special Report, <http://www.usip.org/sites/default/files/sr161.pdf> Accessed 17 October 2014.
29. Ilievski, Z. and Taleski, D. (2009) 'Was the EU's role in conflict management in Macedonia a success?' *Ethnopolitics* 8 (5-6) 355-367
30. International Crisis Group (2011). Macedonia: Ten Years after the Conflict. Europe Report no 212 11 August 2011, available at [http://www.crisisgroup.org/~media/Files/europe/balkans/macedonia/212%20Macedonia%20---%20Ten%20Years%20after%20the%20Conflict](http://www.crisisgroup.org/~/media/Files/europe/balkans/macedonia/212%20Macedonia%20---%20Ten%20Years%20after%20the%20Conflict) Accessed 17 October 2014
31. Jung, C., E. Lust-Okar, E. and I. Shapiro (2005) 'Problems and Prospects for Democratic Settlements: South Africa as a Model for the Middle East and Northern Ireland?' *Politics and Society*, 33 ( 2), 277-326
32. Junto, J. A. and A. Schubert (2000) *Spanish History since 1808*. London: Arnold.
33. Kalyvas, S (2006), *The Logic of Violence in Civil War* Cambridge: Cambridge UP.
34. Katznelson, I. (2003) 'Periodization and preferences: Reflections on purposive action in comparative historical science', pp. 270 – 301 in Mahoney, J. and Rueschemeyer, D. (eds)
35. *Comparative Historical Analysis in the Social Sciences*. Cambridge: Cambridge University Press
36. Keating, M and Bray, Z. (2007) Renegotiating Sovereignty: Basque Nationalism and the Rise and fall of the Ibarretxe Plan, *Ethnopolitics*, Vol. 5, No. 4, 347–364, November 2006
37. Koksidis, P. I. (2013) 'Nipping an Insurgency in the Bud—Part II: The Success and Limits of Non-military Coercion in FYRMacedonia' *Ethnopolitics* 12,3 290–306,
38. Koneska, C (2012). 'Vetoes, Ethnic Bidding, Decentralisation: Post-Conflict Education in Macedonia'. *Journal on Ethnopolitics and Minority Issues in Europe*, 11, 4. 28-50
39. Laitin, D. D. (2007) *Nations, States and violence* Oxford UP.
40. Linz, J. 1973 'Opposition to and under an authoritarian regime: the case of Spain' in R. Dahl ed, *Regimes and Opposition* New Haven: Publisher;
41. Lyon, A. (2012). 'Between the Integration and Accommodation of Ethnic Difference: Decentralization in the Republic of Macedonia'. *Journal on Ethnopolitics and Minority Issues in Europe* 11, 5. 80-103

42. Lyon, A. (2011) Municipal Decentralisation: Between the Integration and Accommodation of Ethnic Difference in the Republic of Macedonia 86-105 in Risteka and Daskalovski (below)
43. McKittrick, D., S. Kelters, B. Feeney, C. Thornton and D. McVea (2004) *Lost Lives: The stories of the men, women and children who died as a result of the Northern Ireland Troubles*. London: Mainstream Publishing (revised edition)
44. Malesevic, S. (2013) *Nation-States and Nationalisms* Cambridge: Polity Press
45. Mattes, M. and Savun, B. (2010) 'Information, Agreement Design, and the Durability of Civil War Settlements' *American Journal of Political Science*, 54(2): 511-524.
46. Meehan, E. (2014). 'The changing British-Irish relationship: the sovereignty dimension', *Irish Political Studies*, 29,1., 58-75
47. Mees, L. (2003) *Nationalism, Violence and Democracy: the Basque Clash of Identities*. New York: Palgrave Macmillan
48. Mees, L. (2004) 'Politics, economy or culture? The rise and development of Basque nationalism in the light of social movement theory', *Theory and Society* 33 311-331.
49. Medrano, Juan Diez 1995. *Divided Nations: Class, Politics and Nationalism in the Basque Country and Catalonia* London: Cornell University Press
50. Muro, D. (2005) Nationalism and nostalgia: the case of radical Basque nationalism *Nations and Nationalism* 11 (4), 2005, 571-589.
51. Neofotistos, V. P. (2004) 'Beyond Stereotypes: Violence and the Porousness of Ethnic Boundaries in the Republic of Macedonia' *History and Anthropology*, Vol. 15, No. 1, March pp. 47-67
52. Nolan, P. (2014) *Northern Ireland Peace Monitoring Report. Number Three* (Belfast: Community Relations Council)
53. Pocock, J. G. A. (2005) *The Discovery of Islands: Essays in British History*. Cambridge: Cambridge University Press.
54. Pragnere, P (2011) "Protracted Violence in Democratic Western Europe: The Case of The Basque Country" *IBIS Discussion Papers* No. 12.

55. Risteska, M. and Daskalovsk, Z (2011) *One Decade after the Ohrid Framework Agreement: Lessons (to be) Learned from the Macedonian Experience* Friedrich Ebert Stiftung and Center for Research and Policy Making Skopje 2011 <http://www.crpm.org.mk/wp-content/uploads/AboutUS/OneDecade.pdf> accessed feb 18 2014
56. Ruane, J. (2003) 'Theorising the transition: longue durée and current conjuncture in centre-periphery relations in Britain, France and Spain' In: Ruane, Todd, J. and Mandeville, A. (eds.) Dublin, UCD Press (eds). *Old States in a New World Order*. Dublin, UCD Press
57. Ruane, J. (2014) 'Conflict and reconciliation in Northern Ireland' In: Tom Inglis (ed.) *Are the Irish Different?* Manchester: Manchester University Press
58. Ruane, J. and Todd, J. (1996) *Dynamics of Conflict in Northern Ireland: Power, Conflict and Emancipation* (Cambridge: Cambridge University Press).
59. Ruane, J. and Todd, J. (2007) Path dependence in settlement processes: explaining settlement in Northern Ireland, *Political Studies*, 55(2), pp. 442-458.
60. Ruane, J. and J. Todd (2014) 'History structure and action in the settlement of complex conflicts: the Northern Ireland case' *Irish Political Studies*, 29, 1 pp. 15-34
61. Smith, C. and A. Mar-Molinero, eds. (1996) *Nationalism and the Nation in the Iberian Peninsula*. Oxford: Berg.
62. Sofos, S. (2001) 'Macedonia at the Crossroads' *Journal of Balkan and Near Eastern Studies*, 3 (2) 145-151
63. Stewart, F. (2014) 'Why horizontal inequalities are important for a shared society', *Development*, 57(1), (46-54)
64. Todd, J. (2011), 'Institutional change and conflict regulation: the Anglo-Irish Agreement of 1985 and the mechanisms of change in Northern Ireland' *West European Politics* 34 (4) (838-858).
65. Todd, J. (2014) 'Thresholds of state change: Changing British State Institutions and Practices in Northern Ireland after Direct Rule' *Political Studies* 62 (3) 522-538
66. Tonge, J. et al, (2011) "So Why Did the Guns Fall Silent? How *Interplay*, not *Stalemate*, Explains the Northern Ireland Peace Process, *Irish Political Studies*, volume
67. Vankovska, B. (2013 ) Constitutional engineering and institution-building in the Republic of Macedonia 1991-2011 in S. P. Ramet, Ola Listhaug and Albert Simkus, eds, *Civic and Uncivic Values in Macedonia*, Macmillan

68. Vasilev, George (2011) 'EU Conditionality and Ethnic Coexistence in the Balkans: Macedonia and Bosnia in a Comparative Perspective' *Ethnopolitics*, 10(1): 51-76.
69. Wilson, A. & Keating, M. (2009) Renegotiating the state of autonomies: statute reform and multi-level politics in Spain, *West European Politics*, 23(3), pp. 536-558
70. Wimmer, A. (2002) *Nationalist Exclusion and Ethnic Conflict: Shadows of Modernity* Cambridge, Cambridge UP
71. Wimmer, A. (2013) *Waves of War: Nationalism, State Formation and Ethnic Exclusion in the Modern World*. Cambridge UP 2013
72. Wright, F. (1987) *Northern Ireland: A Comparative Analysis*. Dublin: Gill and Macmillan
73. Zartman, I. W. (1989) *Ripe for Resolution: Conflict and Intervention in Africa* (2<sup>nd</sup> Edition). Oxford: Oxford UP.





## **SOCIAL MOVEMENTS AND PROTESTS IN MACEDONIA: BETWEEN STATE-BUILDING AND POPULAR DEMANDS FROM BELOW**

Biljana Vankovska

### **Abstract**

The paper focuses on the legitimacy crisis in Macedonia through the prism of two contradictory tendencies: on one hand, for years international state-building has had democratic institution-building as priority rather than building capacities for democratic policies; on the other hand, the upsurge of social movements and protests in 2014-2015 questioned not only the legitimacy on those on power but also demanded radical shift of the political and social agenda. The protracted political crisis (2012-2015) has demonstrated the contradictory nature of the top-bottom and bottom-up political tendencies. The system that had been set up through exclusive input of the political elites under the auspices of the international community is now challenged by new participatory political forms of citizens' engagement. The key question set in this paper reads: is Macedonian Spring possible under the constraints of the international state-building and what effect would one expect from such a political turnabout?

**Key words:** social movements, protests, political parties, international state-building, the Republic of Macedonia

### **1. Introduction: the Global Context**

The institutional design of modern democracies embodies ideas from different political philosophies. Each of the major traditions gives a different weighting to equal liberties for everybody, democratic participation, and government by public opinion. The liberal tradition reveals a preference for the liberties of private citizens, whereas republican and deliberative traditions stress either the political participation of active citizens or the formation of considered public opinions (Habermas 1998). Democratic citizenship, that is, the inclusion of free and equal citizens in the political community is to guarantee the

political participation of as many interested citizens as possible through equal communication and participation rights; periodic elections (and referendums) on the basis of an inclusive suffrage; the competition between different parties, platforms, and programs; and the majority principle for political decisions in representative bodies. (Habermas, 2006: 412). The different weighting that citizens of different nations assign to rights and liberties, to inclusion and equality, or to public deliberation and problem solving determines how they see themselves as members of their political community.

However, in time of crisis, students of democracy are enforced to confront and delineate what "ought to be" vs. the sobering "what really is". Opposite to the conventional wisdom about democracy as a "rule of the people", another paradigm has become dominant in many Western states. "Democracy without people" presumes that as long as the democratically elected elites are doing their job well, the citizens may afford being politically passive. Thus activism (except in a form of charity) was perceived as neither indispensable nor desirable. The electoral democracy has been praised as an ultimate act of expression of citizens' will; the other political rights has always had only complementary and instrumental role for the sake of representative democracy. The ongoing crisis of democracy is but the other side of the coin of the predominant crisis of capitalism. Apart from critical scholars and dissidents, occasionally there are distinguished ex-politicians - such as the former US president Jimmy Carter<sup>1</sup> - who speak of oligarchy as a form of government and accumulation of wealth in the hands of few that has direct impact on the political sphere. The members of the political class become entrepreneurs and representatives of the capital rather than of the citizens. Decision-making process is determined by the market forces and interests - thus the legal order is subdued to the predominant interests of those on power. Elections become meaningless since the voters are practically able to choose between Coke and Pepsi, i.e. between two fractions of a same liberal party. Chantal Mouffe (2015) rightly points out that this in turn leads to the depoliticisation of people and a lack of interest in what is going on in our societies.<sup>2</sup> Jacques

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<sup>1</sup> Jimmy Carter's statement is available at:

<https://www.youtube.com/watch?v=hDsPWmioSHg> (accessed on 10 October 2015)

<sup>2</sup> Chantal Mouffe, "Transforming Political Consciousness", *Green European Project*, July 2015, available at: <http://www.greeneuropeanjournal.eu/wp-content/uploads/2015/09/GEF-ED-2015-web.pdf> (accessed on 11 October 2015)

Ranciere (2015) agrees that there is growing feeling of fatality: people vote for their own oligarchs due to the belief that it could have been worse without them.<sup>3</sup>

The idea that there is a strong connection between capitalism and democracy has become a dogma translated into the theory of liberal peace. It appears in two divergent versions: the conviction that there is a natural link between capitalism and democracy, on the one hand, and the conviction that these two phenomena are naturally in tension with each other, on the other hand (Wagner 2011). The democratic nation-state has lost its regulatory power as soon as the economic and financial power has definitively crossed its boundaries. The critical philosophers agree that capitalist economy formed the basic structure of Western societies, but conceive democracy as nothing but a 'surface phenomenon' (Adorno quoted by Wagner 2012). The history shows that co-existence of capitalism and democracy is viable but also that in democracy tends to be abandoned to safeguard the interests of capital when necessary. High-intensity democracy - inclusive and with high levels of deliberation and participation - stands in a principled tension with capitalism because the mass participation may challenge the foundations of capitalist system as such. The paradigm of lazy, sleepy and content citizens does not work anymore even in the most developed countries - the people have awakened due to the deep social crisis. The mainstream politics has alienated itself from society it is supposed to represent and govern. As a reaction, mass grass-root movements set their own agenda and different political methods that are in opposite to the state one. Social movements and mass protests become a significant if not dominant form of expression of the people's grievances over growing social inequality and political marginalization. Puhovski (2014) rightly points out is a paradox: routinized „*single issue*“ protests, which are typical for democratic functioning of any polity, do not question legitimacy of power; unlike them, the protests that are directed towards change of government by default focus precisely on the legitimacy issue. So far, the usual pattern of delegitimation of incumbent government has been summarized in the parole "Down with the non-popular (undemocratic) government!". The civil society activists and movements in some socialist countries took the streets with one major demand: free and democratic elections that would bring political change and install democratic order. The slogans and demands of the protesters in the so-called Arab

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<sup>3</sup> Jacques Ranciere, "Sistem djeluje izazivajući osjećaj nemoći kod ljudi", *Tačno. net*, 16 October 2015, available at: <http://www.tacno.net/interview/intervju-jacques-ranciere-filozof-sistem-djeluje-izazivajuci-osjecaj-nemoci-kod-ljudi/> (accessed on 20 October 2015)

Spring were the same. Although similar at glance, the mass protests in democratic societies and those in non-democratic ones differ a lot in terms of the goals and visions. The movements in the authoritarian systems call for introduction of liberal democracy, while the protesters and activists in the West rise against that very system that have disappointed and betrayed them for generations. The radical protests in the democracies are paradoxical because the anger is directed against those that were elected by majority will of the demos itself: people protest against demos (Puhovski 2014).

## **2. Parties, Movements and NGOs in Times of Cholera**

Despite their apparently long history, defining social movements is not an easy task. Although authors may agree that the movements are all about interactions with the state (or better, with power structures) there are big differences with regard to their situating within the political system. Some speak of challenging groups (Tilly 1984), so social movements are seen as “challengers” that seek to enter the institutionalized world of “polity members” who have routinized access to the levers of power. Gamson (1990) depicts social movements as “outsider groups” whose challenges succeed for such groups become recognized actors in institutional politics. If social movements truly become acknowledged partners in the institutionalized politics it is expected that they demobilize afterwards; in other words, they are seen as necessarily extrainstitutional. Jenkins and Kaldermans (1995, p. 3) argue that social movements constitute a potential rival to the political representation system and can play a major role in restructuring the relationship between the state and civil society. By speaking of *social protest*, they point to the collective action of social movements that are attempting to alter the representation system, public policies, or the general relationships between citizens and the state.

Goldstone (2003) criticizes the persistent tendency to see this interaction as distinct from normal politics. He defines the interaction between state and social movements in a different way: movements constitute an essential element of normal politics in modern societies, and there is only a fuzzy and permeable boundary between institutionalized and noninstitutionalized politics. Accordingly, one cannot understand the normal, institutionalized workings of courts, legislatures, executives, or parties without understanding their intimate and ongoing shaping by social movements. Indeed, state institutions and parties are interpenetrated by social movements, often developing out of movements, in response to movements, or in close association with movements. Meyer and Tarrow (1998) claim that Western democracies are becoming “movement societies”;

movements have become so routine, so institutionalized (through permits for demonstrations and referendums by petition) that they are now part of normal politics. Yet Goldstone makes a step further claiming that social movements are not merely another forum for or method of routinized political expression, but they have rather become part of the environment and social structures that shape and give rise to parties, courts, legislatures, and elections. While this standpoint tries to bridge institutionalized and noninstitutionalized politics (unlike the first one that confronts them), there is also a third possible explanation: the social movements could be either sign of institutional failure of representative democracy (in times when capitalism divorces itself from democratic institutions and principles) or they may be just a form in which mainstream political subjects re-brand themselves as social movements in order to regain their lost legitimacy.

Studies of social movements and of political parties have usually treated them as separate and distinct. In fact, they are deeply intertwined. Social movements often shape electoral competition and party policies; they can even give rise to new parties. The best examples for the former are Syriza victory in Greece and the re-birth of the Labour Party in UK during the election of the party leader in 2015. The most illustrative example of a new party born out of a protest movement is Podemos in Spain. These examples actually offer a new perspective of the ways in which horizontality of a mass movement may combine with the verticality of party organization in order to bring changes through the electoral process.

### **3. Do Protests Have any Meaning under State-Building Process?**

For a short period of time (October 2014-mid July 2015) it looked as if the Macedonian citizens had joined global trends when it comes to citizens' protests and activism. In October 2014, it was the surge of a new student movement (Student Plenum) that raised optimism about the political awakening of otherwise apathetic society. In spite of the rather modest demands (related to the higher education and student standard), the student activists send a clear and loud message chanting: "This is just a beginning!" As soon as the protests mobilized a surprisingly big number of citizens from all walks of life, some started enthusiastically talking of "Spring in December" (referring to a song of popular YU-group "Azra"). Within a fortnight, various plenums mushroomed in different spheres: the society embraced a form of horizontal self-organization. So-called plenumisation took place among high school students, teachers, parents, and even journalists. There was even an ambition to create a general "umbrella plenum" - a Citizen's plenum - that would articulate grievances of the numerous interest groups. The process coincided with a major political

crisis related to wire-tapping scandal and the release of so-called “political bombshells” by the major opposition party. By May 2015 there was an impression that Macedonia was on a brink of the Political New, i.e. that the energy that engulfed the society had unifying force and power to change the foundations of the political state. However after the peak (the impressive mass rally of 17 May) things gradually turned into a downfall. By the midsummer, the Macedonian Spring has proved to be just a pipe-dream. Thus the central issue is if the protest movements have had any success, or better - have they become an indicator for a radical change in the political system or a symptom of a system failure as such.

In order to come to some tentative conclusions (especially as these are recent phenomena and the political crisis is ongoing), one should pay attention to the specific national context and the dominant political culture as determinants of the future developments. Democratic transition in Macedonia came as a surprise: practically there was no civil society to demand democratization and liberalization, but the new constitutional order was established upon gaining independence in 1991. It was inevitably accompanied by a swift primitive accumulation of capital. The criminal privatization gave birth to new capitalist class and created a lasting ground for the new ruling elites. The raising inequality gap was just a consequence of the empty democratic shell that provided facade for the crony capitalism. The narrative of independent statehood served as a sugar-coated pill for all those who were pushed in the grey zone of pauperization. They put quasi-ideological coats in order to play the democratic game of pluralism and parliamentarism. On the other hand, there was no resistance to any step in the establishment of any new distribution of social resources and the new power structures - the population was happy that there was no war like elsewhere in the neighbourhood.

The pact among the political, business and media elites has been working perfectly ever since. The political pluralism was soon exhausted as an idea(l) and the party landscape simplified especially since 2001: once divided along ethnic lines, the two major ethnic communities practically formed bi-party system each. Once in a governing coalition the major Macedonian and the Albanian parties would cooperate very well, especially in terms of sharing the electoral spoils. Having been unable to deliver any of the promises to their voters, the parties often play the nationalist card. Having embraced roughly identical neoliberal positions the political parties have become *all-catch parties* by default. One ideology (communist) was declared dead and instead replaced by another (neoliberal) that has become secular religion.

The 2001 ethnic conflict was short-lived. Again Macedonia became an international success story, and since then - an object of an intensive international state-building. The international mediators accepted *fait accompli* on the ground i.e. alleged impossibility of living together unless there are special rules of the game in a form of power-sharing (Vankovska 2014). The Macedonians and Albanians have always been living in parallel worlds but ethnic differences were now constitutionalized and became a bargaining chip in the political game. The cartel of ethnic elites, decision-making based on double-majority rule and the quota system of recruitment of officials and administrative staff only deepened already persistent *partitocracy* (Siljanovska-Davkova 2005, 2014).

Introduction of the power-sharing system as a follow up of the 2001 Framework Agreement meant *implicit* abandonment of the liberal model of parliamentarism. The hybrid ethno-illiberal system ever since suffers deadlocks due to the perpetual ethnic bargaining within the governing coalition but also due to the protest and boycott tactics of otherwise impotent opposition. The negotiation process is regularly facilitated by the EU and the US ambassadors or other international officials. The international community has become a direct and powerful actor in the political process. Instead of institution-building and democracy learning process, the outcome is the opposite: not only the political elites but the public as well develops dependency syndrome. The state-building process enforces the state weakness instead of empowering the institutions and the democratic policy. To paraphrase Chandler (2006, p. 30), non-Western states, particularly those in the Balkans, are more accountable to international-policy makers than to their own people. Except during the elections, the citizens have been forgotten by all parties i.e. instead of being active participants in the political process they have become voters in elections that do not resolve or change anything. The rule of the conservative VMRO-DPMNE (especially since 2008 elections) introduced a rather different approach by using extrainstitutional mechanisms for gaining support - 'spontaneous' mass gatherings in support of the government or counter-protests against the opposition. Only at the beginning of the political crisis (2012-2015) the opposition started using populist rhetoric in Ernesto Laclau's terms (2005), trying to speak on behalf of "we, the people". Yet it is not sure if the Macedonian public, and especially the activists and intellectuals, have become aware that all sides - both political parties and non-party actors - were in fact trying to construct the political through populist means.

Usually, each ethnic block witnesses internal political strife in a rather confrontational, exclusivist and antagonistic manner. A major empirical analysis (Hristova et

al. 2011, p. 236) concludes the following: "The political conflict based on the idea Traitors – Patriots pushed the citizens of Macedonia into one continuous political battle in which one Macedonia needed to conquer some other Macedonia – completely...." The Albanian parties follow the same pattern despite the slightly different rhetoric. The politics has become a continuation of war with different means as it is a matter of "live and death" rather than a struggle for leading governing positions and good governance. The militarized politics divert the majority citizens who have had enough from each of the two major political options. The absentees have grown in a major (but still unconscious) political group in Macedonia on both sides of the political and ethnic divide.

### **3. Active Citizenship and Protests: The Uncharted Territory**

The story of active citizenship and participation in Macedonia is quite a short one. The conventional wisdom says that civic resistance to authoritarian policies or even the mere participation in the public affairs is something not very emblematical for the Macedonian population. As it happens, Macedonia does not differ a lot in this respect from the other post-socialist and post-conflict states. The 1991 Constitution guarantees a long list of political rights and freedoms. Yet their utilization has been modest: the while one could hardly talk about any meaningful and even less organized struggle or protest for their defence. The episodes of direct participation of citizens in the political process, by default, show that it has never been very popular with the political elites - and rarely encouraged or tolerated. After the initial enthusiasm politics has become something to be disgusted of, or at best - to profit from personally (by getting a party membership card). Petitions and national-wide initiatives focused mostly on political and/or ethnic issues. The social and economic demands have been neglected due to the naive conviction that the problems arise from the inconsistent functioning of the otherwise ideal political system; thus, the origin of the problem was in the personalities/ politicians rather than in the framework that allowed such political domination based on clientelism, soft coercion and corruption.

### **4. The Macedonian Melancholic Revolution**

Growing discontent has never been a secret but it was hardly articulated, well organized or consistent. Eventually, protests have become more frequent and diverse. The inflation of various protests and other forms of activism has its other side: the protests would usually bring together the same flock of people, mostly intellectuals and/or NGO



activists. The silent majority has remained passive observer despite the dissatisfaction. The same persons would promote various agendas and speak up on behalf of wider groups. They are usually well-trained, well-spoken and financially supported with foreign grants. Such protests have either been seen as ill-attended or just as a mere spectacle with no content (or even genuine conviction).

In addition to the dominant passivity, the reasons for the limited effects of the public protests should be sought in some other aspects of the political life. Having been coping with its growing irrelevance and impotence, the opposition transforms itself into a non-governmental entity. It happened more than once that the leading politicians from the opposition take the first rows in rather authentic protests of various societal groups. As a response, the ruling VMRO-DPMNE has invented so-called counter-protests; its own party activists would put the hats of ordinary citizens who support governmental policies. The 2014 survey results show that as many as 73.4% of the respondents does not believe in spontaneity of the protests. The political parties have usurped the space and the forms of civic engagement. The NGO sector is being divided along political lines too, so each political party could rely on its 'own people'. The underlying reason for this is to be found in the systemic disempowerment of the people.

The most surprising but also the most promising protest that Macedonia has witnessed in its 25 years long independence were the student protests in 2014/2015. The campaign started shyly and swiftly grew into a mass movement. The public euphoria grew and the public called upon the students to take over the state leadership. Few believed that it was all only about student/educational matters - those on power out of fear, while the others out of hope. At first the ruling elite ignored the student demands as well as the protests. Nevertheless, as soon as they became impossible to ignore, another tactics was employed: it was said that the students were manipulated by the opposition or even declared provocateurs financed by external powers in order to incite a Macedonian Euromaidan. It was exactly Student Plenum's distance from the party life that attracted the citizens and gained them such a great admiration. A number of university professors followed the students' example and formed Professor Plenum.

The political crisis that deepened due to the wire-tapping scandal escalated on 5th May 2015. After months of peaceful protests, this was the first one to end in violence. It was a turning point: the political reason overshadowed all the others. It created a scene for Manichean battle between Good and Evil. As a consequence, the protesters organized a group "I protest for peace and justice" (#Protestiram). According to the public

announcement, “in a citizen plenum, those present at the gathering reformulated the goals of the protests. #Протестирам (#Protestiram), a broad citizens’ movement was established, fusion of previous movements and initiatives. Their demands are: urgent resignation and responsibility from the Government; 2) urgent release of all activists detained since May 5, 2015 and 3) formation of Government to democratize state institutions.<sup>4</sup> The students joined this new form of activism claiming that it was impossible and even immoral to negotiate with an authoritarian regime.

The opposition had a similar scenario and formed another movement: “Citizens for Macedonia” brought together a long list of well-established NGOs as well as activists and intellectuals. A mass rally under the slogan “We are coming” took place on 17 May in front of the government. At the end of the day, the protesters set up a “Freedom Camp”: a number of tents remained in front of the government till the end of the already ongoing political negotiations between the ruling and opposition parties under the auspices of the international community. Eventually, everything turned into a big spectacle: the ‘citizens’ were partying during the warm summer nights, and the revolution ended up in a karaoke-show where the protesters were singing “The government is falling”.

Apart from the fact that VMRO-DPMNE remained loyal to its habits and organized equally big gathering the following day (including a counter camp in front of the parliament building), more interesting and far more significant was the interplay within the opposition block. While the political opposition was trying to present itself as a nation-wide movement against the government, the smaller new movements were trying to distance themselves from it.<sup>5</sup> Later on, another activist of #Protestiram concluded that “after After May 17th, the resistance entered in a deep crisis. The protests deflated and the awaited turnaround did not happen” (Sisovski 2015). From that moment on, #Protestiram had been trying to revive the politics of passion and to mobilize more people on the streets but in vain. The

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<sup>4</sup> See more: [http://protestiram.info/?page\\_id=40](http://protestiram.info/?page_id=40) (accessed on 10 October 2015).

<sup>5</sup> In a TV debate Stefan Vidikov put it explicitly that the Student Plenum voted for their presence at the 17 May rally but with a distinction that it was not a part of the “Citizens for Macedonia” or any opposition party, but that they all had common interest: <http://novatv.mk/index.php?navig=8&cat=27&vest=22428> (accessed on 10 October 2015). In a FB post, one of the most active members of #Protestiram, Anastas Vangeli, wrote that the actions of opposition and its coalition of parties and NGOs was suffocating pluralism among the resistance forces.

high politics got priority especially in the classical negotiation process where the international state-builders preferred to deal with the party leaders.

The inter-party negotiations (and eventually the phase of the implementation of the so-called Przino Agreement) clarified the differences between the two resistance blocks. The Social Democrats' critique was directed towards its political opponent but not against the system, while #Protestiram wanted a radical political and social change (it however remained short of any more specific vision, strategy or tactics; the international mediators felt much more comfortable with the politicians they could control - the new ideas that may have resembled a 'Macedonian Syriza/Podemos' were suspicious and unpredictable. The political solution of the crisis, according to the activists of #Protestiram, was not only painful to follow but even something that had exterminated the very idea of protests and resistance (Vangeli 2015). However, a self-critical activist (Sisovski 2015) claims that the movement was ideologically incoherent body, and the main bone of contest was how close or far the activist were from the social democrats' positions: "The main disadvantage of the movement was in the fundamental unsustainability of the idea of burying all differences until the fall of the regime. It became evident that the differences were substantial and ideological. While some showed strong liberal and anti-authoritarian tendencies, the pro-SDSM group acted in quite an authoritarian fashion. The constant insistence on a complete and blind support of the SDSM leadership, the 'you are either with us or against us' logic, and the demonization of everyone who did not give their wholehearted support to SDSM with the derogatory "neutrals" only went to show the authoritarian tendencies in the ranks of the pro-SDSM wing of the resistance."

Having been caught into an exhausting political soap opera, the general public got confused, tired and eventually bored by the tents, camps, marches and street blockades that would not let them get to work/home. The "cliktivism" eventually became the main form of activism: the people preferred debating or even fighting through internet forums.<sup>6</sup>

### **7. Instead of Conclusion: The Post-Protest Anti-Climax and Depression**

One year after the student protests that promised a "Macedonian Spring", the country is back on square one. The political parties have again occupied the public scene, and marginalized all other actors that for a while promised something new in the political realm. After the Ohrid Framework Agreement there is another internationally sponsored

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<sup>6</sup> A witty aphorism read: We are neither VMRO-DPMNE nor SDSM, we are (from) Internet!

framework agreement. The operationalization of the agreement goes in a non-transparent manner, within the close circles of four parties' representatives. The citizens are forgotten again, while the social movements face a dilemma: to stick to horizontal activism or to take part into the political game (elections in April 2016). It is additional crack in already disoriented protest movement.

A very important issue with regards to the protest movements in hybrid systems and weak states that are under the guide of the international state-builders is: is political spring as such desirable at all? Probably far more important issue is: is it possible? Some surveys (N. Markovic et al 2012, N. Markovikj and I. Damjanovski 2015) point out the obvious apathy and distrust in any organized form of political life such as parties, NGOs etc. The exciting currents of 2014/2015 are just an exciting episode that only proved that the protests *per se* cannot bring political (and even less societal) changes. At the end of the day many fingers point out at the citizens as the main culprits for the failure of what was supposed to be a Macedonian spring. Few consider the factors that systematically disempowered the citizens. Some researchers (Torpe L. and M. Ferrer-Fons 2007) argue that even in developed societies it has become more difficult to mobilize individuals around shared endeavours, at least with regard to long-term projects. If it is true that individuals are no longer potential full-time activists, but make independent choices on a case-by-case basis, than it is even truer for underdeveloped clientelistic societies. The organized protests tend to become opium of/for the masses: it makes some people feel better after expressing their frustrations but does not resolve the basic contradictions in the society based on firm neoliberal fundaments. The citizens have never been encouraged to take active participation that goes beyond party-politics; instead the political parties have always been the ones to mobilize (using stick and carrots), provide incentives and logistics for any mass rally. Actually, the greatest achievement of the student protests was precisely overcoming that distrust barrier with the majority citizens that are distrustful to political parties and NGOs in general.

### **Bibliography**

1. Gamson, William A (1990), *The Strategy of Social Protest*, 2nd ed. Belmont, CA:Wadsworth
2. Goldstone, Jack A. (ed.) (2003), *States, Parties, and Social Movements*, Cambridge: Cambridge University Press

3. Habermas Jurgen (1998), "Three normative models of democracy". In J. Habermas (ed.), *The inclusion of the other*. Cambridge, MA: MIT Press
4. Habermas Jurgen (2006), "Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research", *Communication Theory* 16.
5. Hristova Lidija et al. (2011), "Politichkite identiteti vo Republika Makedonija", Skopje: ISPPi
6. Laclau, Ernesto (2005), *On Populist Reason*, London: Verso
7. Markovikj N. et al (2012), *Politickata kultura vo Republika Makedonija*, Skopje: Friedrich Ebert Stiftung & IDSCS
8. Markovikj N. and I. Damjanovski (2015), "The uncharted political realm – social capital, political values and practices stimulating informal networks in Macedonia", *New Balkan Politics*, Issue 17.
9. Mouffe, Chantal (2015), "Transforming Political Consciousness", *Green European Project*, July, <http://www.greeneuropeanjournal.eu/wp-content/uploads/2015/09/GEF-ED-2015-web.pdf>
10. Puhovski, Zarko (2014), "Pobuna naroda protiv puka", *Peščanik*, 7 March, <http://pescanik.net/pobuna-naroda-protiv-puka/>
11. Ranciere Jacques(2015), "Sistem djeluje izazivajući osjećaj nemoći kod ljudi", *Tačno. net*, 16 October 2015, available at: <http://www.tacno.net/interview/intervju-jacques-ranciere-filozof-sistem-djeluje-izazivajuci-osjecaj-nemoci-kod-ljudi/> (accessed on 20 October 2015)
12. Siljanovska-Davkova, Gordana (2005) "Organizational Structures and Inter Party Democracy in Macedonia" in ed. Georgi Karasimeonov (ed.), *Organizational Structures and Internal Party Democracy in South Eastern Europe*, Sofia: Goreex Press
13. Siljanovska-Davkova, Gordana (2014), "Internal Life of Political Parties in Western Balkans: Between Oligarchic Tendencies and Democratic Challenges", conference paper presented available at the IX World Congress "Constitutional Challenges: Global and Local", Oslo 16 - 20 June
14. Sisovski Jordan (2015), "David versus Goliath", <http://zasedan.ie.mk/?p=1207>
15. Tilly, Charles (1978), *From Mobilization to Revolution*. Reading, MA: Addison-Wesley

16. Vangeli Anastas (2015), "Pregovorite sto bolat", *Fokus*,  
<http://fokus.mk/pregovorite-shto-bolat/>
17. Torpe L. and M. Ferrer-Fons (2007), "The internal structure of associations". In: W.A. Maloney and S. Rosteutscher (eds.), *Social capital and associations in European democracies. A comparative analysis*, (New York: Routledge, 2007): 97.
18. Vankovska, Biljana (2014), *Politichki sistem na Republika Makedonija*, Skopje: UKIM
19. Wagner, Peter (2012), *Modernity*, Cambridge: Polity Press

## QUESTIONING DEMOCRACY IN THE NAME OF THE PEOPLE: THE SO-CALLED "NEW LATIN AMERICAN CONSTITUTIONALISM"

Carlos Flores Juberías  
University of Valencia, Spain  
[carlos.flores@uv.es](mailto:carlos.flores@uv.es)

### Abstract

Throughout the last decade, an academic approach has become increasingly vocal, stating that, notwithstanding the many differences between the constitutional texts that have been adopted in several Latin American countries as a result of the successive victories of populist candidates like Hugo Chavez in Venezuela, Rafael Correa in Ecuador and Evo Morales in Bolivia, some shared concerns and some common features can be identified, revealing the existence of a "New Latin American Constitutionalism", the ultimate goal of which would be to provide for these countries a valid replacement of the old fashioned European liberal traditions by new political systems, more suited to the realities, the problems and the expectations of Latin American peoples. In this paper, I will try (1) to make a presentation of the political climate in which these constitution-making processes were carried out; (2) to provide an enumeration of the basic features that have given consistency to the idea that there is a new constitutionalist stream emerging in this part of the world; and (3) to debate about how new, and how detached from the well established European tradition this "new Latin American constitutionalism" is, and how efficient the solutions proposed have been in order to improve the political stability of Latin American states and enlarging the scope of rights and liberties enjoyed by their citizens.

**Keywords:** Latin America, Constitution, Democracy, Populism, Human Rights

### 1. Introduction

To argue that we are witnessing the beginning of a new era in the evolution of Constitutional Law is not something frequently heard. If there is a discipline in legal sciences that seems resistant to the temptations of modernization, and prefers above

anything else to remain sheltered under the formulas endorsed by experience, that discipline is Constitutional Law, an area where innovation is difficult and experimentation is usually greeted with suspicion. Probably the reason for this lies in the intimate relationship between democracy as a goal and constitutionalism as a mean to achieve it, a relationship that has as a consequence that any innovation in the field of constitutionalism has to go through the test of whether it is sufficiently committed to the most deeply rooted democratic values or not, and if it will serve them with the same effectiveness of the already known formulas.

Perhaps for this reason, in explaining the evolution of Constitutional Law over the past two hundred years or so, it is usual to just point out the existence of four major periods:

- Liberal revolutionary constitutionalism, a by-product of the bourgeois revolutions of late eighteenth and early nineteenth century, the best products of which would be the American Constitution of 1787, the 1791 Polish Constitution, the French Constitution of that same year, or the Spanish 1812 Constitution.
- The conservative reaction, provoked by the convergence between the bourgeoisie and the old (or new) dynasties and aristocracies, which had its heyday during the 19th century and the early years of the 20th century.
- Democratic constitutionalism, which emerged after the defeat of the Central Empires in World War I, and was embodied in texts of as much significance as the Weimar Constitution of 1919, the Spanish 1931 Constitution or -in the Americas- the Mexican Constitution of 1917.
- And, finally, social constitutionalism, paradigmatic of developments following World War II, of which the French constitutions of 1946, the Italian of 1947 and the German of 1949 are the best and earlier examples and the Portuguese of 1976 and the Spanish of 1978 rather remarkable and later ones.

However, in the last years, an academic approach has become increasingly vocal, and is also becoming gradually accepted both among the academic community and at the political sphere in the Hispanic world, that states that, notwithstanding the many differences between the constitutional texts that have been recently adopted in several Latin American countries as a result of a series of successive constituent processes, some common features or identifying traits, which reveal the existence of some shared concerns, can very well be identified; and that these coincidences have paved the way for the



emergence of a so-called "New Latin American Constitutionalism"(Viciano Pastor & Martínez Dalmau, 2011), the ultimate goal of which would be to provide for these countries a global replacement of the old fashioned European constitutional models imported throughout the 19<sup>th</sup> Century, and the introduction of new constitutional frameworks, more suited to the traditions, values, and realities of Latin American peoples. And, if possible, to question some of the paradigms that have defined the evolution of constitutionalism so far.

In this paper, I will try to provide a summary presentation of those features that have been giving consistency to the idea that there is a new constitutional tendency in this continent, in order to pave the way for a debate about how new, and how detached from the well established European tradition this "New Latin American Constitutionalism" is. Unfortunately, the debate about how efficient the solutions proposed have been in order to improve the political stability of Latin American countries and enlarge the scope of rights and liberties enjoyed by their citizens will exceed the possibilities of a short contribution like this, and will only be briefly introduced.

## **2. The Origins of the New Latin American Constitutionalism**

Leaving aside such valuable attempts at consolidating democracy and advancing in the protection of human rights as those contained in the Guatemalan Constitution of 1985 (Martínez Sospedra, 1995) and the Brazilian Constitution of 1988 (Bravo Lira, 1989), it is widely accepted that the series of constituent processes that have given grounds to coining the term "New Latin American Constitutionalism" started with the one initiated in Colombia in 1990, which had as a result the Colombian Constitution of 1991 (Noguera Fernández & Criado de Diego, 2011). Both the constitution-making process and the Constitution itself already featured the main characteristics of what is now defining this new constitutionalism: on the one hand a political proposal for the overcoming of an obsolete constitutional framework (which in Colombia dated back to 1886) and the reconstruction of the State, preceded by a broad social mobilization, and leading to a fully democratic and highly participative constituent Assembly; and on the other hand a strong constitutional text, largely innovative and with a huge transformational potential.

Again, leaving aside other valuable but rather limited attempts of political transformation as those verified in Peru in 1993 (Fernández Segado, 1994) and in Argentina in 1994 (Jiménez, 2004), the Colombian experience was renewed by the new Ecuadorian Constitution of 1998 (Trujillo Vásquez, Viciano Pastor & Andrade Ubidia, 2005), though the lack of a final referendum on the constitutional draft –as it had already happened in

Colombia– and the conflict between the constituent Assembly and the ordinary branches of power, weakened the legitimacy of the new Constitution, which ended up being repealed by a second constituent process only ten years later.

The Venezuelan constitution-making process of 1999 (Martínez Dalmau, 2006), on the other hand, not only featured all participatory elements of more democratic constituent processes –including a referendum to activate the process and another one to close it, approving its constitutional text– but its final outcome –the Constitution of 1999 (Viciano Pastor & Salamanca, 2006), backbone of the Chavez regime– fully encompasses the elements which in the following sections I will try to enumerate as characteristics of this new constitutionalism.

For the time being, the last samples of this happen to be the new Ecuadorian constituent process of 2007-2008, promoted by President Rafael Correa (Ávila Santamaría, Grijalva Jiménez & Martínez Dalmau, 2008), and almost simultaneously the constituent process experienced by Bolivia between 2006 and 2009, under the leadership of President Evo Morales (Gamboa, 2011), whose outcome, the Bolivian Constitution of 2009 (Chivi Vargas, 2010) is one of the most clear examples of deep institutional transformation experienced in Latin America in decades.

This relatively rapid succession of constituent assemblies and constitutional referenda which lies at the root of most of the texts to which we have just referred to, could easily be identified as the first defining characteristic of the New Latin American Constitutionalism, since its simple verification already marked a sudden depart from the most usual practices in the Latin American context, where constitutions were usually drafted and passed strictly within the confines of parliament (Viciano Pastor & Martínez Dalmau, 2010).

In fact, since the adoption of the first, foundational constitutions of the States of the region, during the second and third decades of the 19th century, Latin America had lacked of constituent processes that might be qualified as truly popular, and even democratic. The many –occasionally, excessive – constitutional innovations in the continent had normally been the result of scarcely participatory processes, confined to the narrow scope of a Parliament dominated by the political and economic elites of the country in which the people could not participate effectively, and public opinion was kept at bay. That was in part the reason why the old constitutionalism did not care much about anything but to comply with the objectives determined by these same elites: to organize the power of the State in order to maintain the status quo, to provide mechanisms for the ordered

succession in power of these elites, and at the most to display a few of the characteristic elements of a formal democratic system.

### **3. The Formal Aspects of The New Latin American Constitutionalism**

Alongside with this similarity regarding the popular origin of this set of Constitutions, and adopting now a strictly formal point of view, at least four other common features deserve to be underlined:

- Their originality and potential for innovation.
- The unprecedented extension of their texts.
- The complexity of the institutional framework created.
- And their extreme rigidity.

The apparent originality of the constitutions that make "The New Latin American Constitutionalism" is inherent to their claim to serve as a vehicle to a profound political and social change in the direction of enhancing social integration, ensuring rights and freedoms, and deepening citizens' channels for political participation. Examples of this claim to originality start in two of these texts with the introduction of a change nothing less than in the name of the State itself, whereby the Republic of Venezuela became the "Bolivarian Republic of Venezuela" in 1999; and the Republic of Bolivia the "Plurinational State of Bolivia" in 2008. But, indeed, they fully affect the institutional design of these States with – for example– the institutionalization of the referendum of recall in the case of Colombia, Venezuela and Bolivia; the creation of the Council of Citizen Participation and Social Control in Ecuador; the improvement in Venezuela of the traditional tripartite division of powers; or in the Bolivian case, the incorporation of the concept of "plurinationality" or the popular election of the members the higher courts of Justice of the State. Nevertheless, it will be the incorporation of a wide range of rights, many of them unheard of not only in their respective countries, but even in the most advanced Constitutional systems of the world, which has given these texts a genuinely revolutionary appearance –and an undisputable popular support (Noguera Fernández, 2011)

Another common, easily detectable, formal feature of these constitutions is its abnormal extension: in addition to other elements, such as the preamble, the transitional provisions, etc., the 1991 Colombian Constitution has 380 sections; the Ecuadorian of 1998, 284; the Venezuelan of 1999, 350; the Ecuadorian of 2008, 444 sections and finally the Bolivian Constitution of 2009, comprises 411 sections, many of which also happen to be long, detailed, and even casuistic texts, sometimes extending for one page or more. This

clearly excessive regulatory zeal has been usually justified by three kinds of reasons: on the one hand by the desire of the constituent assembly to carry out a sweeping, and immediate transformation of the State structure at all levels; on the other for the need –or at least the aspiration– to provide an answer to a myriad of real or perceived problems, and to satisfy the demands of many social actors taking part in extremely open and widely participatory constitution-making processes; and finally by the desire to guarantee the permanence of the agreements reached throughout these processes, preserving them as far as possible from the forgetfulness –or the betrayal– of future governments or parliamentary majorities to be conformed once the Constitution entered into force even if they may have a different set of priorities. All this with the logical consequence of severely limiting the powers and freedom of action of these future governments and parliaments –and even that of constitutional courts–, in their role of developers and interpreters of the constitutional text, which would forcefully be hampered by the extreme casuistry and precision of these texts.

The complexity of the institutional framework created by this set of constitutions has a lot to do with the three aims just mentioned, and has resulted in a series of institutional systems of mammoth dimensions, in which the three classic branches of government –legislative, executive and judiciary– have often been complemented by others, newly created, all of them complemented by a myriad of surveillance, advice and participation organs. The most revealing consequence of these complex institutional designs is undoubtedly the departure from the classical principle of unity and hierarchy of the law which derives from the recognition indigenous peoples' legal systems on an equal footing with the law deriving from the Constitution itself, which has had as a consequence a duplication of standards, procedures and institutions difficult to fit and even more difficult to implement (Giraudo, 2008).

As for the constitutional rigidity (Grisolía González, 2007), it has been argued that this does not seek the durability of the constitution in time, as much as making sure that changing it will run exclusively at the expense of a constituent assembly, and will not be carried out by means of a behind-the-doors agreement and a ratification vote at the legislature. This has resulted in the deprivation of ordinary institutions of the capacity to carry out constitutional reform themselves. A claim that will not escape by its mere utterance of the iron rule under which, when constitutions are too rigid, the change in the political situation or the transformation of the social circumstances under which they were conceived necessarily leads to their blatant violation, or to their forceful and illegal

replacement. Both of them hypothesis far less desirable –despite what the advocates of this new constitutionalism, apparently unsure of their durability in time, may sustain– that their gradual transformation.

#### **4. The Proposals of The New Latin American Constitutionalism**

Of course, the claim that there is such a thing as a “New Latin American Constitutionalism” would become pointless if, beyond the geographical, temporal, and formal coincidences that we have underlined so far, there were not substantive similarities among the political projects proposed by the different constitutional texts which we are taking as a reference. But these similarities do exist, and at least some of them deserve some consideration (Pazmiño Freire, 2009).

1st. The replacement of the idea of representative democracy, so characteristic of the classic liberal tradition, by a system of participatory and pluralistic democracy, which – not dismissing the well known and deeply rooted representative bodies–, complements them with mechanisms of direct democracy and citizens’ control, developing a democratic paradigm much closer to Rousseau’s ideal than to the more pragmatic and workable approach of Montesquieu (De Cabo, 2011). Thus, the New Latin American Constitutionalism has institutionalized a whole set of popular participation formulas, such as the popular legislative initiative (Hevia, 2010), the referendum (Soto Barrientos, 2013), recall procedures of elected officials (Welp & Serdült, 2014), the programmatic vote, *el cabildo abierto* or open local assemblies (Alvarado Beltrán, 2014), popular control bodies and electoral justice, and direct eligibility of the highest courts of justice, in addition to the aforementioned permanent activation of the regulatory capacity of the people as true holder of the constituent power. But it has also been concerned to encourage non-institutionalized forms of citizen participation in order to avoid the bureaucratization and state monopoly of political participation and to keep the so-called social or non-institutionalized guarantees of rights. As a consequence, New Latin American Constitutionalism is characterized by the juxtaposition of two complementary –though the sometimes confronted– areas for political participation: the institutionalized one, which contributes to democracy and state legitimacy, and the informal one, ensuring social supervision and control over state powers.

2nd. The constitutionalization of international human rights instruments, and the proclamation of their supremacy over internal rules: in most of these constitutions human rights standards deriving from international instruments ratified by the States are directly incorporated into their constitutional order, with a higher rank to the rest of the system,

including them in what the doctrine calls the “constitutional block.” A trend that is perhaps not striking when view from Europe but that certainly is novel in the Latin American continent, where the idea of state sovereignty is still deeply rooted (Cordeiro Lopes, 2015).

3rd. The abandonment of federalism and autonomy in favor of a recentralization of the State. It is known that in Latin America, and largely as a result of US influence, federalism has a long tradition. However, this tradition has proved unable to provide any of the countries that have formally adopted federalism (Mexico, Argentina, Brazil and Venezuela) with a genuinely federal dynamic, and therefore has not managed to become an obstacle to the concentration of power in the hands of a centralist elites. Despite this disheartening precedent, in the last quarter century, and with the rise of neoliberalism, the federal idea took a new strength both in those Latin American countries that had already assumed it, as well as in others—the pressure for regionalization in Bolivia is probably the most paradigmatic case (Burbano de Lara, 2012)—that were still keeping radically centralist formulas despite the obvious diversity of their territories and their respective demands. This renewed demand for federalism –or, following the term coined by the Spanish Constitution of 1978, of “autonomy”– was focused not only on the transfer and joint management of the most important governmental powers, but especially on the direct management of natural resources located in the respective territories and the administration of their benefits, with the consequence of increasing regional inequalities wherever this trend was able to prosper, and the strengthening of alternative power centers. Probably for this reason the New Latin American Constitutionalism appears determined to put a limit to, or even reverse these processes, restructuring the system of division of powers from a centralist conception of planning and control of resources that, in theory, will facilitate the re-institutionalization of the State and ensure the satisfaction of the social demands of the population. At the same time, the above mentioned constitutions offered to replace territorial self-government with alternative kinds of self-government based on ethnic divisions (Gómez Isa & Ardanaz Iriarte, 2011) which may be justifiable from other points of view, but that in no way met the demands of those who had advocated a horizontal division of powers.

4th. A new approach to constitutional justice, through the transformation of the traditional system of judicial review imported from the US into a hybrid system closer to the European model of constitutional control, though not lacking in substantial and significant peculiarities. Although the creation of constitutional courts or separated constitutional sections in the supreme courts was not an innovation of the New Latin American Constitutionalism –the former existed since 1984 in Guatemala, 1993 in Peru and

1994 in Bolivia, and the second had been created in 1983 in El Salvador, en 1989 in Costa Rica and in 1992 in Paraguay– the truth is that the idea of concentrated control of constitutionality got a warm reception in the series of constitutions we are analyzing, which however did not imply the complete abandonment of the system of judicial review of constitutionality. Thus, the Latin American model of constitutional control has ended up being a unique mixture where on the one hand there are constitutional courts in charge of keeping the integrity and supremacy of the Constitution, while the ordinary courts retain the power to refuse the application of the laws and unconstitutional regulations in specific cases, in addition to the function of hearing appeals for protection of basic rights (Storini & Escudero Soliz, 2011).

5th. The marginalization of parliament as a representative body and of political parties as tools for political participation. To begin with, it should be recalled that the aforementioned assumption by the new Latin American constitutional orders of the normative character of all the constitutional provisions and the central role assumed by the dogmatic part of the constitution, has led to the direct applicability –that is: without the necessary intermediation of the legislature– of most constitutional regulations, including many recognizing economic, social and cultural rights. On the other hand, the argument that it was necessary to carry out the people's demands as quickly as possible, also served as an alibi by the various presidents of the region to demand from parliaments special powers on their behalf, or to marginalize them in the decision-making process by issuing executive decrees in lieu of acts of Parliament. Both trends have led to a tacit, global devaluation of the law and therefore of the legislatures, on behalf of constituent power and the set of organs to whom it entrusts the protection of its legacy; and more often of the chief executive. Legislatures have undergone a serious discredit process, too, in favor of institutions of control of the hierarchy of norms such as courts, which in turn has required the introduction of mechanisms for popular election and recall of their leaders. The main protagonists of their action –political parties– have been equally discredited as the sole channels for political participation, recruitment and representation, in favor of informal formulas for participation of citizens in the definition of the political course of the country.

6<sup>th</sup>. A new structure for the separation of powers. Not satisfied with that, some of these constitutions have gone even further, attempting to overcome the paradigmatic juxtaposing of the three traditional branches of power–legislative, executive and judicial–by introducing a whole set of new instances such as the “electoral power” mentioned in the 1991 Constitution of Colombia, or the “moral power” established by the Venezuelan 1998

Constitution (Criado de Diego, 2011). The former appeared as a consequence of the hyper-constitutionalization of electoral rules, consisting in the inclusion within text of the Constitution of electoral norms that were not just a matter of principle, but strictly procedural, hence assuming that channeling the people's will through the vote was a matter unsuitable to be regulated by any of the state powers that sustain their legitimation on this will, but only by one of independent nature, exercised directly by the citizens themselves, and indisputably committed to constitutional values. As for the power known as "citizen" or "moral power", this happens to incarnate a new governmental role, unprecedented in European constitutionalism, intended to institutionalize the participation of organized citizens in monitoring and controlling the ordinary operation of state institutions. This function is designed as a manifestation of the right and the duty, belonging to every citizen in the context of a participatory democracy, to be informed, participate, decide and evaluate the management of public issues of all kinds. As a consequence, a whole new network of specialized agencies became established, such as the Comptroller General of the State, *ombudsmen*, or supervisory instances based on institutionalized citizen involvement, such as the Council of Citizen Participation and Social Control (Palacios Romero, 2011).

7<sup>th</sup>. The recognition of the multiethnic and multicultural character of Latin American nations, with the consequent creation of legal mechanisms aimed at preserving and enhancing the cultural, social and political peculiarities of indigenous peoples of America. Brazil (1988), Colombia (1991), Paraguay (1992), Peru (1993), Mexico (1994), Ecuador (1996 and 1999) and Venezuela (1999) have incorporated into their constitutions entire chapters that regulate new forms of articulation of the institutional relationship between the state and indigenous peoples, as well as the explicit recognition of constitutional rights not only for individuals but, more importantly, for indigenous peoples as such, now considered as collective subjects of rights. Bolivia (2009) has gone even further by incorporating the traditional values of their indigenous peoples to the country's own cast of constitutional values, providing legal validity to indigenous law, and even changing its official name in order to echo this plurality: it is so that Article 8 of the Constitution of the "Plurinational State of Bolivia" stated that it "assumes and promotes as ethical and moral principles of the plural society: *ama qhilla*, *ama llulla*, *amasuwa* (do not be lazy, do not be a liar do not be a thief), *suma qamaña* (live well), *Ñandereko* (live in harmony), *Teko Kavi* (have a good life), *ivimaraei* (land without evil) and *qhapaqñan* (live a noble life)" (Obets, 2009).

Two aspects of this issue deserve to be highlighted. First, the extent to which most of these constitutions have reflected collective rights aimed at protecting the ethnic and



cultural integrity of these peoples (Martí Puig, 2007). Rights which typically include (1) the right to an identity; (2) the right to a territory; (3) the right to self-development; (4) the right to autonomy and, finally, (5) the right to participate, whose most important manifestation is reflected in the legal obligation to consult, or follow the binding opinion, of indigenous authorities regarding any public or private initiative likely to affect directly or indirectly to a particular community.

The second is the impact this has had on the system of sources of law. The well established principles of unity, cohesion and hierarchy of the legal systems inspired by the kelsenian principles has been replaced by a fragmented system, integrated by no less than three different normative orders: (1) The general state legislation, applied equally to all citizens of the country, including those belonging to indigenous peoples; (2) The special indigenous legislation, developed as a measure of affirmative action, and composed of international conventions and treaties, and constitutional, statutory and regulatory provisions that establish a special set of rights and guarantees for the benefit of indigenous peoples; and (3) the traditional legal systems of these communities who are recognized by the Constitution, and are applicable to indigenous territories, integrated by the rules, institutions, customs, procedures and methods of social control and regulation distilled by the cultural traditions of each of indigenous community, which naturally have particular conceptions of law, justice, authority, power and political representation (Cabedo Mallo, 2012). This does not occur, strictly speaking, through the validation of decisions adopted by the institutions of a given indigenous community and their inclusion within the State legal order after determining its precise position within this system, but as a consequence of the juxtaposition of different equal, independent regulatory orders, complementary among each other and in a position of horizontal collaboration. What, in short, amounts to the disappearance of the state monopoly of the sources of the law, so capital in the legal tradition of Western constitutionalism.

8th. The strengthening of state intervention in all spheres of social life, and especially in the field of economy. On the basis of a thorough constitutional regulation of their future economic model and financial system, all countries embracing the New Latin American Constitutionalism have ended up increasing exponentially the interventionist role of the state in the economy (Maestro Buelga, 2011), underlining the importance of state planning and control over the market, ruling that key economic sectors should be exclusively, or mainly, run by the state, and subsequently adopting measures for the expropriation of strategic companies, the creation of State-owned companies, the

introduction of price controls, currency exchange limits, control on banks, etc. Anyway, this growing state intervention has not been limited to the economic sphere, but has affected many other areas as press and television, having as a consequence numerous clashes with independent media, and even the closing of several of them. Far from being the result of specific political decisions, most of these have enjoyed a clear constitutional support, of which a good example are the constant references to the state's role in guaranteeing the social control over the extraction and commercialization of natural resources in –or more frequently, under– Bolivian soil contained in the 2009 text, or the references of the Ecuadorian constitution to the role of the state in “seeking plurality and diversity in the communication process” and making sure that information received by citizens is “true” (Sánchez & Resina de la Fuente, 2014).

## 5. Conclusions

Making a fair assessment of the New Latin American Constitutionalism is still a risky task today. It is so, first, because most of the constitutions that we have decided to frame under this category have not even gotten to celebrate its first decade of life, which confronts us with periods too short to allow sufficiently substantiated value judgments. And it is so, in second place, because the most significant among these –the 1999 Venezuelan, the 2008 Ecuadorian and the 2009 Bolivian Constitutions– have not yet passed the key test of being applied by political forces of opposite sign to those that promoted them, since the Presidents under whose leadership those processes took place –Morales in Bolivia, Correa in Ecuador, and President Maduro, successor of the deceased Chavez in Venezuela– continue in power in their respective countries. So, any assessment of their performance is bound to be conducted under the risk of being mistaken in identifying the causes of their failure – or of their success – by confusing the consequences of the way in which the constitutional framework was designed, from those resulting from the specific policies implemented by the governments in power at a given moment.

However, from the analysis of the specific wording of the clauses contained in these constitutions it is still possible to advance at least several conclusions, in principle detached from their adequate or inadequate practical application by the existing governments.

First: the excessive thoroughness of their articles, together with the remarkable rigidity of their texts, is bound to distort in a potentially problematic manner the always complex relationship between the constituent power and constituted powers, in favor of the former, and against the latter. The prevailing idea in liberal constitutionalism has always

been that constitutions should limit themselves to the recollection of the basic political principles that were to sustain the political system, and to outline its institutional design, leaving the formulation of specific policies to governments to come, emerging from periodical elections. But the regulatory zeal of these constitutions, however, is called to render the agendas of future governments meaningless, and to make political alternation – a defining character of democratic systems – more difficult than ever, which implies a destabilizing potential that in times to come will certainly become manifest.

Second: if one of the defining elements of the New Latin American Constitutionalism is the extent to which its economic and social rights are regulated, this also appears to be one of its most vulnerable aspects. Unlike what happens with individual and political rights, the effective implementation of social and economic rights requires large budgetary allocations, which in turn depend on the state of government finances, and this on the global economic environment. And in countries still developing, such as Bolivia and Ecuador, or mired in a serious recession as it is the case with Venezuela, sustaining these promises may prove impossible, which would generate not only a glaring breach of the Constitution but, most likely, a significant disaffection on the side of the citizenry. This also represents a not inconsiderable problem.

Third: as argued above, the analyzed constitutional texts contain in all cases formulas aimed at giving coverage to a growing state interventionism in economic and social life. These are clauses which, applied with moderation, could contribute to mitigate the traditional social inequalities of Latin American countries; but if applied radically, they could lead to a reduction of political freedoms and the establishment of a command economy, as has happened in Venezuela, embarked for years now in the construction of a regime openly described as "socialist". And if the former might be defensible, the latter is entirely objectionable.

And fourth: if the economic development, the social integration, and the political empowerment of indigenous communities is an unavoidable target in any regime that wants to be truly democratic, the way in which the New Latin American Constitutionalism has carried this out is somewhat less defensible. The elevation of these communities to the status of most genuine incarnation of the nation, to the detriment of those ample social sectors defined as *mestizos*, has replaced the old negative discrimination by another of opposite sign, but equally discriminatory. And above all, it has introduced the principle of ethnification of political life, under which individuals first have to become members of a

community, and only then they can interact as citizens of the Republic. Something that, under the light of the most profound democratic paradigms, is also objectionable.

### **Bibliography**

1. Alvarado Beltrán, A. M. (2014), "El Cabildo abierto en Colombia", *Revista de Derecho UNED* 14: 79-100.
2. Ávila Santamaría, R., Grijalva Jiménez, A. & Martínez Dalmau, R., eds. (2008), *Desafíos constitucionales: la Constitución ecuatoriana del 2008 en perspectiva*, Quito: Ministerio de Justicia y Derechos Humanos.
3. Bravo Lira, B. (1989), "La Constitución de 1988 en Brasil: Trasfondo histórico e institucional", *Anuario Mexicano de Historia del Derecho*, 1: 47-75.
4. Burbano de Lara, F. (2012), *Movimientos regionales y autonomías políticas en Bolivia y Ecuador*, PhD Thesis, Salamanca: Universidad de Salamanca.
5. CabedoMallol, V. (2012) *Pluralismo Jurídico y Pueblos Indígenas*, Madrid: Icaria.
6. Chivi Vargas, I. M., ed. (2010), *Nueva Constitución Política del Estado. Conceptos elementales para su desarrollo normativo*, La Paz: Vicepresidencia del Estado Plurinacional de Bolivia.
7. CordeiroLopes, A. H. (2015), *La integración de los derechos humanos en América Latina*, PhD Thesis, Sevilla: Universidad de Sevilla.
8. Criado de Diego, M. (2011), "El sistema de gobierno en las nuevas constituciones andinas: distribución horizontal del poder en el régimen constitucional de Venezuela y Ecuador", *Revista General de Derecho Público Comparado*, 9: 1-44.
9. De Cabo, C. (2011), "Los mecanismos de democracia participativa en el nuevo constitucionalismo latinoamericano", *Revista General de Derecho Público Comparado*, 9: 1-40.
10. Fernández Segado, F. (1994), "El nuevo ordenamiento constitucional del Perú: aproximación a la Constitución de 1993", *Revista de Estudios Políticos*, 84: 27-68.
11. Gamboa, F. (2011), *Dilemas y Conflictos Sobre la Constitución en Bolivia: ¿Por qué y Cómo Fracasa una Asamblea Constituyente?* Editorial Académica Española.
12. Giraudo, L., coord., (2008), *Derechos, costumbres y jurisdicciones indígenas en América Latina contemporánea*, Madrid: CEPC.

13. Gómez Isa, F. & Ardanaz Iriarte, S. eds., (2011), *La plasmación política de la diversidad: autonomía y participación política indígena en América Latina*, Bilbao: Universidad de Deusto.
14. Grisolia González O. (2007), *La revisión constitucional en Venezuela*, PhD Thesis, Madrid: UNED.
15. Hevia, F. J. (2010), "La iniciativa legislativa popular en América Latina", *Convergencia: Revista de ciencias sociales*, 52: 155-186
16. Jiménez, E. P. (2004), "La reforma constitucional argentina de 1994: una evaluación de contenidos, diez años después", *Cuadernos Constitucionales*, 47: 5-12.
17. Maestro Buelga, G. (2011), "Estado y mercado en el nuevo constitucionalismo latinoamericano", *Revista General de Derecho Público Comparado*, 9: 1-30.
18. Martí Puig, S., ed. (2007), *Pueblos indígenas y política en América Latina: el reconocimiento de sus derechos y el impacto de sus demandas a inicios del siglo XXI*, Barcelona: Fundación CIDOB.
19. Martínez Dalmau, R. (2006), "El proceso constituyente venezolano de 1999: un ejemplo de activación democrática del poder constituyente", in Roberto Viciano Pastor, R. & Salamanca, L., eds. (2006), *cit. infra*: 27-46.
20. Martínez Sospedra, M. (1995), "La Constitución militante. El concepto de constitución en la jurisprudencia de la Corte de Constitucionalidad de Guatemala", *Cuadernos Constitucionales*, 14/15: 95-140.
21. Noguera Fernández, A. (2011), "Derechos económicos, sociales y culturales en el nuevo constitucionalismo latinoamericano", *Revista General de Derecho Público Comparado*, 9: 1-33.
22. Noguera Fernández, A. & Criado de Diego, M. (2011), "La constitución colombiana de 1991 como punto de inicio del nuevo constitucionalismo en América Latina", *Revista Estudios Socio-Jurídicos*, 13/1: 15-49.
23. Obets. Revista de Ciencias Sociales (2009), "Buen vivir, desarrollo y maldesarrollo", *Obets. Revista de Ciencias Sociales*, 4 [monographicissue]: 11-83.
24. Palacios Romero, F. J. (2011), "El mito de la separación del poder judicial en el constitucionalismo clásico y la nueva configuración participativa en Latinoamérica: (En torno a una aporía del constitucionalismo clásico: Quiscustodietipsoscustodes?)", *Revista General de Derecho Público Comparado*, 9: 1-49.

25. Pazmiño Freire, P. (2009), "Algunos elementos articuladores del nuevo constitucionalismo latinoamericano", *Cuadernos constitucionales*, 67/68: 27-54
26. Sánchez, F. & Resina de la Fuente, J.(2014), "Los que «no se representan ni a ellos mismos»: medios de comunicación y oposición partidista en el Ecuador", *Cuadernos constitucionales*, 77/78: 203-219
27. Soto Barrientos, F. (2013), El referéndum en Latinoamérica: un análisis desde el Derecho comparado", *Boletín Mexicano de Derecho Comparado*, 136: 317-346.
28. Storini, C. & Escudero Soliz, J. (2011), "El control de constitucionalidad en el nuevo constitucionalismo latinoamericano", *Revista General de Derecho Público Comparado*, 9: 1-33.
29. Trujillo Vásquez, J. C., Viciano Pastor, R. & Andrade Ubidia, S., eds. (2005), *Estudios sobre la Constitución ecuatoriana de 1998*, Valencia: Tirant lo Blanch.
30. Viciano Pastor, R. & Martínez Dalmau, R. (2010), "Los procesos constituyentes latinoamericanos y el nuevo paradigma constitucional", *Revista lus*, 25: 10-16.
31. Viciano Pastor, R. & Martínez Dalmau, R. (2011), "El nuevo constitucionalismo latinoamericano: fundamentos para una construcción doctrinal", *Revista General de Derecho Público Comparado*, 9: 1-24.
32. Viciano Pastor, R. & Salamanca, L., eds. (2006), *El sistema político en la Constitución Bolivariana de Venezuela*, Valencia: Tirant lo Blanch.
33. Welp, Y. & Serdült, U., eds., (2014), *La dosis hace el veneno: análisis de la revocatoria del mandato en América Latina, Estados Unidos y Suiza*, Quito: Consejo Nacional Electoral / Instituto de la Democracia.

## Foundations of natural science and their significance for the dialogue of cultures in the world

Marián Ambrozy

College of International Business ISM Slovakia  
ambrozy.marian@gmail.com

### Abstract

Theories of physics have high information value. Some natural phenomena of the deterministic chaos, cosmogonist theories and implications of quantum mechanics point to interesting indications that are beyond the competences of physics itself. The reason to refuse extreme optimism in knowledge does not consist in Windelband's theory which strictly separates sciences of various origins but on certain restrictions which are based directly on physical principles. That is why no unequivocal worldview conclusions can be drawn from the knowledge of physics, which forces us to accept these consequences and adapt to them on the social level. The existence of a parallel dialogue among cultures is the basic precondition for improving the world security. This paper uses consequences of physics as arguments and the conclusions include some of Martin Heidegger's views.

**Key words:** dialogue, cultures, physics arguments, science

Karl Popper said in arguments we should let ideas die in our stead. Slovak philosopher Rudolf Dupkala chose the same idea as an introduction to his treatise. From qualitative point of view, the interconnection of various world cultures on the same territory requires a different approach than that of arguing who is right or wrong. Epistemological disputes as well as factual disputes regarding the truth of argument are not only difficult to solve but they are of secondary importance too. The issue that gradually gets to the forefront of attention is the problem of solving the coexistence of multiple cultures on the planet whereas they often exist side by side on a small territory. The question of concordance loses its relevance in the postmodern world since in terms of axiology people are no longer able to find a common ground when it comes to basic values.

We are obliged to deal with the question of tolerance, unless we deem Hobbs's state of nature i.e. natural condition of mankind desirable. Tolerance is naturally connected with freedom of thought, conviction and religion as well as with the question of the meaning of human life. Intersection of these questions mainly in the area of arguments regarding ideology can be observed in the history of European philosophy since the times of sophists, in the history of Chinese philosophy since the suppression of fa-jia school, and in the history of Indian philosophy since the reaction of Vedic philosophers to emergence of Buddhism.

Despite all the hopes Plato put into his idea of the good, it is probably not possible to provide a universal answer to the question of fundamental axiological problem – the absolute value phenomenon. Plato himself did not develop his idea of the good verbally in more detail – at least not in the written part of his work. Complex attempts to reconstruct his non-written teaching cannot be taken into account for their inconsistency.

Conclusions of scientific disciplines cannot help reveal indecisiveness regarding ideology although they provide many indicia. The Trinity model is frequently present in physical reality which fact complies with the Catholic teaching that God as Creator left his mark in creation. (compare Krempaský and Ambrozy, 2015) However, one cannot base evidence on indicia. Physical examination leads us to Planck time  $10^{-43}$  s. It would be easy to consider time zero and support it with a theory, however, as it is not possible to verify it we cannot speak of a science. Considering the time less than Planck time is not scientific. With all respect to physicists working on quantum cosmology we believe that these theses are without doubt sophisticated but not verifiable. Theories of S. Hawking, A. Vilenkin, R. Penrose and others are very interesting from the viewpoint of physics, nevertheless it is not possible to verify them. Moreover, they often contradict each other. As a result, these theories cannot present any new knowledge even if they evoked some compatibility with a particular ideologically definite picture of the world. Ultra critical philosopher Rudolf Carnap would certainly deem the entire realm of quantum cosmology meaningless.

We respect the opinions of J. F. Lyotard who claims that "scientific knowledge does not represent the totality of knowledge". (Lyotard, 1993, p. 105) Max Planck's scientific approach reduced reality to something that can be measured. Such approach is an exaggerated reductionism which ignores other criteria of reality. Physics as fundamental natural science creates its own picture of the world. However, in Heidegger's opinion scientific introduction will never be able to capture the essence of nature since subjectification of nature is predetermined in an only way, the way nature is handed in.



(Heidegger, 2004, p. 52) Knowledge and its creation must be inevitably approached by philosophy which reflects meta-scientific problems which do not naturally fall within the scope of competence of any other specific science. One of the basic questions which science cannot answer is the description of the moment of creation of the universe. The answers physics provides are very close. Nevertheless, describing what happened before Planck time is beyond the scope of competence of physics. The above problem would be certainly followed by other equally interesting and unanswerable questions overlapping with the issues of ideology and values.

If there is an unanswered basic axiological question, i.e. a question regarding the meaning of life which is, in Heidegger's opinion, connected with the question of the meaning of existence, it is difficult to speak of a particular axiological set of values that could be considered universal and generally valid. Neither it is possible to draw any axiological, ethical or cultural consequences from *theologia naturalis*. It is true that also many contemporary philosophers try to present a proof of God's existence or, on the contrary, essential arguments of dogmatic atheism. One of those philosophers who postulate dogmatic atheism in a modern way is Quentin Smith. He tries to prove that the universe can be a priori infinite, however, he also claims that it was not created infinite. Similarly, Smith defends the idea of infinity in mathematics. He unjustifiably extrapolates his odd assertions into *theologia naturalis*. His views are interesting from the viewpoint of philosophy of formal and natural sciences. In our opinion, however, these views cannot provide plausible reasoning in basic ideological problems. W. L. Craig contradicts Smith. There is a principle that an infinite set has the same number of members as its own subset. After transferring this principle into reality explanations become totally unbelievable, absurd and contradictory. (Rojka, 2010, p. 249)

There are, however, also totally contradictory opinions. The a priori proof of divine existence presented by Anselm of Canterbury is well known. There have been several *a posteriori* proofs presented including the five ways of Thomas Aquinas. Despite the fact that indicia cannot be considered proofs of divine existence in terms of *theologia naturalis*, philosophers still try to do so. M. F. Sciacca believes atheism is mere human folly. He does not dust off old arguments which claim that it is not worth it to believe. He presents epistemological arguments. A human being is transcended by being as an idea. Being as an idea does not mean infinite existence. It is a sign of an infinite God in a human being. The "proof" as presented by M. F. Sciacci is a metaphysical speculation very similar to philosophical theology of Nicholas of Cusa.

"The notion of tolerance is one of the topics frequently discussed by contemporary philosophy, political science, culturology, sociology, ethics, and theology." (Dupkala, 2014, p. 255) From etymology point of view tolerance means the ability to bear or allow the existence of anything that is different – skin colour, language, culture, religion, nationality, etc. Although we can learn a lot from history, we are going to focus more on philosophical aspects of coexistence of various opinion groups.

The idea of intolerance is quite widespread. Social and philosophical literature published in the geopolitical setting of Central Europe tries to convince us that the portfolio of opinions in the realm of social philosophy belongs mostly to liberalism and theories of democratic establishment. However, the original truth is different. *An Essay on the Inequality of the Human Races* written by Arthur Gobineau, or Marxist philosophy speaking of the class struggle with ever changing class enemy (slave owner, feudal lord, bourgeoisie) or Adolf Hitler's *Mein Kampf* and *Second Book* – they are all works describing human society as antagonistic with specific groups openly hostile to each other. The idea of superiority can be observed also in traditionalist views of some nations. Greeks opposed those they did not understand and those who were culturally inferior – barbarians. Jews, in their original teaching, did not speak positively of uncircumcised goys. The Chinese were referred to as black heads and their country was referred to as lesser heaven. Other nations were often referred to as barbarians. Unfortunately, similar attempts of antagonistic groups can be observed today too. People today analyse various situations whereas they often eruditely or non-eruditely try to identify those responsible for the events that occurred. They are aware of the consequences of these events, examine those they deem responsible and search for solutions. Basically, it is always one and the same vicious circle of those who blame and those who are to blame. (Lisnik, 2009, p. 67)

We can speak of the existence of many less tolerant or intolerant opinion groups, however, the most dominant religions of the world (religions from the viewpoint of sociology, i.e. including Buddhism, Taoism, Confucianism) did not build their foundations on intolerance and xenophobia. For example, original Islam was unequivocally respectful of certain religions. "Quran unequivocally calls for respect to those who "own Holy Scripture" that is to Jews and Christians." (Vašek, 2014, p. 15) Other opinion groups (some fractions of Islam and some obsolete Christian ideological streams) are less tolerant to other ideologies and their representatives. Rudolf Dupkala points out the fact that tolerance occurs on the background of intolerance when intolerance itself begins to grow to an extent that leads to unbearable situations. He searches the history of philosophy (Socrates, Plato, Augustinus

Aurelius, Rousseau) in order to find reasons why tolerance occurred in natural human goodness. In his search he also finds opposing views of Machiavelli, Nietzsche, Freud and Lorenz. Rudolf Dupkala interprets the said concepts as insufficient reductionism which ignores the social character of human beings, their conscious ratio and the existence of their free will, responsibility, conscience, etc. As he believes, our flat perception of the source of the idea of tolerance must be broadened by conscience, responsibility, social interaction, and last but not least by defensive reactions to harmful manifestations of intolerance.

The main sign of intolerance "is the inability and unwillingness to respect (acknowledge and accept) "otherness" connected with the fear of the unknown or mistrust of things that are "different" and with negative experience accompanying that fear and mistrust. (Dupkala, 214, p. 258) Between the two antagonisms – Hobbs's *homo homini lupus* and Feuerbach's *homo homini Deus* must stand man is a man to man, concludes Rudolf Dupkala. Tolerance is, without doubt, necessary. On the other hand, however, it is not possible to accept or reconcile with everything. Where are the limits of our tolerance? What can and cannot be tolerated? That is the question. Before we try to answer this question let us outline the two basic processes dominating the contemporary world – the process of globalisation and the process of cultural and social differentiation. (Dupkala, 2015, s. 271). The two processes contradict each other. They can coexist but as Professor Dupkala emphasises, their negative manifestations can result in a crisis (exaggerated multiculturalism, vanishing of regional and national cultures, ecological crisis). Then there is also xenophobia and fundamentalism. Professor Dupkala believes there is a solution. We must avoid the extremes of the loss of regional cultures and intolerance – "a dialogue of cultures and perhaps of entire civilisations". (Dupkala, 2015, p. 271) It must be a true Socratean dialogue which is close to the original etymological meaning. It is an effort to find answers to questions. It is an open dialogue. As J. F. Lyotard points out terror in dialogue is forbidden. After the meta stories fail to convince us (Lyotard) and philosophy of history becomes unfeasible in any form (Popper) dialogue will mean true openness, democratism and necessity of self-correction and above all of respect for the freedom of thought, speech and ideology concludes Rudolf Dupkala.

Let us return to our question. Does tolerance mean reconciliation with everything? Certainly not. Rudolf Dupkala believes that one cannot tolerate intolerance. "A free and responsible human being can tolerate everything but intolerance!!!" (Dupkala, 2015, p. 273) Our philosopher tries to find the limits of what is still acceptable for people and what they

are willing to reconcile with. He believes that his questions are partially answered by the existence of objective and subjective limits of what is acceptable and tolerable for people.

It is difficult to agree upon uniform rules (provide a satisfactory answer to Pilate's question What is truth?) and in this context we realise that it is not possible to postulate cultural absolutism, i.e. an axiological system connected with a particular culture which would be ready for extrapolation and implementation into other cultures of the world. Unfeasibility of cultural absolutism is compatible with cultural pluralism. As Rudolf Dupkala notes, Michel de Montaigne anticipated cultural relativism in his *Essays*. He spoke of the unity of humankind as of unity in variety. He pointed out tolerance of otherness in terms of axiological orientation of humans. Z. Bauman draws our attention to harmfulness of value relativism whereas he claims that value absolutism is not possible. So, how shall we proceed in this situation?

Professor Dupkala believes that participants in a dialogue can ensure pluralism of values. This means they respect other attitudes, i.e. they are aware of the situation that "absolute validity of particular values is only allowed in a particular system of these values." (Dupkala, 2015, p. 275) In case the outcome of such dialogue is cultural pluralism then the dialogue itself can be peaceful. Participants' belief in pluralism, i.e. their ability to understand that there are acceptable values in other cultures too is the alpha and omega for understanding mutually incompatible values and behaviour patterns. Professor Dupkala argues that the above way could ensure peaceful coexistence. This does not mean that values become mutually compatible. It means that participants in the dialogue accept them as possible ways of full-fledged human experience. It also means that participants acknowledge the right to cherish one's values whereas they agree that no group has the right to force its system of values on adherents of another system of values. The aim of such dialogue of cultures is "reaching the point of mutual respect". (Dupkala, 2015, p. 276) In this context we can mention Ms. Hvizdová (2013, p. 65) who says that society in which people live shapes their basic views and hierarchy of values, mutual relationships as well as their own self. Survival of cultural values, people's views and values tend to be invariable and they evolve in the process of learning and upbringing. Secondary views change more often. The above information should make marketing experts focus more on shaping people's secondary not basic values.

All attempts to provide global solutions and export values to other countries must inevitably fail. Whatever we force upon others whether it is the idea of Trotsky's permanent revolution or forced Christianisation cannot be successful. As Rudolf Dupkala emphasises,

peaceful dialogue of cultures in which all participants are equal respecting each other's freedom of thinking and autonomy of cultural value systems is the only way.

### **Bibliography**

1. Krempaský, J., Ambrozy, M., Trinity model vo fyzikálnych súvislostiach, In: Sociálne posolstvo Jána Pavla II., Ružomberok, 2015
2. Vašek, M., Filozofická reflexia náboženského dialógu v stredoveku, Bratislava, 2014
3. Lyotard, J. F., O postmodernismu, Praha, 1993
4. Lisník, A., Úloha priameho anepriameho zamestnávateľa na vznik a riešenie chudoby, In: Týždeň vedy a techniky, Ružomberok, 2009
5. Dupkala, R., Idea tolerancie v kontexte dialógu kultúr, In: Sociálne posolstvo Jána Pavla II, Ružomberok, 2014
6. Dupkala, R., Dialóg kultúr a problém tolerancie v kontextoch globalizácie, In: Sociálne posolstvo Jána Pavla II, Ružomberok, 2015
7. Hvizdová, E., Základy marketingu. Prešov: Vysoká škola medzinárodného podnikania ISM Slovakia v Prešove, 2013
8. Heidegger, M., Věda, technika a zamyšlení, Praha, 2004
9. Rojka, Ľ., Quentin Smith a jeho obrana ateizmu, In: *Acta Facultatis Theologicae Universitatis Comenianae Bratislaviensis, Bratislava*, roč. VII, 2010, č. 2



## Clashing the EU security logics: complexity of EU - Hamas relations

Michael Schulz

*School of Global Studies, University of Gothenburg, Gothenburg, Sweden*

*This article investigates the reasons behind the EU reservations and boycott towards the Palestinian resistance movement Hamas. It examines how the EU 'talked security', in terms of framing the overall Israeli-Palestinian conflict (IPC). In this context, of particular interest is the reason behind the, EU decision to label Hamas as a terrorist organization (analysed in relation to the specific security construct). With regards to the EU multilateral dimension in the IPC, it is important to find out how the EU has worked (or has been forced/pushed by external actors) to form a security governance, as well as a multilateral strategy vis-à-vis Hamas, and what references have been made towards the multilateralism. Furthermore, this article explores the policies that have been created in relation to the EU securitization of the conflict, as well as the impact it had on the EU and the Israeli-Palestinian conflict.*

**Key Words:** security, conflict, resistance, terrorism

### Introduction

This article makes an inquiry on how the EU security thinking in the field of terrorism has unfolded in relation to the Palestinian Islamic Resistance Movement, *Harakat al-Muqawamah al-Islamiyya* (Hamas)<sup>1</sup>. The article aims at linking to the field of Security Studies and International Relations by discussing how the EU has constructed its security doctrine, policies and actions in relation to Hamas who is one of the key actors of the Israeli-Palestinian. Although it, important analyses have been made concerning the EU overall securitization in relation to its neighborhood areas (the Mediterranean, the Middle East, the Caucasian and Eastern Europe) we have few who have in detailed studied the way

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\* Email: [michael.schulz@globalstudies.gu.se](mailto:michael.schulz@globalstudies.gu.se)

<sup>1</sup> Hamas means fire, zeal or enthusiasm.

the EU has constructed its securitization of the Hamas organization (see for instance Pace, 2008). Why did Hamas constitute a security threat for the EU, and how has the EU built up its argumentation around the issue? Further, what EU practices have followed from the construction of Hamas as a security threat, and what have they had for impact on EU itself, as well as the overall Israeli-Palestinian conflict?

This article seeks to critically appraise the link between the EU security thinking in the field of terrorism and the security construct that the EU had built towards Hamas. The author links the analysis to the fields of Security Studies and International Relations by highlighting the genesis of the EU security thinking and by discussing how the EU actually created its security doctrine, policies and actions, in relation to one of the key actors in the Israeli-Palestinian conflict – Hamas. The European security governance is in focus of this study, and can be defined as ‘intentional system of rule that involves the coordination, management and regulation of issues by multiple and separate authorities, interventions by both public and private actors, formal and informal arrangements and purposefully directed towards particular policy outcomes’ (Kirchner 2007:3).

So far, important analyses have been made of the EU overall securitization concerning its neighborhood areas (the Mediterranean, the Middle East, the Caucasian and Eastern Europe). However, only few have studied in detail the way the EU has constructed its securitization towards Hamas (see Pace, 2008).

This article seeks to examine the reasons behind the evolution of the EU security thinking that constituted Hamas as security threat for the EU, analyzing also the way the EU built up its argumentation around this issue. Furthermore, this article will appraise the EU practices, as well as the impact that the construction of Hamas as a security threat had on the EU itself, and on the overall Israeli-Palestinian conflict.

### **Terrorism as a security issue**

The EU has for a long time considered terrorism as a phenomenon that has to be given particular attention to. In the Treaty of Maastricht from 1992, the content of the third pillar for the EU notes that a closer cooperation within the police and judicial cooperation in criminal matters needs to be established. This also included combating terrorism with the Treaty underlining further that the EU undertake joint action so as to offer European citizens a high level of protection in the area of freedom, security and justice’ (cited Treaty of Maastricht).



However, with the development of the Common Security and Defense Policy (CSDP) (2003) the combat against terrorism had already increased in importance. With the European Security Strategy (ESS) that was adopted in Thessaloniki, Greece in 2003, terrorism was, along with regional conflicts, state failure and organized crime, the proliferation of weapons of mass destruction, failed states, and organized crime - defined as being among the key threats facing the EU (for more details see Kirchner and Sperling 2007:11).

One of the key questions for this analysis is: how does the EU define terrorism? First, the EU sees its whole system of democratic norms and values as something that needs to be protected. The position is that the EU is 'founded on the universal values of human dignity, liberty, equality and solidarity, respect for human rights and fundamental freedoms' (cited the Council Framework Decision of 13 June 2002 on Combating Terrorism, European Council). In this same document, an explicit definition of terrorism is made in order to combat terrorism. In the Decision we can read that 'terrorism constitutes one of the most serious violations of those principles [mentioned above]... terrorism constitutes a threat to democracy, to the free exercise of human rights and to economic and social development'(Ibid).

Further, the Decision states that any person or organization that intends to have an overarching agenda to harm or intimidate a population or government and its society is seen as a terrorist act. Article 1 in the Decision further specifies the methods that are classified as terrorist offences. They are seen as terrorist acts if committed, or if threatened to be committed and include 'attacks upon a person's life...', 'attacks upon the physical integrity of a person...', 'kidnapping or hostage taking...', causing extensive destruction to a Government or public facility...', seizure of aircraft, ships or other means of public or goods transport...', manufacture, possession, acquisition, transport, supply or use of weapons, as well as research into, and development of, biological and chemical weapons...', interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life.'(Ibid Article 1:1) By 'terrorist group' the EU means 'a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences' (Ibid Article 2:1).

Although terrorism has been seen by the EU, since its establishment as a security issue, the emphasis of terrorism as a key security threat became increasingly securitized only after the *Al-Qaida* attacks on USA on 11 September 2001, when push from the US was made for the EU to join the 'coalition of willing' to combat terrorism. Several of the *al-Qaida*

members of the hijacked passengers flights that crashed into the twin towers in New York and Pentagon in Washington D.C., had lived and planned the action in Europe, underlining Europe's role and un-intentional but indirect involvement.

The first *al-Qaida* linked attacks in Europe - specifically, the train bombings in Madrid, on 11 March 2004, as well as the 7/7 bombings in London, on 7 July 2005 accentuated, for many EU member states, the need to combat terrorism.

However, the EU failed to properly structure and to design a functional and implemental strategy, partly due to its own internal organizational inefficiencies. To a certain extent it failed due to the fact that initially the EU member states had still considered terrorism an internal matter of each member state; it was rather pushed forward, under the US and UN pressure.

The first EU reaction against terror actions came as early as 17 September 2001, much as a result of the temporary opportunity factors that occurred due to the 9/11 attacks. At the Chefs de Cabinet meeting, held on 17 September 2001, the European Arrest Warrant and the Framework Decision on Terrorism, designed in 1999, now became 'accelerated and put forward as the central EU-counter measures' (cited Bossong 2008:34). However, contradictions emerged when already the next day the European Commission proposed a different and not integrated internal strategy paper that soon evolved into the first version of an Action Plan on combatting terrorism. Discussions and revisions followed for several years ending up in new revised action plans.

Even though the EU addressed terrorism as early as with the Maastricht Treaty - by incorporating it in the third pillar of the document, terrorism became rapidly securitized by the EU only in the aftermath of the 11 September events. Only after 11 September 2001 did the EU begin to publish the blacklist of individuals and organizations that were suspected for committing terrorist activities placing around 35 individuals and 30 groups were on the list. The EU blacklisted them, but also ordered a freeze of the assets of the targets, and criminalized the financial support to them (for more details on this, see Cameron 2003:225).

The military wing of Hamas, the so-called *Ezzedi Al-Qassam* brigades, was among the organizations that were blacklisted already in 2001, under the European Council decision. By 2003, the entire Hamas organization (including the political and social wings of the organization) was blacklisted. In the EC decision that was published in the Official Journal of the European Union (EC 2003/646), Hamas, along with six other Palestinian

groups<sup>2</sup>, as well as one Israeli group<sup>3</sup> and other non-IPC related groups were labeled as terrorist.

Having in mind the EU definition on terrorism the key question that arises is why was Hamas banned? Noteworthy here would be to examine how the 9/11 events interplayed with the way the EU perceived the role of Hamas, and more concretely, how the 9/11 events interplayed with the decision to ban Hamas. The second critical question would relate to way the ban had been implemented and the impact it had on the EU as actor to the IPC, as well as vis-à-vis Hamas.

### **Evolution of the case: EU, IPC and Hamas**

Starting point in this section is to evaluate the causes behind the way the EU has positioned towards Hamas. Also, it will be shown, when and how the EU perceived Hamas as a security concern. We need to address the three key areas in which the EU has expressed its positions concerning the IPC. Firstly, it is about how the EU frames the conflict itself and the issues related to it - including the role that the key actors should have in a future potential peace process, which should lead to a just and durable settlement. Secondly, the way the EU perceives its role as a normative power in terms of expressing democratic freedom, human rights and freedom of expression has an impact on how the EU acts vis-à-vis Hamas. Thirdly, the role that the EU has taken upon itself in the 'war on terror' paradigm has also an impact on its stance towards Hamas.

All the three areas contribute to understanding how the EU formulated and expressed the security issue of terrorism – and the reasons of why Hamas in particular, is considered to be of security concern for the EU.

### ***Previous EU role in the IPC***

Even before Hamas was established (1987/88) and before the EU was founded (1992), we had witnessed a slow and gradual process towards an increasingly coherent European position vis-à-vis the IPC. For years, the European states took no-coordinated

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<sup>2</sup> These are the Abu Nidal Organization, Al-Aqsa Marty's Brigade, Palestine Liberation Front, Palestinian Islamic Jihad, Popular Front for Liberation of Palestine (PFLP), Popular Front for Liberation of Palestine–General Command (PFLP-GC).

<sup>3</sup> Kahane Chai (Kach)

actions in the Middle East. Only after the 1960s did a more harmonized position begin to evolve.

Though, some of the historical differences within Europe continue to form part of the contemporary internal discussions within the EU. For instance, France was more critical towards Israel compared with West Germany that felt strong commitments to Israel. Due to the historical actions against the Jews in the Holocaust during WWII, West Germany, felt that it wanted to contribute to the establishment of the Jewish state. In fact, West Germany had paid reparation for the Holocaust, contributing substantially for the built up of a modern Israeli welfare state during the 1950s (for more details, see Schulz 1996). Even today, Germany is seen by Israel as the most reliable ally within the EU. Concurrently, already in 1974 the Swedish Prime Minister met as the first Western leader, the PLO leader Yassir Arafat, (Rabie 1992) One year later, in 1975, France became the first Western country to allow the opening of a Palestine Liberation Organization (PLO) office (Dieckhoff 2005). In 1988 Sweden, again became instrumental - this time, in bringing the USA closer to the PLO which partly contributed to open the road to the first peace conference held in Madrid 1991, marking the beginning of the so-called Oslo process directed by Norway.

Despite the different positions European states had towards the IPC parties, there was a unison statement that was given by all member states to the European Economic Community (EEC) with the 1980 Venice Declaration, underlining:

'..the right to existence and to security of all States in the region, including Israel, and justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people...A just solution must finally be found to the Palestinian problem, which is not simply one of refugees. The Palestinian people, which is conscious of existing as such, must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully its right to self-determination'. ([Venice](#) Declaration, 1980. For more details, see Dieckhoff, 2005:53).

The Venice Declaration had thereby already paved the way for the so-called two-state solution, implying a Palestinian State to be established in the West Bank and the Gaza Strip occupied in 1967 by Israel. This principle has become a firm position, and particularly the Palestinians' right to self-determination has been continuously emphasized. This is why, when Israel and the Palestine Liberation Organization (PLO) signed the Declaration of Principles in 1993, which resulted into the establishment of a Palestinian

Authority (PA), led by the PLO chairperson Yassir Arafat, and also the Head of the Fatah movement within the PLO, the EU immediately supported this agreement.

The EU stressed further the initial Venice ideas with the important European Council meeting in Berlin 1999 when the EU took an explicit declaration, stating that 'the European Union reaffirms the continuing and unqualified Palestinian right to self-determination including the option of a state and looks forward to the early fulfilment of this right (cited from Berlin EU Council 1999).' On the one hand, the EU thus underlined the two-state model, but also declared that the parties should reach a negotiated agreement, thereby hinting to the option that if the Palestinians would accept solely self-determination and not statehood, the EU would not prevent the establishment of a Palestinian State.. However, it could also be seen as a position in which Israel feels that the EU would not stand in its way in case Israel decides to push against the establishment of a Palestinian state. The EU position in 'support for a negotiated settlement in the Middle East (cited from Berlin EU Council 1999)' underlines further its strong disagreement to the usage of violent means against the Israeli occupation, or Israeli violent attacks on Palestinian militants. This position must be mirrored to the Europeans horrifying historical experience of WWI and WWII when diplomatic efforts failed and threw mankind into disastrous wars and violence. Hence, diplomacy and negotiations is a normative principle for how EU sees that conflict parties should resolve their differences.

The EU has increasingly become involved in the IPC since the beginning of the peace process in the 1990s. Despite many claims that the EU plays a marginal role, compared with the USA, the EU is by far the most important economic player for both, Israel and the Palestinian self-rule areas in the West Bank and the Gaza Strip, i.e. the Palestinian Authority. Despite the close political linkages with the USA, Israel's biggest trade partner is the EU. The weak Palestinian economy has developed a dependency relation with the EU. The EU had initiated the Barcelona process in 1995 and that was aimed to support and push the peace process between Israel and the Palestinians forward, but also aiming to develop closer relations with the Mediterranean neighbors (Tocci 2005, Gomez 2003). With the Barcelona framework it followed up with the European Neighborhood Policy (ENP) in early 2002, in which the EU stated the need to develop friendly associated neighbors surrounding EU's new members. The EU paid more than half of the money that was invested in the Oslo peace process in 1991-2000.

*The EU positions vis-à-vis the IPC*

However, we need to scrutinize the key documents reflecting the EU position and statements about the IPC, and in particular with reference to the different parties, including Hamas. Although the Venice Declaration can be seen as a first step towards the form of a solution that has now reached global consensus, we still need to address the various steps taken within the EU itself vis-à-vis the conflict parties in relation to the solution. How did the EU formulate its solution and how did it perceive the responsibilities in relation to the conflict parties themselves? Further, when did Hamas occur as a security threat in the EU documents, and how was this threat described? If we first go through the key documents related to how the EU perceives the way forward in the IPC, one can analyse several key documents presented primarily by the European Council, as well as the Higher Representative of the EU.

The EEC position that came with the Venice declaration in 1980 also gave legitimate right to the PLO as the sole representative of the Palestinian people. Hence, the EEC, and later the EU had thereby made a conflict analysis in which they framed the previous Arab-Israeli conflict as secondary to the overarching IPC. The Palestinians, along with Israel were therefore seen as the core parties, and only when they find an (negotiated) agreement, could peace occur. The EU made it explicit that the key issues to be addressed in peaceful talks were the illegal Israeli settlements in the West Bank and the Gaza Strip, Jerusalem, Palestinian refugees' right of return, as well as the future Palestinians international boundaries. Israel was furious over the decision, and in 1985, the person who himself was later given the Nobel Peace prize for signing in 1993 the Declaration of Principles with the PLO, Shimon Peres, claimed at the European Socialists meeting in Vienna that this was wrongdoing and requested the EU 'to cease closing their eyes...and to refrain from an attitude of forgiveness' towards the PLO (quoted in Miller 2006: 643). Supporters of the statement saw the EU position to place the PLO as the other key actor to the conflict next to Israel as forerunner action to the present mainstream solution - the two-state solution. However, when Hamas became a challenger to the PLO, as a religious Palestinian national movement and an alternative to the secular PLO nationalism (see Abu Amr 1994, Lindholm Schulz 1996, 1999) the EU could not initially realize and even less, recognize this challenge against the secular Palestinian nationalism of the PLO.

The entrance of Hamas on the political scene came already during the first *intifada* in 1987-1993, however, not until its first suicide mission in 1993 in the West Bank, and even

more after the April 1994 attack inside Israel, did the EU take real notice of Hamas as a political challenger vis-à-vis PLO. At this time, the EU mainly perceived Hamas as a spoiler to the peace process that made it difficult for President Arafat (formally the chairperson) of the PA to achieve success at the negotiation table with Israel. Equally, Israel was given full support, and *de facto* acceptance of Israel's measures to prevent further Hamas attacks on Israeli civilians. EU's own conflict analysis of the IPC gave itself the role of being the party that primarily should provide development assistance to the PA, and ensure that the PA would transform into a democratic forthcoming Palestinian State when the interim period, according to the Oslo Accord, should be completed in September 1999. When the Oslo interim period came to its end, the EU Berlin Declaration came in 1999 to support again that the two-state solution should be implemented, thereby giving support to the Palestinians, and in particular the Arafat led PA. With the outbreak of the Second Palestinian uprising, the so-called *al-Aqsa intifada*, in September 2000 the EU ended up in a new situation in which it also had to question some of its key position. Nevertheless, during the entire period and up to the Hamas election victory, the EU came to support the PLO/PA and even supported Arafat until his death, and after that he was imprisoned by Israel in his own office in 2002, the *Muqatha*, in Ramallah. The EU thereby opposed Israeli and American positions that preferred to see Arafat as the key problem of the situation. In contrast to the EU, Israel and the US saw Arafat as the cause to the stalled peace process, not least due to Arafat's lack of willingness to prevent Hamas and other terror organizations' attacks on Israel. The EU rather saw him as the key to the solution.

### **EU security governance and Hamas**

Given the above analyzed key documents one asks what type of security governance followed from the EU reasoning and construction of the conflict

The overarching understanding of how the EU security governance strategies are formed should be divided along two dimensions.

Firstly, it is important to understand the way the EU has framed the IPC, since the contextualization of the conflict, *de facto*, generates the type of practices that would follow. The way the conflict is described, in terms of historical narratives and root causes; the key actors the EU points out; the way it perceives the key issues, and finally, the preferred solution for the EU – all these aspects impact the security governance formulation. Secondly, the influence from the various single member states' individual (different)

construct of the IPC, matters immensely for how decisions are taken- for instance, in the European Council. Therefore, a single member state's involvement on the ground within the conflict context does not necessarily imply it is coordinated with the EU stance and activities. As will be shown further, the security governance strategies are impacted from the 'Brussels' security governance discourse and the EU day-to-day security governance on the ground.

The overarching approach taken by the EU is to emphasize that the parties should refrain from using violent means, but solve their differences in diplomatic talks and negotiations. The underlying logic is linked to the normative perception that with a democratic take you need to find compromised solutions. If not instantly reached, you just continue without returning to the usage of violent strategies. Also, the EU perception is that when parties negotiate and have dialogue, they do not fight, and thereby increase the likelihood to narrow, as well as overcome the gaps between the conflict parties. The EU sees any party that does not follow the diplomatic track as a spoiler to the peace process. With the self-perception of being a 'force of good' that promotes human rights, democracy and peaceful means in solving conflicts, the EU will, at least on the rhetorical level, condemn parties to the conflict if this is not followed or implemented.

However, the construction of being a normative power on a rhetoric level has shown to be less consistent with the practices vis-à-vis the actors to the conflict, as will be discussed below. For now, we can see that the EU has condemned the parties when, for example, Israel continued to construct settlements in the West Bank, or when suicide actions against Israeli civilians by Hamas took place. These condemnations rest upon the EU position that a two-state solution implies the establishment of a Palestinian state in the West Bank and the Gaza Strip, with East Jerusalem as its capital. Hence, any Israeli settlement built in these areas, or usage of violent means by any party, or the denial of Palestinian refugees rights is seen by the EU not solely as a contradiction to EU's own conflict analysis of the IPC, but also as a violation of the international law.

Analysis of the Oslo process between 1993-2000 until the outbreak of the *al-Aqsa intifada* shows that the EU was also willing to contribute to strengthening the PA and the former President Yassir Arafat's regime, contrasted with the opposition constituted primarily by the Islamists, i.e. Hamas and Islamic Jihad. Hence, despite its own normative position that it is essential to talk and hold relations with all parties to a conflict, the EU relatively early on sided solely with the Arafat led PA and framed the opposition as non-democratic and as spoilers.



The EU saw the PLO/PA as the key party next to Israel and the actor that could bring a negotiated peace in accordance with the two-state solution. Hence, in line with the US position, the EU has never accepted the Palestinian view that violent resistance against Israeli occupation is legitimate according to international law. Non-violence is in line with its principles to solve conflict via negotiations, and is a corner stone of the normative basic position of the EU. A further example of the negotiation track is when the EU High Representative Catherine Ashton announced, after the killing of four Israelis in Hebron in September 2010, that '[it] is very important that all relevant parties avoid provocative actions which could undermine the success of the talks' (Brussels, 2 September 2010, A 171/10). This normative position has led academics to label the EU as a normative power (Manner 2002), civilian power (Bull 1982), or 'force for good' (Barbé and Jahnsson-Nogués 2008). The logic of this normative construct has also its consequences for how the EU acts in relation to the actors of the conflict. Furthermore, the EU identifies its role as a partner primarily with the USA. The EU sees the USA as a key partner in the Middle East peace process.

Its entry and direct involvement in the peace process, following the aftermath of the 1993 Declaration of Principles between Israel and the PLO, made the EU become the major economic partner for the Palestinians. Furthermore, the EU saw its role in ensuring that a Palestinian counterpart did exist. Hence, the economic and political backing of the PLO/PA was a crucial step in this direction. Initially, the division of labor between the EU and the US was that the EU took upon itself to build and consolidate the PA, while the USA was focusing on the bilateral talks between Israelis and Palestinians. However, during the last decade the EU has become increasingly involved in mediation and hardcore security issues. Hence, the EU is contradicting its normative position, but argues that it has to be also involved in hard-core security issues in order to increase its role and influence. However, the EU security involvement is still within the field of security sector reform, in which Palestinian police forces are trained in a 'rule of law' spirit, and seen as part of its civilian missions. Though, as will be described further, the developments on the ground, in the conflict context, affected heavily the implementation of the EU security governance, as well.

The EU security governance strategy and its impact could be divided into three overarching phases: the period starting from September 1993-August 2000; the *al-Aqsa intifada* period from September 2000 until the Hamas election victory on 25 January 2006; and the post-election period until present time.

### **September 1993 until September 2000**

In the Oslo peace process the EU emphasized the need to provide the newly established PA with economic support, but also to build a democratic PA, as well as rule of law based structure with respect for human rights. However, after the assassination of the Israeli Prime Minister Yitzak Rabin in November 1995, and following the escalation of Israel and Hamas confrontations, with several Hamas suicide attacks during February and March, killing over 40 Israelis and injuring over 200 (Miller 2006: 644), and the election victory of the previous opposition leader from the Likud, now Prime Minister Binyamin Netanyahu, the peace process if not stalled, at least dramatically slowed its pace. Prime Minister Binyamin Netanyahu had been the principal voice in criticizing the entire Oslo formula.

The EU that had invested not solely money into establishing a PA, but also managed to receive a key role in the peace process, felt an urge to underline the importance of a sustained peace process. Hamas had been perceived as a spoiler during the entire Oslo process, and the EU felt the need to side with the Arafat led PA. The idea was to provide support for Arafat and that he should prevent Hamas from making their attacks on Israel. Hence, this EU reaction was in response to a harder position from the new Israeli government against the PA, but also a clear signal to Hamas that they were perceived as a destructive force of the Palestinians aimed at achieving statehood and peace with Israel. As a response to the Netanyahu election victory, in June 1996 the European Council meeting in Florence stressed that the Oslo process was a fundamental interest of the EU. Hence, most resources went to uncritically support the PA, despite internal critical EU voices, which in practice meant to strengthen the Arafat controlled security forces that were to be used to clamp down on Hamas and other terror organizations. Also, the US with the help of CIA, organized ways of strengthening Arafat's capacity to prevent Hamas and similar organizations to conduct suicide attacks against Israeli civilians. This was also in line with the perspective to provide tools that could make Netanyahu claim that he had achieved what he promised the Israeli electorate, namely personal security. The EU hope was that this would strengthen Israeli's willingness to compromise. However, among the Palestinians frustrations and disappointments increased with the Israeli government's actions and the lack of US and above all EU pressure on the Israeli leadership.

When Prime Minister Barak had won the elections in 1999 hopes increased again for a settled solution towards the establishment of a Palestinian state. The EU was seen as a passive voice that merely sided with the US position.

### September 2000 to election victory of Hamas in 2006

During the entire Oslo-process, the EU consequently urged and requested the PA to be willing on arresting Hamas and Islamic Jihad activists that used violent means (in particular the suicide attacks against civilians). With the outbreak of the *al-Aqsa intifada* this request was intensified. However, the *al-Aqsa intifada* was not solely an uprising against the Israeli occupation, and the frustrations that followed with the failed Camp David II negotiations. The uprising was also a clear signal against Arafat and the PA of not being able to succeed at the negotiation table with Israel, and also not to provide the social welfare and services that the PA should take care of. Hence, the uprising was also a protest against the corrupt Arafat regime, and particularly the Hamas leadership criticized Arafat and his PA (for more detail see Lindholm Schulz 2002).

The violent escalation during the first half of 2002, including several suicide attacks against Israeli civilians, as well as Israel's re-invasion of the PA controlled area A in the West Bank, further weakened Arafat's position. Already before this escalation, on 15 December 2001, in a press release of the European Council, the EU expressed that the 'only basis for peace is UN Resolutions 242 and 338...', implying that the Palestinians' right for self-determination must be taken care of. Moreover, the EU again underlined 'Israel's inalienable right to live in peace and security...', and simultaneously, the purpose of 'establishment of a viable independent and democratic Palestinian state and an end to the occupation...' (cited European Council Declaration of 15 December 2001). Thereafter follows a reminder to the Palestinian Authority to take actions against the Islamists by 'the dismantling of Hamas' and Islamic Jihad's terrorist networks...' (Ibid).

Israel, and the Sharon cabinet, perceived Arafat as the sole problem having failed to take serious actions against Hamas and other Palestinian terror organizations. The EU also expressed its concerns for Arafat's incapability to clamp down on these groups. However, when Israel isolated Arafat in the *Muqata* the EU decided to side with him. When Israel and the PA, backed and supported by the Quartet, (constituted of the UN, the US, the EU, and Russia) adopted the Roadmap for peace on 30 April 2003, it only followed the EU's previous statement on how the IPC should be ended. A requirement to cease all fighting was particularly expressed towards Hamas.

This position was further emphasized with the next European Council meeting in June 2003 in Thessaloniki Article 83 of the revised document from the meeting states the following:

'The Union demands that Hamas and other groups declare a ceasefire immediately and halt all terrorist activity and recalls that the Council is urgently examining the case for wider action against Hamas fund raising. It is essential that all concerned, in particular the countries of the region, condemn terrorism and assist in efforts to eradicate it.' (cited European Council, Brussels, 10 October 2003)

When Israel denied access to the EU representatives to visit Arafat in the spring of 2002, the EU even expressed considerations to reconsider its trade relations with Israel. Hence, the EU took a stand against its allies - Israel and the US, on how to approach Arafat and the PA. It is within this light one also has to see that the internal EU discussion on how to approach Hamas was linked to how the EU best could tackle the too firm Israeli and US position towards Arafat. It became increasingly difficult, particularly for smaller states to resist the continuous pressure from primarily the UK, Germany and the Netherlands, that were closer to the US positions on how to have a tougher stand towards Hamas. Hence, as has been argued by Cameron (2003), it became hard to say 'no' and stand against blacklisting Hamas, since it became more important to give legitimacy to the PA and Arafat in a situation when the US began to question Arafat. Hence, a ban against the PA opposition simultaneously could therefore be argued to support the PA and Arafat as the sole legitimate representative of the Palestinians. Furthermore, since now Arafat and the PLO/PA, as well as Israel, had accepted the Roadmap, further arguments came claiming that a ban on Hamas would weaken and prevent Hamas to work against the implementation of the Roadmap. Therefore, it is no coincidence that the blacklisting came in the autumn of 2003 after years of discussion on how to approach the Islamists. Hence, again the EU saw the PLO/PA as the legitimate representative of the Palestinians, and the Islamist as spoilers, and not as a real opposition force in Palestinian society.

Despite that, heavy criticism came from inside PLO and Fatah itself about Arafat's way of running the chronic corruption situation, and which came to a close bankruptcy (Miller 2006: 648).

Following Arafat's death in November 2004, Hamas decided to participate in the municipality elections that were held in four rounds - December 2004, January 2005, May 2005, September - December 2005. This marked the beginning of a new situation for Hamas leverage that was further accentuated with the national election victory Hamas held in January 2006.

Hamas did not win all municipality elections, but it did well and this outcome put the EU in a new difficult position, since it could no longer place Hamas only as a spoiler of the conflict. Due to its popular support, as well as acceptance to take part in democratic elections, Hamas proved to be not solely a resistance movement, but also an actor capable to take part in political decision-making. Furthermore, by participating in the elections Hamas accepted one pillar of the Oslo process, and could thereby be seen as a party to involve in future talks.

In June 2003 Hamas declared a ceasefire, an Islamic *hudna*, implying a long-term ceasefire between Muslims and non-Muslims,, which was also in line with the EU requests. However, the ceasefire was broken after merely six weeks. Israel then continued its extra-judicial assassinations of Hamas leaders and along with militant leaders now came to include also the political leaders of Hamas as legitimate targets in this strategy. The EU, as well as the US, vocally protested these actions but did not really pressure Israel to stop.

In 2005, a temporary ceasefire, a *tahdiah* (calm period) was announced by Hamas and it coincided with the Palestinian municipality elections (Gunning 2007: 222). This also coincided with Israel's unilateral withdrawal from the Gaza Strip. Again the EU chose to give support and credit to the Israeli government led by Ariel Sharon for its readiness to sacrifice territory in exchange for peace, rather than giving credit to Hamas for announcing a ceasefire, and in spite of Palestinian public pressure to fight back against Israel.

This ceasefire was held until June 2006 when tensions arose also between the Hamas government and Fatah that was supported by Israel and the US seeking to undermine Hamas government. The EU had internally increasing discussion on how to approach Hamas, and was considering taking Hamas out of the blacklist. However, no consensus was reached. The UK Prime Minister Tony Blair had since 2003 and 2004 pushed for a crackdown on Hamas and was the key player within the EU to prevent the establishment of a more official EU line towards Hamas. In June 2007 he accepted the role as the Quartet's representative. Hamas who considered his appointment as deride instantly criticized Blair as being clearly biased.

### **From 2006 to contemporary time**

The national election victory of Hamas forced the EU to take a move in which it still could argue that Hamas was democratically elected in a free and fair elections, and simultaneously find a way out for risking to be accused for financing a terrorist

organization. Hence, jointly with the other Quartet members, the EU raised three principles that Hamas should follow if it wished to have relations with the Quartet members. These were the following ones: 1. recognition of Israel's existence and right of existence, 2. renounce the use of violence in its struggle to end Israeli occupation, and 3. acceptance of the agreements that the PLO had signed with Israel (the agreements within the frame of the Oslo process) (see O'Donnell 2008). At a closer look, Hamas had *de facto* since then already held the ceasefire; since 2005, it had already shown capability to refrain from use of violence against Israel, and it could accept to have an open dialogue.

A year later, the tensions between Fatah and Hamas escalated and Saudi Arabia mediated this internal strains resulting in the Mecca Agreement of February 2007. Hamas had then agreed to form a unity government with Fatah and expressed its willingness to respect the previously signed agreements between Israel and the PLO. In relation to Israel, Hamas leader Khaled Meshal had already stated before the Mecca meeting the following proposition:

'We in Hamas are with the general Palestinian and Arab position and we are with the consensus of the necessity of establishing a Palestinian state on the 4 June borders, including (East) Jerusalem, the right of return and the withdrawal of Israel to these borders.' (cited Khaled Meshal 10 January 2007<sup>4</sup>).

However, Meshal also claimed: '...that doesn't mean that we recognize Israel. But we are prepared to make a long term truce with Israel. Accepting the status of Israel without recognizing it.' (cited Meshal 12 December 2006<sup>5</sup>)

In other words, Hamas came forward nearly on all aspects that the Quartet had demanded from Hamas. Still, the fact that Hamas was only ready to *respect* and *honor* the previous agreements that PLO had signed with Israel was in the eyes of the EU too limited, and different than actually *accepting* them. For Israel, the US and the EU it was of outmost importance that Hamas also recognized Israel's right to exist. The mere fact that Israel exists was not enough.

Paradoxically, Hamas had even before the election victory accepted the idea to join the PLO, and if Fatah had allowed Hamas to become a member, it would have *de facto* been an implicit acceptance of the previous agreements between PLO and Israel. The PLO had

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<sup>4</sup> <http://www.reuters.com/article/2007/01/10/us-palestinians-meshaal-text-idUSL1046412720070110> (accesses 1 August 2014)

<sup>5</sup> <http://www.antiwar.com/orig/rupp.php?articleid=10195> (accessed 1 August 2014)

already recognized Israel's right to exist via the Oslo Accord in 1993. In addition, it is difficult to neglect Hamas' increased awareness the need to adjust their position in relation to Fatah. In Article 9 of the National Unity Platform that Hamas negotiated with Fatah and other political fractions in 2006, Hamas committed itself in that: 'the government will deal with the signed agreements [between the PLO/PA and Israel] with high responsibility and in accordance without compromising its immutable prerogatives' (cited Hroub 2006, p. 17). Furthermore, in Article 10 they state that: "the government will deal with the international resolutions [on the Palestine issue] with national responsibility and in accordance with protecting the immutable rights of our [Palestinian] people' (Ibid.)

For Israel, in particular, but also the US and the EU this was not enough. And still, if, compared with the Hamas Charter of 1988 the National Unity Platform suggests that Hamas has made a major shift. Hamas position was made explicit in the sense that it would respect the basis of the Oslo agreements, but only if the Palestinian rights are fulfilled. Hamas critical voices claim that these rights could include the establishment of an Islamic Palestinian state in the whole of Palestine, thereby implying the destruction of Israel. However, a more detailed analysis shows that this should be seen as an indirect acceptance of a two-state solution, at least as a long-term temporary solution. Hence, Hamas is underlining this position, also due to its need to be seen as an equal partner with Israel.

Within the EU, these shifts in Hamas positions on those key issues did not pass unnoticed. Even more, they increased the internal debate within the Union on lifting Hamas away from the blacklist. Moreover, a debate on the need to break the isolation that began in the spring of 2006 and to open dialogue with the movement intensified. (or: Moreover, voices within the Union intensified in favor of breaking the isolation that began in the spring of 2006 and opening the dialogue with the Hamas movement.) The demands by the Foreign Affairs Committee of the UK House of Commons and the Italian government requesting an end to the boycott against Hamas are only some of the examples illustrating the individual actions undertaken by some of the EU member-states in this direction. Sweden even granted an entry visa for a Hamas government minister in 2006; the European Parliament publically called for an end of the boycott; several EU officials in the European Commission and several member states privately confessed the need to approach and engage with Hamas. Even "hardliners" such as Germany managed to pressure Israel to accept a ceasefire with Hamas in the spring of 2008 (O'Donnell 2008: 18). Germany was also involved, jointly with Egypt in mediations with Hamas and Israel. The aim of these mediations was to find a formula for a possible prisoner exchange of a lesser number out of

the 11,000 Palestinian prisoners in Israeli custody in exchange for the release of the Hamas kidnapped Israeli soldier Gilad Shalit.

However, the dilemma for those member states who want to lift the blacklisting of Hamas is that the EU requires a unanimous decision in order to take Hamas down from the blacklist. With every backlash, such as the Gaza war in December 2008-January 2009 between Israel and Hamas, or after the Israeli raid on the Gaza flotilla in May 2010, or the most recent armed conflict in July-August 2014 between Hamas and Israel, the discussion intensifies, but it also makes it more difficult for EU member states to reach a consensus within the EU.

Without clear consensus among its member states, the EU has ended up siding with the Quartet, only or, verbally criticizing Israel but without any real threat to break trade or diplomatic relations with Israel, or even less - possibility to open dialogue with Hamas.

### **Conclusions**

In reaching conclusions about the EU securitization of Hamas as an actor to the IPC conflict several things must be borne in mind. First, the EU has a clear vision of how the overall IPC should be solved. The EC had already placed the two-state solution on the table before the EU was established in 1992. The key actors of the IPC were according to the EU conflict analysis Israel and the Palestinians. The EU strong pro-PLO position in the sense of perceiving them as the sole representatives of the Palestinian people, made it difficult for the EU to recognize the challenge that Hamas constituted given its increased popular support, as compared to the PLO dominated PA that had been established as a result of the entire Oslo process between Israelis and Palestinians.

Second, key EU documents identify on a more general level that terrorism is a security concern. However, it is only in relation to the aftermath of the 9/11 events that Hamas became a direct security concern for the EU and was consequently blacklisted in 2003. The blacklisting of Hamas took place despite the fact that the *al-Aqsa intifada* included all political fractions in its struggle against the Israeli occupation. Several other groups would have also qualified to be blacklisted by the EU. If the EU would have strictly followed its own definition on what terrorism is, the Israeli target killings of Hamas members would have qualified Israel for blacklisting as well. However, this must be seen in relation to the fact that the EU was stuck with its earlier way of making its conflict analysis



of the IPC, its prestige and investment in emphasizing the need to support the PLO and the newly established PA (not least in relation to the US), as well as the impact of US and UN pressure on the EU to act after the 9/11 events. At the same time, one could argue that the normative aspects of the EU, i.e. that conflict parties should talk and negotiate and not use violence - as one pillar for solving conflicts, create a logical argumentation in relation to Hamas and its violent means, such as suicide attacks on Israeli civilians.

However, the increasing stalemate of the Oslo process, the increased corruption tendencies of the PA and Arafat's dominant and non-democratic leader style, as well as the armed resistance of the Hamas movement against Israel, showed how trapped the EU was in its own discourse of speaking security, both on a general level about the IPC and more specifically about Hamas. This inability created further challenges for the EU when Hamas won the national elections. By constantly arguing for the need to participate in political dialogues, in a democratic structure, one could have expected that when Hamas actually decided to accept one of the Oslo pillars, to participate in political competition of how the PA should be run, the EU should change its relation vis-à-vis Hamas. By siding with Israel and the US and isolating and boycotting Hamas, the clear impact on the Palestinian public, as well as Hamas itself, was that the EU works with double standards.

This has also led to an increased internal debate within the EU itself, and at this point it remains unclear in what direction the EU will go in the future. However, one can assume that the future EU course will be mostly decided by the IPC actors, themselves, i.e. the conflict developments *per se* will impact the potential shifts in the EU course. Given the current on-going differences within the EU on the IPC context and its actors, there is little likelihood that a major internal shift would occur in short term perspective, in which a consensus would be reached on how to approach Hamas in a new way, in which the movement would not be seen solely as a terrorist organization, but also as a key player, similar to how the PLO was seen before the Oslo process, in the beginning of the 1990s.

The theoretical implications of these findings indicate that the EU security governance policies are shaped by the way it analyzes its security concerns and the way it 'speaks security'. However, due to its inabilities, not least due to the conflicting positions among the EU members themselves, the capacity to shift its security governance policies either come too late or do not come at all. Also, the EU impact in the conflict zone itself creates several warning signals, but seemingly do not reach Brussels in time, or are not convincingly enough for the located EU officials to signal to Brussels on what needs to be changed.

This implies that we have one type of, Brussels security governance, with its own life and linked to its previous security discourses and multilateral understandings, and another type of EU-IPC security governance, on the ground, with a different logic, understanding and functioning. Theoretically, the study findings also go in line with previous studies, such as Pace (2007) who also argues that there are gaps between the rhetoric level of the EU and what happens on the ground. Also, in line with the dilemmas the EU faces with its perception of being a 'force of good' (Barbé and Johansson-Nogués 2008), and acting contradictory in the field in relation to its normative overarching principles. This creates a view of an unclear EU position at best, and double standards in the eyes of the conflict parties (Berg & Garthorn 2009), making it utterly difficult for the EU to become a trustworthy mediator in the conflict. The relationship between these two security governance logics and their impact seem to be of importance and hence should be of further empirical research interest.

## References

### Primary sources used

1. European Union. 1992. Treaty of Maastricht on European Union, Maastricht [online]. Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:1992:191:FULL&from=EN> [Accessed 20 July 2014].
2. European Council. 1999. Presidency Conclusions. Berlin European Council, Berlin [online]. Available from: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/acfb2.html](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/acfb2.html) [Accessed 20 July 2014].
3. European Council. 2002. *Declaration by the EU on the Middle East, Seville* [online]. Available from: <http://domino.un.org/UNISPAL.nsf/eed216406b50bf6485256ce10072f637/592c1c6421404b2985256c7500575367?OpenDocument> [Accessed 20 July 2014].
4. European Community. 1980. *Venice Declaration* [online]. Available from: [http://eeas.europa.eu/mepp/docs/venice\\_declaration\\_1980\\_en.pdf](http://eeas.europa.eu/mepp/docs/venice_declaration_1980_en.pdf) [Accessed 26 July 2014]

### Bibliography

1. Kirchner, E. and Sperling, J. 2007. *EU security governance*. Manchester: Manchester University Press.
2. House of Lords. 2007. *The EU and the Middle East peace process: twenty-sixth report of session 2006-07 of the Great Britain Parliament European Union Committee*. London: House of Lords.
3. Abadi, J. 2001. Sweden's policy toward Israel: constraints and adjustments. *Middle Eastern studies*, 37 (2), 23-49.
4. Abu-Amr, Z. 1994. *Islamic fundamentalism in the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad*. Bloomington and Indianapolis: Indiana University Press.
5. Aoun, E. 2003, European foreign policy and the Arab-Israeli dispute: Much Ado About Nothing? *European Foreign Affairs Review* 8, 289-312.
6. Barbé, E. and Johansson-Nogués, E. 2008. The EU as a modest 'force for good': the European Neighborhood Policy. *International Affairs*, 84, 1 (2208) 81-96.
7. Berg, C. and Gahrton, P. 2009. 'Civilization' of the EU. A way for the EU to do more for world peace? Stockholm: Cogito
8. Bull, H. 1982. Civilian power Europe: a contradiction in terms? *Journal of Common Market Studies*, 12 (2), 149 - 164.
9. Cameron, I. 2003. European Union anti-terrorist blacklisting. *Human Rights Law Review*, 3 (2), 225-256.
10. Del Sarto, R. A. 2007. Wording and meaning(s): EU-political cooperation according to the ENP Action Plan. *Mediterranean Politics*, 12 (1), 59-75.
11. Dieckhoff, A. 2005. The European Union and the Israeli-Palestinian conflict. *Journal Inroads*, 16, 52-62.
12. Gomez, R. 2003. *Negotiating the Euro-Mediterranean partnership. Strategic action in EU foreign policy?* Aldershot: Ashgate Publishing Limited.
13. Gunning, J. 2008. *Hamas in politics: democracy, religion and violence*. Colombia University Press.
14. Hollis, R. 2004. The Israeli-Palestinian road block: can Europeans make a difference? *International Affairs*, 2 (2004), 191-201.
15. Hroub, K. 2006. A 'new Hamas' through its new documents. *Journal of Palestine Studies*, 35 (4), Summer, 2006.
16. Kirchner, E. J. & Sperling, J, 2007, *EU Security Governance*, Manchester: Manchester University Press.

17. Lindholm Schulz, H. 1996. *Between revolution and statehood: reconstruction of Palestinian nationalisms*. Department of Peace and Development Research: Göteborg University, Doctoral Dissertation.
18. Lindholm Schulz, H. 1999. *The reconstruction of Palestinian nationalisms: between revolution and statehood*, Manchester University Press.
19. Lindholm Schulz, H. 2002. The 'al-Aqsa Intifada' as a result of politics of transition. *Arab Studies Quarterly (ASQ)*, 24 (4, Fall), 21-46.
20. Manner, I. 2002. Normative power Europe: a contradiction in terms? *Journal of Common Market Studies*, 40 (2), 235-58.
21. Miller, R. 2006. Troubled neighbors: the EU and Israel. *Israel Affairs*, 12 (4), October 2006, 642-664.
22. Mohamed, R. 1992. The U.S. - PLO dialogue: the Swedish connection. *Journal of Palestine Studies*, 21 (4), Summer, 1992, 54-66.
23. O'Donnell, C. M. 2008. The EU, Israel and Hamas. Working Paper. *Centre for European Reform*, April 2008.
24. Pace, M. 2007. The construction of EU normative power. *Journal of Common Market Studies*, 45 (5), 1041-1064.
25. Tavares, R. and Schulz, M. 2006. *The intervention of regional organizations in peace building*. In P. De Lombaerde, ed. *Indicators of Regional Integration*. London: Routledge.
26. Tamimi, A. 2007. *Hamas unwritten chapters*. London: Hurst & Co. Ltd.
27. Tocci, N. 2007. *The EU and conflict resolution: promoting peace in the backyard*. London and New York: Routledge.
28. Tocci, N. 2005. Conflict resolution in the Neighborhood: Comparing EU involvement in Turkey's Kurdish question and in the Israeli-Palestinian conflict. *Mediterranean Politics*, 10 (2), 25-146.

#### **Internet sources**

1. EU Technical Assistance Office to the Palestinians. Website. Available at: <http://ec.europa.eu/delegations/westbank/> [Accessed 26 July 2014]
2. European Union. 2003. *European Security Strategy* [online]. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> [Accessed 26 July 2014]

3. European Union. 2008. *Report on the implementation of the European Security Strategy* [online]. Available at:  
[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/reports/104630.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf) [Accessed 26 July 2014]



## Ethnic Identity Resentment and Increasing Anxiety in the Modern World Society vs. State vs. Individual

Stephan E. Nikolov

Institute for the Study of Societies and Knowledge at BAS (ISSK-BAS), Sofia

[stephnikolov@gmail.com](mailto:stephnikolov@gmail.com)

### Abstract

*In this paper we critically examine the troubled interdependence between religious identity and mounting violence in contemporary world. This interdependence was enormously revealed with the ongoing militancy of "Islamic State", and the radical Islamist groups. Their professed aim sounds appealing – to get rid the corrupt government and create a state and society governed by Sharia. Recently we witness a wave of increasingly sophisticated attacks against 'infidels' mainly in war-torn Syria and Iraq, but elsewhere too, which suggests not only growing foreign support, but also indicates a strategy of provocation through which "Islamic State" seeks to spark large scale sectarian conflict that will strike at the foundations of modern world. And this relates deeply with the Balkan realms with their fragile balances of old and new latent conflicts – and far beyond the grueling influx of refugees that is almost impossible to deal with. Here we expose details of individual states, EU and world failure to handle effectively the problem. In the last part we offer recommendations on how to mitigate that situation.*

**Key words:** Religion; Ethnicity; Identity; Violence; "Islamic State".

### Introduction

Balkans with their difficult past and heavy burden of wars, reallocation of borders, and ethnic cleansing, makes an interesting case study of the uneasy nexus between religion, identity and violence. This is largely due to its complicate dknot of politically salient identities and history of chronic and seemingly intractable conflicts. This makes the region as one of the most deeply divided in Europe (see, for example, Jelavich, 1983, Kaplan, 2005).

Even the record of the alliances, mutual cooperation agreements, or geopolitical projects as Yugoslavia, NATO, Warsaw Pact, COMECON, and more recently, the EU, to mention some of the most significant, reveals that resentments, prejudices, confrontations, inherited from the past, never cease to exist.

Balkan's extensive heterogeneity, particularly its ethnic and religious diversity, together with its lagging behind the affluent Europe, lingers as an enduring source of societal tensions and recurrent political instability. This amalgam of harmful properties serves not only as a potential and a seam perpetually intimidating to cleave the very roots of the peaceful coexistence, concord and future prospects. Specifically, political mobilization along ethno-religious lines, gradually, put ethno-religious groups on the edge of rejecting main policy projects as an imminent threat. This is not only triggering controversies that in the distant, but also recent past have claimed thousands of lives and properties, but ultimately impedes the emergence of the internal and interstate cooperation, development and prosperity. The disparate, often victims of competitive claims and loyalties ethnic and religious groups on the Balkans (parts of the same ethnicity devoted to diverse confessions, or divided through borders from the mother nation, etc.) belong to a pattern of conduct that often promotes religion (even after decades of atheist rule during the communism, or when it is recently introduced or re-introduced) over and above the broader interests of the national states and societies. Balkans transition from totalitarian regimes brought an alarming level of clashes and violence, especially in the otherwise cradle of an exemplary liberal form of communist regime under Tito, but also in Bulgaria, Albania, Romania, violence associated primarily with religious identity politics adopted historically unprecedented for post WWII proportions.

### **Theoretical Premises and Prospects<sup>1</sup>**

Since the astonishing terrorist attacks of 9/11 it is often said that 'more wars have been waged, more people killed, and these days more evil perpetuated in the name of religion than by any other institutional force in human history' (Kimball, 2002: 1). As McGuire notes, 'religion is one of the most powerful, deeply felt, and influential forces in human society. It has shaped people's relationships with each other, influencing family,

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<sup>1</sup> Expanded elaboration of these issues with more attention to the theoretical premises is forthcoming in Bulgarian: in *Sociologicheski problemi*, no. 3-4.



community, economic, and political life... Religious values influence their actions, and religious meanings help them interpret their experiences.'(McGuire, 1992: 3). Other authors identify three core aspects of religion: a social construction, created by people, and an essential component of culture, an integrated set of ideas by which a group attempts to explain the meaning of life and death, and, third, a normative system defining immorality and sin as well as morality and righteousness. (Eitzen and Zinn, 2010: 487). Sociological explanations bound religion with the core of both group and self-identity, offering responses to the question: 'Who am I?' (Nikolov, 1993: 57-8), and being "(1) a ubiquitous phenomenon that has a profound impact on human behavior, and (2) religion influences society and society impacts on religion (Agbiboa and Okem, 2012).

Religious identity can be both an integrative and disruptive force in any society; thus, it may not only stimulate and perpetuate violence but may also contribute to peace (see for more details Parekh, 1999; Appleby, 2000). This 'ambivalence of the sacred', to use the Appleby's term, is clearly apprehended by his analytical query as for why religion is a source of 'intolerance, human rights violations, and extremist violence, but also of nonviolent conflict transformation, the defense of human rights, integrity in government, and reconciliation and stability in divided societies?' (Appleby, 2006: 821).

Conflicts over the role of religion in society or the state are expected to emerge between different religious groups, especially if the given religion professes universal validity. Besides, militants may well be motivated through specific religious incentives/returns for their contribution to deceitful acts of hostility (see Anderson, P.: 2004). Religious issues might be appreciated as a likely mobilization resource, as for and as well within conflicts.

A different outlook associates religion to the commencement of terrorism: religious terrorism is seemingly uplifted above a simple indicator to a whole array of explanatory features and fundamental contentions that appear to demarcate it as a special category of violence, fundamentally different from secular forms of terrorism and violent behavior (Rapoport, M., 1984; Gunning and Jackson, 2011).

It is essential to note that the immense rise of radical Islamist terrorism from the 1980s and 1990s on has contributed extensively to the disastrous nature of assaults committed by religious terrorist groups (Rapoport, 1998; Juergensmeyer, 2003; Agbiboa, 2013). Available empirical data shows that over the period 1968 to 2005, Islamists groups (especially groups affiliated with Al-Qaeda in the Islamic Maghreb) were responsible for 93.6 percent of all terrorist attacks and 86.9 percent of all casualties inflicted by religiously-

oriented terrorist groups (Terrorism Knowledge Base; Conrad and Milton 2013). It is significant to say that in 2013 only, 66% of all fatalities caused by terrorist attacks were instigated by only four terrorist groups, all of Islamist background: al-Qa'ida, the Taliban, Boko Haram, and ISIL. This is partly related to the previous stipulation: Islamist terrorism is a form of 'market state terrorism' that causes vast amount of casualties. Charles Kurzman (2011, 11) upholds however, that fewer than 1 in 100,000 Muslims since 9/11 have been recruited by Islamist terrorists. Ahmad (2014) further minifies the role of social factors for radicalization: "There are grievances to be found in the world, many of which never culminate in the membership of a radical party or the formation of a social movements. If there was a direct link between them, society would be swarming with countless organization and movements struggling for [resolution]" (op. cit.). If only replace 'grievances' with 'religion', we may say that Islam in general, or being a Muslim does not play an underlying role in carrying out terrorism.

Piazza explains the higher frequency and intensity of terrorist activity among Islamists in the light of the (mis)interpretation of certain doctrine and practice within Islam, including the concept of 'lesser jihad', the practice of militant struggle to defend Islam from its perceived enemies, or the Muslim reverence for 'Itishhad' – the practice of martyrdom (Piazza, op.cit.: 66). Thus, rise in Islamic terrorism would also be about how Al-Qaeda type group fit a typology defined as 'universal/abstract' while other Islamist terrorist groups are more properly categorized as 'strategic' (ibid., 65)<sup>2</sup>. According to this perspective, extremist groups like Al-Shabab, Al-Qaeda, Boko Haram and others fall into the universal/abstract category on account of their global jihadist appeal and their ideological stance against Western missions and perceived (or real) enemies of Islam (Zimmerman, 2011).

### **Mapping the Conflict Scenario**

Balkans are located immediately to areas with a centuries long, well documented history of belligerent Islam, being itself an integral part of the Ottoman Empire and inheriting a painful record of imposed confession, reallocation of huge groups of population,

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<sup>2</sup> 'The primary difference between universal/abstract groups and strategic groups is that the former are distinguished by highly ambitious, abstract, complex, and nebulous goals that are driven primarily by ideology... in contrast, strategic groups have much limited and discrete goals: the liberation of specific territory, the creation of an independent homeland for a specific ethnic group, or the overthrow of a specific government' (Ibid., 65).

ethnic changes, and border changes. Not all of these are due to the Islam, but even when they were not caused by any Muslim-driven factors, they all certainly add to the complex nature of the area, its numerous confrontations and both boiling and latent conflicts, rooted back to the past. For many authors, the collapse of the Ottoman Empire in the second half of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> century, which gave birth to a number of national states, accompanied with bloody wars and blatant intrusion of the "Great Powers" opened the region to the corrupting influence of secular political power. In the search for 'allies' and strengthening their supremacy they turned to ethno-religious purification which soon was transformed into a quest for a political kingdom. The outcome is that first Orthodox Christianity in Bulgaria, Greece, Romania, Serbia, then Catholicism especially in Croatia and in Transylvanian part of Romania tried to become the main national state shaping force, incl. with attempts to take revenge over Islam incl. with attempts to convert at least the allegedly forced to adopt Islam parts of own population. This made Muslim minorities a second-rate people in the newly established national states, which strived to appear mono national paying no attention to the problems and plight of the minorities. Thus religion became the focal veneer for the legitimacy of the state, regime, ruling class and, consequently, political class has appreciated themselves as warriors for the defense of the faith'. Moslems, as well as other minority groups, even during the years of atheist and purportedly equal-for-all communist totalitarian regime, became merely a decoration to the propaganda efforts, and the price for their political and socio-economical upward mobility was fervent display of loyalty to the kin/regime/ruling party, and at least external, superficial adoption of the dominating values and assimilation with the majority ethnicity.

The ethno-religious violence was generally hidden during totalitarian period, with only occasional bursts with various degree of hostility and larger media exposure like in Kosovo-Metohija, Transylvania, and the 'Revival' process in Bulgaria. However, since region's return to democratic rule in 1989, it erupted enormously, and this occurred in the most unexpected place – in the ostensibly liberal, compared with its neighbors, Yugoslavia. Bloody wars in Bosnia and Eastern Croatia opposed up to yesterday engaged in 'Bratstvo i jedinstvo' (Brotherhood and Unity) people – Muslim Bosniaks vs. Orthodox Serbs vs Catholic Croats. Most of the conflicts between 1990 and 2005 took place in the Muslim populated regions, and by far and large were related to religion. Failure of the governments, NATO, European structures, the US and other outside actors to warrant public order, to contribute to dispute settlement and to implement post-conflict peace-building measures were also a crucial contributing factor. Equally, absence of economic opportunities and productive,

rewarding employment, especially with the growing inequality, further ignited a violent conflict in the region.

### **The Politicization and Militarization of Religion**

Yugoslav wars, coupled with strings of civil unrests, ethno-religious clashes, resource skirmishes and riots. Specifically, this violent behavior has tainted the history of the regions return to democratic rule in 1989 highlights the persuasive, most often troublesome, role of religion in the politics and identity there. Competitive, repeatedly mutually defying ethno-religious belongings and loyalties added to the conundrum. Historically, during the Ottoman domination, Christians were largely seen as infidels and they were treated as such. To ease their tasks in governing vast, multinational and multi-confessional Empire, Sultan delegated dealing with the Orthodox Christian diaspora, no matter if they were part of previously autonomous churches, to the Greek Patriarchate in Istanbul, which furthermore complicated situation even within apparently same religion professing ethnic groups – a majority, combined, in the most parts of the Balkans. After the WWI, when Christian people from the predominantly Turkish areas in Anatolia, were driven out from their native places amidst abundant malice they had to pass the hardships of resettlement which produced the notions of ethnic cleansing and genocide. Furthermore, with the typically inadequate reallocations of the state borders – main victim there was the people of Bulgaria, which were defeated in both WWI and the preceding Balkan wars the overall plight was deepened. Mutual prejudices, animosity, occasional alliances, together with the self-interested policies of the Great Powers, created another pity contribution to the political discourse – ‘Balkanization’. Also, most of the terrorist arsenal of methods – hijackings, seeking of ransom, bank robberies, blasts, political murders, and so on, emerged first right here on the Balkans, often with their most merciless forms, and disguised with the noble banner of the struggle for national liberation and social justice.

Those who after the WWI did not succeed to emigrate or escape, remaining under the rule of alien for them ethno-religious political structures, were compelled to adopt new identity and loyalties, or to suffer – they and their families – permanent abuse and tortures. Their children were placed either in separate schools and forced to live in segregated areas, or subjected of a forced assimilation, especially in parts of Northern Greece, Bulgarian and Serbian parts of Macedonia, Serbian-occupied ‘Eastern bounds’, Dobruja. In addition, for long periods of time, any form of interaction between the divided groups previously part of

common ethno-religious set was forbidden. Many were separated from their relatives and property, and often deprived of such rights as using their own tongue and religious rites. These discriminative policies were continued after the WWII, and even aggravated with the Cold War dawn, setting the scene for the new resistance and suffering, that exploded in the 1990s.

To sum, this encroachment of religion and ethnic strife into the political realm everywhere foretells a numinous threat for the peace, cooperation and prosperity. Quite obviously, the dense merger between religion, politics and social life creates deep suspicions when there is felt that one ethno-religious group is dominating (or trying to dominate) the political affairs. Subsequent shoving for hegemony puts the major religions – Christianity and Islam – at the odds. Regrettably, the actions of the leaders from the past have often provoked the sparks of conflict by suggesting that the country was under a single religion. Such endeavors are going on by proclaiming individual countries as ‘mono national’ – while there exist other more or less significant ethno-religious minorities, and by putting in the laws, incl. in the constitutions unfeasible ban on political parties, organizations of various kinds, and even cultural activities based on ethno-religious origin.

At the dawn of democracy in 1989, the quasi harmony forged during the protracted totalitarian rule in some countries was exposed as diverse religious groups began a systematic campaign for the recognition of their rights. Changes in the political realm acted as a discharge of a pressure valve, which enabled people to express their earlier stifled irritation and to articulate their frustrations freely enough.

Democratic changes and unruly transition to the market economy triggered increasing poverty, growing unemployment, and swelling emigration of young people with education and vocational skills. Unemployment is higher in the mixed or minority populated areas. Statistics emotionlessly shows that the Roma populace affected by the highest proportion of uneducated, unskilled, illiterate persons, most often unable to sustain themselves and their large families. When link this chronic marginalization, lack of prospects, degenerated, ghetto-type living environment to a higher birthrate, one can easily envisage that these areas are actually a breeding ground for crime, political clientelism, voting fraud, but also radicalism and terrorism.

Relation between the rise of terrorism and socio-economic underdevelopment has been often criticized as simplistic because it fails to explain why certain poor places are not involved in collective violence. Another criticism is submitted by Tim Krieger and Daniel Meierriek in their recent empirical research. In their work entitled ‘What Causes Terrorism?’

the duo examines a host of possible influences on terrorism including global order, contagion, modernization, institutional order, identity conflict, inter alia (Krieger, Meierriek, 2011: 3).

Following a detailed review of the relevant empirical literature on terrorism causes they conclude that 'there is only limited evidence to support the hypothesis that economic deprivation causes terrorism... poor economic conditions matter less to terrorism once it is controlled for institutional and political factors' (Ibid.). As an alternative, they argue that terrorism is closely linked to political instability, sharp divides within the populace, country size and further demographic, institutional and international factors (Ibid.).

### **ISIL As a Peril to Balkans and Post-Communist States in Particular**

ISIL<sup>3</sup> poses a threat to the countries of the Middle East, Central Asia, South Caucasus and Balkans too. The Islamic State militants penetrate Syria being strongly concentrated in the northern regions, bordering Turkey. Former Ba'ath officials and military cadres, extremists and radicals from across the larger area around, but also the vast Muslim community in Western Europe, are actively recruited into the ranks of ISIL. For the moment similar data about the enrollment from the Balkan countries are missing, but this is far not a reason for reassurance.

Against the enclosed background in the Balkans' post-communist states, strengthening of the ISIL extremist group risks further destabilizing the situation in the countries around the war-torn Syria and Iraq. And this is not only with the huge wave of refugees seeking safe place and essential living.

Given the not so established polities in most post-communist countries of the Balkans, together with economic problems, corruption, cronyism, and other factors, comprising these countries, but also the one-time blessed Greece, ethnic tensions among the populations there diminishes their effective ability to counter all new threats for their security, incl. the risks of extremism and terrorism that emanate from a very close regions.

Of all the Balkan states, Albania, Bulgaria, Macedonia and recently captured by humanitarian crisis Greece seem especially endangered. Their borders seem to be porous

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<sup>3</sup> The term ISIL is now being used by the UN, the U.S State Department as well in the EU papers. This abbreviation stands for (in Arabic), '*al-Dawla al-Islamiya fi Iraq wa al-Sham*', the English equivalent of which is the *Islamic State of Iraq and the Levant*, or ISIL.

both to drug trafficking, and to the flow of illegal migrants and extremists, who have been penetrating this space in recent years. Back in mid-2014 Bulgaria started erecting fence along its border with Turkey, and pending further enclosing entire length of its to prevent both extremists' and all illegal migrants entering its territory. Greece already sealed its land border with Turkey, but its countless islands are targeted by the influx of desperate people from the Middle East, Libya, and even from Sub-Saharan Africa. Turkey is also already having troubles with this unusual flood, being located literally on the frontline with ISIL fighters in Kurds' populated areas of Syria.

Additional threat is travelling through the region of recruited militants for joining ISIL troops. More often these are holders of EU passports which makes very difficult to prevent their hidden intentions. Suspicions exist that a number of radical Islamic groups and movements, incl. ISIL, are already operating (or having the so called "sleeping cells") on the territory of former communists states on the Balkans. Namely, this refers to the predominantly Muslim ones - Bosnia, Kosovo, Albania, but also Bulgaria, Macedonia and Serbia, probably also in some parts of Romania. They will certainly continue to build up their potential, tightly trailing the ISIL advancement in the Middle East in general and closer to the region in particular.

All this requires supplying Border Police with modern dissuasive weaponry, special monitoring gear and other necessary equipment. Further measures involve a targeted approach to the Bulgarian-Turkish border and Eastern Mediterranean that requires developing an EU-large and outside interstate program of cooperation going beyond the policing, border guard and refugees' quotas.

ISIL is altogether a formidable financial institution, rather than a paramilitary political force. Hitherto, it has been actively engaged in recruiting supporters and followers - far beyond its proper operating area. It is also intimidating, fighting battles, capturing towns, training fighters, and so on. Some observers assert that the ISIL has replaced Al-Qaeda, which once was a very powerful terrorist organization. It may well be that that in a few years' time, ISIL will be able to absorb this movement former combatants, but also talibans, mujahidins, and more, since it displays quite successful appealing force that attracts followers even among non-Muslim individuals.

The establishment of a newfangled 'Islamic state', though more or less radical or even moderate it may be, implies bureaucratic procedures, creation of permanent institutions of power, and so on, while ISIL militants, in fact, are primarily 'soldiers of fortune' that participate in war-like conflict. At present it seems unlikely for them to

become joint launching means and structures of power and public administration. It is for this particular reason that ISIL's activities should be countered and stopped before negotiating with the Islamic State becomes the only thing left. Although ISIL is not attempting to enter in a meaningful dialogue even with Arab Muslim government in the region, the inter/national community should not shelve the idea of mobilizing all possible forces both to fight it and prevent further destructive, virulent establishment.

As long as some part of the US and NATO military contingent remains in the area, though its earlier performance was far not effective and even ultimately foreign intervention contributed, it acts as a deterrent against the radical activities of the ISIL and other militants. A drastic intensification of extremist forces' activity in areas adjacent to the Balkans appears not quite likely for the time being, although individual acts of terrorism, presumably may take place from time to time (to recall at least the blatant assault on Israeli tourists near Bourgas airport and the action in Kumanovo in Macedonia by Kosovo militants, later solemnly buried with military honors in Prishtina). These and other cases reveal that affected countries' security agencies and special forces lack essential skills and tools not only to prevent such acts, but also to appropriately investigate its consequences, to seize and prosecute both executioners and those who plotted, and to boldly and trustworthily explain what is happening. Using of such allegedly fabricated incidents for diverting attention from hot internal political issues or for intimidation, hullabaloo, ill-prepared lawsuits – where both attorneys and invited experts only ostensibly know Quran, hadiths, particulars of the Arabic language, regional tongues and dialects – may only aggravate situation. All this may certainly have serious consequences for the Balkan countries and could even destabilize them politically. Given the relatively fragile statehood, feeble democratic tradition, and harsh socio-economic problems of countries across the post-communist and post-Soviet space, Europe may further suffer from ISIL activity, as it faces the serious problem posed by its restive borders.

As of today, it is possible to provide not only military-technical assistance to the countries immediately threatened and with most complicated circumstances, and to cooperate with NATO framework and US military, in order to ensure better interaction and adequate response to militants' acts of provocation and to prevent terrorism leaking into neighboring countries. As well, Balkan countries may also provide know-how and useful consultation to avoid severe errors and miscalculations committed by hasty actions in Iraq, Libya and elsewhere in the Middle East. Thus, coordinated efforts by the EU, NATO, USA and also Russia, countries from the Balkan, Middle East, Northern Africa, Central Asia, altogether,



could serve to contain the threat of exporting and spreading ISIL radical ideas into nearby territories and regions.

### **Conclusion: Some Hints of National and International Response**

Since the early 1990s, the Balkan governments have taken a number of constitutional, legislative and policy measures aiming, among other, to manage the incidences of religious identity conflict and sectarian violence. Such measures include:

- Exclusion, or making it matter of personal choice, to reveal religion and ethnicity background an index in the design, conduct and reporting of national population census;
- promotion of inter-faith cooperation and dialogue through the establishment of various inter-religious counseling bodies – formal as well as informal, ad-hoc, non-governmental, etc.;
- constitutional provisions aiming to prevent predominance of one ethno-religious group in all kinds and levels of government and institutions;
- political application of the principle of power sharing between all regions as well as Christians (E. Orthodox, Catholic, Protestants etc.), Muslims, and representatives of other confessions and ethnicities;
- non-registration of political parties with ethnic or religious overtones; and
- prohibition of registration of businesses with religious appellations.

Despite these measures, menace of religiously inspired violence has not disappeared or diminished. Extreme, excessive, utmost measures here would led to the same outcomes as the lack of action and exclusion. Vague and left to personal option expression of the ethno-religious status in the censuses has led to inability of the national statistics to provide reliable information for the decision-makers. In Bulgaria, for example, growing Roma population tend to realign formally with the predominant ethnicity, or with the Turks (professing Islam), which they accept as more prestigious and permitting to avoid otherwise tough obstacles they encounter on the way of embitterment of their living conditions. This refers also to small ethnic groups as Karakachans, Vlaxhs (Aromanians) etc. who voluntarily accept (assimilate with) the main surrounding ethnicity. Also, Roma, and Muslims disconnected from the predominantly Christian ethnic group of their nation (such as Pomaks, Torbeshi, etc.), occasionally declare themselves as belonging to distant exotic

ethnic group like Eskimo or Bushmen. In Macedonia, national census has been repeatedly postponed, remaining arguably among the biggest security challenges facing country today.

Further, all tools and provisions based on the method of the so called 'positive' (or reverse) discrimination, quotas, or deliberately promoting representatives of minorities on various political positions not on the basis of their qualification, skills, or personal virtues, and solely grounded on their ethnic background, may only outrage ethnic majority feeling it further deprived due to overall hardships.

Constitutional ban on registration of political parties, businesses and even NGOs which exists specifically in Bulgarian Constitution (art. 11 p. 4) needs further to be sharpened up not only because it failed to prevent establishment of such political parties, or allegations in deceitful using it in selective manner. Drives to avoid this provisions means first of all that existing presumably non-ethnic parties fail to express minority interests thus making them de facto ethno-centered, i. e., associated with the main ethnicity. Enforcing privileged status of one 'traditional' or 'major' religion, enabling its clergy to enjoy monopoly over all commencement, inauguration, etc. ceremonies and rituals incl. in the schools and military further complicates situation in interethnic attitudes and alienates certain groups of the population.

More than 15 years ago a recognition about possible future opening of the Armed Forces and police for representatives of minorities in Bulgaria caused much controversy (see Nikolov, 1997, 1998), especially Roma/Gypsy, caused much noise and weird comments. After more than decade, there is still no senior military or police officer from these minority groups. In neighbor Romania there are such examples, but only with individuals that have attained career advancement at the price of denying their ethnic background and breaking any connections with their fellow folks.

These management measures have emphatically failed to restrain dormant religious identity conflict due to their inconsistency and favoring short-term measures, aiming at repressing violent religious tendencies in lieu of a non-violent conflict management approach. Hence state responses have remained inchoate, uncoordinated, incendiary and ultimately counterproductive leading to further exclusion, which potentially nurtures too radical scenarios.

Balkan governments, if sincere in their intention to wipe sectarianism and rising militant religiosity around, have to invest in inter-religious dialogues between leaders and followers of the two predominant religions in the region, namely Christianity and Islam. Dialogue between the predominant ethnicity and other minorities is vital because it will

help clear the haze of misunderstanding creating a better ambience of mutual enrichment. Moreover, all religious communities must understand that there is no alternative to inter-faith dialogue, as there can never be a universal religion or an exclusive status for adherents of a particular religion. Christian and Muslim religious education should be tailored in such a way as to avoid the exclusive teaching of dogmatic Christian or Islamic doctrines, thus fostering mutual understanding, respect, tolerance and amity instead of prejudices and animosity.

There is an urgent need for Christian and Muslim leaders – clerical as well as secular – to join together to publicly denounce all forms of religious intolerance and sectarian violence and encourage, through their sermons or other public messages, the necessity for religious harmony and tolerance of other faiths. It may be of use to establish a comprehensive all-Balkan 'Religious Conflicts and Early Warning System' that would arrange an intelligence gathering and evaluation system on religious identity violence, and also design the means to its timely containment through preventive dialogue. It certainly may contribute for grasping more effective solutions to handle the growing refugees conundrum. Finally, to achieve sustainable peace, governments should devise a sound socio-economic strategy that not only meaningfully addresses the problem of political corruption and control of the state apparatus for private or sectarian interests, but also incorporates development, security, and respect of the human rights of the citizenry, including those the members of minorities. Unless the physical and social wellbeing of the individual is sufficiently protected within the state, and unless the state refrains from the unjust use of rigid power and manipulative tactics, prosperity, peace and cooperation will continue to offer grave consequences for individual countries and the region as a whole shared existence and future.

### References

1. Agbiboa, D.E and Okem, A.E., 'Unholy Trinity: Assessing the Nexus Between Ethnicity, Religion, and National Identity', *Peace Research: Canadian Journal of Peace and Conflict Studies*, 48(2),2012: 98-125.
2. Agbiboa, D.E., 'Sacrilege of the Sacred: Boko Haram and the Politics of Unreason', 2013, *e-International Relations*, pp. 1-8. July 26.  
<http://www.e-ir.info/2013/07/26/sacrilege-of-the-sacred-boko-haram-and-the-politics-of-unreason/> (last accessed 3 July 2015).

3. Ahmad, Akhlaq. 'The Role of Social Networks in the Recruitments of Youth in an Islamist Organization in Pakistan' – *Sociological Spectrum* 24 (6) 2014: 469-488.
4. Anderson, Benedict. *Imagined Communities. Reflections on the Origin and Spread of Nationalism*. London: Verso, 1983.
5. Anderson, P.N., 'Religion and Violence: From Pawn to Scapegoat', in E.J. Harold, ed., *The Destructive Power of Religion: Violence in Judaism, Christianity and Islam* – Westport, Praeger, 2004: 265-283.
6. Appleby, S.R., *The Ambivalence of the Sacred: Religion, Violence and Reconciliation*. New York, Rowman and Littlefield, 2000.
7. De Odem, 'Religion as an Agent of Conflict Transformation and Peacebuilding,' in Crocker, C.A., Hampson, F.O., and Aall, P.R. (eds.), *Turbulent Peace*. Washington, DC: USIP Press, 2006: 821-840.
8. Conrad, Justin and Daniel Milton., [Unpacking the Connection Between Terror and Islam](#) – *Studies in Conflict and Terror*. 36(4)2013: 315-336.
9. Eitzen, D.S. and Zinn, M.B., 'Religion', in D.S. Eitzen, M.B. Zinn and K.E. Smith, eds., *Conflict and Order: Understanding Society*. Boston, MA, Pearson Allyn and Bacon, 2010, pp. 487-520.
10. Gunning, J. and Jackson, R., 'What's so "Religious" about "Religious Terrorism".' – *Critical Studies on Terrorism* 4(3), 2011: 369-388.
11. Jelavich, Barbara. *History of the Balkans*. Cambridge; New York: Cambridge University Press, 1983.
12. Juergensmeyer, M., *Terror in the Mind of God: The Global Rise of Religious Violence*. California, Berkeley: University of California Press, 2003.
13. Kaplan, Robert D. *Balkan Ghosts A Journey Through History*. New York: St. Martin's Press, Picador, 2005. 1st publ. 1993, repr. 1994.
14. Kimball, C., *When Religion Becomes Evil*. San Francisco, Harper, 2002.
15. Krieger, T. and Meierriek, D. 'What Causes Terrorism?' – *Public Choice* 147 (1), 2011: 3-27
16. Kurzman, Charles *The Missing Martyrs: Why There Are So Few Muslim Terrorists*. Oxford University Press, 2011
17. McGuire, Meredith B., *Religion: The Social Context*, 3rd ed. Belmont, CA, Wadsworth, 1992.
18. Nikolov, Stephan E. Groups in the Democratic Process – *Sociologicheski Problemi* Journal, 1/1993: 56-66 (in Bulgarian).

19. De odem, *Ethnic minorities integration in the military forces - The case of Bulgaria* NATO Research Fellowships Programme 1995-1997 (.PDF / 251Kb): <http://www.nato.int/acad/fellow/95-97/f95-97.htm> (1997)
20. De odem, On Some Issues of Cohesion in Ethnically Heterogenous Military Units. Analysis of data from a survey, supported by NATO Fellowship. Published in: *Armed Forces in a Democratic Society*, ed. by Hristo Domozetov, Stephan Nikolov, and Y. Yanakiev, Sofia, 1999, pp. 96-114 (in both Bulgarian and English).
21. Parekh, B., 'The Voice of Religion in Political Discourse', in L. Rouner, ed., *Religion, Politics and Peace*. Notre Dame, University of Notre Dame Press, 1999, pp. 63-84.
22. Piazza, A.J., 'Is Islamist Terrorism More Dangerous? An Empirical Study of Group Ideology, Organisation, and Goal Structure.'- *Terrorism and Political Violence* 21(1), 2009: 62-88.
23. Rapoport, C.D., 'Sacred Terror: A Contemporary Example from Islam.' In Walter Reich, ed., *Origins of Terrorism, Psychological Ideologies, Theologies, States of Mind*. Washington, DC: Woodrow Wilson Center, 1998: 161-191.
24. Rapoport, M., 'Fear and Trembling: Terrorism in Three Religious Traditions.'- *American Political Science Review* 78(3), 1984: 658-677.
25. Terrorism Knowledge Base, [www.tkb.org](http://www.tkb.org) (accessed 10 June 2014).
26. Zimmerman, K., 'From Somalia to Nigeria: Jihad', 2011, [www.weeklystandard.com/blogs/somalia-nigeria-jihad\\_574838](http://www.weeklystandard.com/blogs/somalia-nigeria-jihad_574838) (last accessed 3 July 2015).



## MILITANT ISLAMISM AS THREAT TO THE BALKAN SECURITY

Borche Chaminski,  
Army of Republic of Macedonia

[bcaminski@yahoo.com](mailto:bcaminski@yahoo.com)

and

Nenad Taneski  
Military Academy – Skopje, Macedonia

[nenoreal@yahoo.com](mailto:nenoreal@yahoo.com)

### Abstract

*Twenty five years after the fall of communism, the Balkans is facing numerous security threats. Particularly, the militant Islamism becomes a serious threat for the fragile stability in the region. The expansion of militant Islamist organizations that are able to join global cooperation over fulfilment of ideological goals is a serious threat to the national and regional security. Even though the activities of these organizations do not differ much from those from the other parts of the world, yet Bosnia and Herzegovina, Albania and Kosovo deserve special attention. Some of their political and religious leaders have had long and strong relations with the Muslim Brotherhood and Al Qaeda. Also the militant Islamists have established a solid ground for re-islamization of the Muslim population, their radicalization and recruiting for the jihadist's frontlines. In this paper the factors that influence the expansion of the militant Islamism and the specific methods of acting in the countries of the Western Balkan are researched.*

**Key words:** *Militant Islamism, Islam, the Balkans, threat, security*

### Introduction

The war turmoil on the territory of former Yugoslavia and political instability that followed have enabled Al Qaeda and other militant Islamist organizations to be infiltrated in some of the states in the Balkan region. Having got assistance from their allies from the

Near East, the militant Islamists have organized recruit centres, training camps and isolated territories organized in the spirit of the traditional Islam law, the Sharia.

After the terrorist attacks against the US on 9/11 the majority of the Balkan states joined the Global coalition against the terrorism. Actually, these are the two key events that strongly influenced further expansion of militant Islamism in the region. The Arab Spring and its consequences have had strong impact on the Balkans too: it ceased to be just a transit region or a destination for rehabilitation of the militant Islamists who fought in Afghanistan, Iraq, Libya and Syria. Having already been a region with weak border control system, and known for abundance of illegal and cheap arms and organized crime but also for the ongoing reislamization of the Muslim communities, the Balkan has become a base for recruiting militant Islamists. By the end of the first and the beginning of the second decade of the 21 century, the militant Islamism could spread towards Central and Western Europe precisely from the Balkan bases. Meanwhile the militant Islamists embedded in the Balkans have performed a series of terrorist attacks, which got the attention of the international public. For instance, the attack of the police station in Bugojno (June 2010) was followed by a series of terrorist attacks by the militant Islamists from Kosovo in Frankfurt (February 2011), the Embassy of USA in Sarajevo (October 2011), and in Skopje (April 2012). They have shown all gravity of the problem and indicate possible future implications for the security of the Western Balkan.

### **The Breakthrough and Expansion of Militant Islamism**

The quest for the roots of organized militant Islamism in the Balkans, particularly on the territory of former Yugoslavia, is often linked to the life-long activism of Alija Izetbegovic (who later became President of Bosnia and Herzegovina). On the eve of the WWII, as a youngster he joined a conspiracy group of like-minded young people who founded the organization „Young Muslims“. Its general goal was a great Muslim state on the territory of the Balkans, the Middle East and North Africa (so called Islamistan) (Bardos February 2014).

The process of Yugoslavia's dissolution (1990-1991) created conditions for growth of the second generation of militant Islamists. Namely, many Jihadists with long experience from Afghanistan got a higher hand in the movement; they were far more dangerous and more extreme than the first generation of Izetbegovic. Many of those who had been united in the mujahedeen unit *Katibat al Mujahedeen*, have gained Bosnian citizenship. With



support of the local extremists, but with foreign aid from Iran and Saudi Arabia, they have developed strong ideological infrastructure of the militant Islamism, which continued to function even after the Dayton Peace Agreement in 1995. In order to avert militants as well as to stop the flow of funds from the Middle East, Izetbegovic was exposed to strong and continuous diplomatic pressure from the West.

The collapse of Albania's state institutions in 1997 provided additional impetus to the process. Furthermore, the KLA and NLA included some mujahedeen units. Hence there were favourable conditions for promotion of Islamism and positioning of the militant Islamist structures in the region. They used apparently legal methods for embedding in the respective societies through establishment of humanitarian organizations, banks and business companies for the sake of alleged economic development. The Middle East partners have used more secretive methods i.e. intelligence services. Thanks to the financial means from the Arab-Islamist funds, these services have succeeded to install their followers in the key institutions in the state systems in these states of the Western Balkan.

### **Reislamization of the Muslim Community**

Re-islamization of the Muslim population in the Balkans is a very complex process. It is however directly related to the birth and evolution of the Islamism in the Middle East. The re-islamization represents an intellectual trend that has been launched in the 50-ies as a response and counterbalance of the process of de-islamization, which had been imposed by the Western states in order to establish their own economic and geopolitical interests. According to Abdelwahab Meddeb (2003, 32) reislamization is a term which expresses the insistency of the Islamists for clearing of the society through its social, educational, political and religious institutions, from ideas or people that don't belong to Islamism. Similarly, Olivier Roy defines reislamization as a process of deculturalisation - crisis of the ancient cultures as a result of the influence of the Western democracies - which highlights the over emphasized role of the Islam in the shaping of the modern society (Roy 2004, 35).

The process of reislamization of the Muslim population in the Balkans began in the second half of the 20th century. „Young Muslims“ were formed in 1939 as a formal group; yet it did not imply any intensive or aggressive start of reislamization - i.e. it coincided with the process as defined by Meddeb and Roy. - it can be elaborated in the period of announcement of the Muslim declaration of Izetbegovic in 1970. However, the process of reislamization took full force during the war in the former Yugoslavia when big number of

Islamists from the Arab and Middle East used various humanitarian and religious organizations countries in order to establish wide-spread network of local units for promotion of the Islam. They financed construction of new and re-construction of the old mosques in BIH, Montenegro, Albania, Kosovo and Macedonia, which grossly helped their brothers from the Balkans to rediscover their long forgotten roots. Thanks to the generous financial funds, many young Muslims got possibility to graduate at the most famous religious institutions in the Middle East. The gained knowledge along with the fanatic religious devotion of the newly educated and young religious leaders was a recipe for success: their preaching has eventually been widely embraced by the Muslim population in the Western Balkans. Assisted by the existing network of NGOs and religious organizations under the umbrella of the World Assembly of the Muslim Youth (founded in 1972), these new religious leaders have been gifted rich literature and other material and financial means necessary for promotion of the traditional Islam and encouragement of the Muslim believers to devote significant attention to religion. Their basic goal is to operate actively and to promote internal cooperation within the process of so-called Islamic awakening. In other words, it is a process of indoctrination of as many as possible young people in the spirit of Islam in order to give their personal contribution to the Islam (Margetić 2006, 12).

As a result of its geostrategic position and the geopolitical confrontation between the East and the West, the history of the Balkans went through many turbulent periods which often culminated in wars of wider proportions. Similarly, one can say that today's process of re-islamization is actually a by-product of two simultaneous but different processes that additionally increase the risk of explosion of the hidden conflict between the Christians and the Muslims. The first process refers to the promotion of the Islam is a source of new identity of the Muslim population, which could turn the reislamization into a trigger for new wave of instability and conflict. If the religion turns into a basic fundament of the modern identity of the Muslims, then the Balkans will again become an arena for conflicts of different cultures on its territory - i.e. the culture that have increasing support from the West and the other supported by the East (Orient). In other words, in such a case the young Muslim population, instead of cherishing the roots and culture of their ancestors developed in the Balkans for ages, would rather identify with the traditional Islam and would start calling themselves Islamists.

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As a consequence of the mutual interplay of these two processes, the pragmatic leaders of the Muslim communities are faced with a dilemma: how to preserve the secular form of the Islam typical for the Balkans under the new transnational conditions and influences?

### **Radicalization and Recruitment**

The active participation in the NATO intervention in Afghanistan and the involvement in the global coalition against terrorism had the strong influence on the radicalization of the Muslim population. The attacks in Istanbul (2003), in Bugojno (2010), in Sarajevo (2011), in Skopje (2012) etc. not only showed worrisome level of radicalization but also warned that the Middle East is not the only source of this threat. The indicators that showed that the militant Islamism is integrated in these societies have shocked the public and emphasized the need for thorough research of the radicalization process and its causes. Even though not all instances of radicalism take violent form, yet it could easily produce disturbances of the interethnic, religious and cultural relations.

### **Radicalization**

According to the many surveys and analyses, violent and non-violent methods are two key centres of gravity of the radicalization process (Veldhuis and Staun 2009, 4). In violent radicalization, the focus is on the active quest or acceptance of violent methods in realization of the main goal. In non-violent radicalization the emphasis is on the activities aimed to quest and acceptance of long-term changes in society, which could, but they don't have to be threat to the democracy or to use violence for accomplishing the goals. In order to grasp the full idea of radicalization it is necessary to analyse reasons that initiate non-violent and/or violent radicalization.

Definition of the Danish intelligence service (Politiets Efterretningsstjeneste - PET), is the most frequently used one in the EU: radicalization is a process in which the individual increasingly accepts use of non-democratic and violent means, including terrorism, in the attempt to achieve certain political or ideological goal" (European Commission 2008, 11). According to the Dutch intelligence service (Algemene Inlichtingen - en Veiligheidsdienst - AIVD) radicalism is a quest for and/or support of the long term changes in the society which could threaten the democratic legal system and include use of non-democratic methods that could damage the functioning of the democratic legal system (Central Intelligence and Security Service 2004, 13). There are certain differences between these two definitions. The Danish definition emphasizes the activity taken for achieving certain political or other goal, in this case, the will for use of violence, while the Dutch definition focuses on the non-democratic intentions of the radicals, which could, but do not have to be accompanied by violence. Having in mind that all Western Balkan countries are aspirants for EU/NATO membership, it is of great importance to note the official definition of the EU. According to the European Commission, the violent radicalization is a phenomenon which unifies the opinions, attitudes and ideas of people that could lead to acts of terrorism (European Commission 2006). Obviously, radicalization is a gradual process which, no matter that it could happen very quickly, do not have a precisely defined start and end condition.

Radicalization of the Muslim population in the Balkans is not an end-result of just one cause. Mental disorder, religious fanaticism, economic and social condition are only part of the reasons that the scholars focus on. Yet, the reasons that could motivate young Muslims to use violence are not very clear. They contain characteristics which are common for the general population that faces similar situations (Roy 2004, 80). The explanations based on the above mentioned causes could contain certain truth but at the same they are not that concrete enough and with practical value. Frustration (from life, social isolation, from one's government or the Western global politics) and influence of religious leaders are the key elements in the process of radicalization. Having in mind that the image that these people create about themselves is a common characteristic of the radicals, it seems that the radicalization has to do with the psychological rather than with the social or economic dimension.

### **The Process of Radicalization**

Recent academic research and findings of the intelligence services in developed democracies identify four phases of the radicalization process (AIVD 2006; Silber and Arvin Bhatt 2007). They are quite applicable to the process that is ongoing in the Western Balkan countries. The first phase refers to the period in which the Muslims become receptive and prone to extremism due to the influence of a number of factors; this phase precedes the beginning of radicalization. The most frequent causes that make potential radicals out of the Muslims include the following: identity crises, discrimination, estrangement and injustice, the living environment, the neighbourhood, the family, personal trauma and the lack of public debate.

The second phase includes three forms of transformation of religious identity or behaviour. Each form of transformation is based on individual factors as a result of frustrations from life, internal or international politics. In this phase, the individuals start the quest of new identity based on religion, they are more interested and research the radical Islamism, and they look up to its followers. In the third phase, there is a belief and indoctrination of the individual. The most critical point in this phase is the moment of total acceptance of the ideology of the militant Islamism and creation of personal belief that the use of force against the non-believers is justified by the ideological goal of the militant Islamism.

The planning, the preparation and the execution of activities of previously selected aims with the use of weapon and explosives, represents the basic characteristic of the fourth and the most critical phase of the process of radicalization. The essence of this phase, which can be the shortest, consists of the fact that each member of the group is committed to the use of force and violence. The intensified training, the moral, the strengthening of their mutual trust and the expressive security culture, pictures their dedication and loyalty to the utter ideological goal of the militant Islamism.

### **Factors**

Radicalization is a process which could not be explained in a simple way because quantity and variety are the fundamental characteristics of the factors which bring to its appearance (Veldhuis and Staun *ibid.*, 21). There is no standard profile according to which it can be concluded if a person is prone to radicalization or not. Religious beliefs and

dissatisfaction with the Western politics towards the Muslim world in the second decade of 21 century seem to be key factors which brought to the use of force by the militant Islamists in the Balkans. The factors of motivation of the young Muslims to join the radical structures are set in three groups: basic, activating and opportunistic factors.

According to the phase model, the most frequent basic factors include: identity crisis; discrimination, estrangement and injustice; living environment, the neighbourhood and the family, and relative lack of public debate on the Islamism. The second and the third phase could be elaborated as a transitional period, which is directly conditioned by the activating factors such as: the foreign politics and isolated provocations; glorification of the Jihad, activism and the quest for cause, and existence of a charismatic person, leader and spiritual counsellor.

The readiness of the Muslims from the Balkans to join the jihadists in Iraq and Syria indicates the level of influence of the Western foreign policy on their radicalization on one hand, and active support of the militant organizations on the other. The readiness for use of violence or terrorist activities is a complex phenomenon, which is not related only to the involvement of home country in the coalition forces in Iraq, Afghanistan or any other operation led by NATO. For example, Blerim Heta from Uroshevac came from a country that was not directly involved in any peace or military operation in the Muslim world; on 24<sup>th</sup> March 2014 he undertook a suicide bomb attack in Baghdad in which 52 people were killed. He was not a socially endangered person, he did not live in poverty nor did he face social isolation. But under the influence of the local radical structures in Kosovo and Macedonia, he got involved in the radical circles. Having completed the final phase, he left to Syria in order to "fight for his own religion because the other people were bad" and because „he was ready and it was his honour to die for Allah" (Pressly 2014).

The opportunistic factors refer to the numerous locations where the potential radicals have the opportunity to contact or to be inspired by the like-minded people, or places which in the final phase from the process of radicalization serve as locations for recruiting militant Islamists. As most frequent locations or events where the young Muslims have the opportunity to meet and eventually accept the ideology of the militant Islamism are the internet, prisons, mosques, schools, universities, various youth clubs or jobs/organizations, and sport activities.

## Recruitment

Recruitment includes ways and methods by which organizations enlarge the number of members, active supporters and followers. According to Michael Taarnby (2005, 6), the recruitment for the jihad means activity whose goal is obtaining the militant Islamist in a particular terrorist cell. The recruitment is the relation between the personal belief and the act of violence". For the Dutch intelligence service, the recruitment for the jihad means finding (quest for, and detecting of potential recruits) surveillance and manipulation of people with an aim for their internalized Islamist belief, with an utter goal, in any way to be involved in the jihad (AIVD *ibid.*, 7).

From the point of view of militant organizations, the recruitment has the same meaning. It is conditioned by many social and individual factors. The act of active involvement presupposes previous interaction between the potential recruit and the system for recruitment of the radical structure. The beginning of interaction is often initiated by the potential recruit. In other words, before the act of active recruitment the individual may show interest for deeper involvement in the process of radicalization. Hence the process of recruitment correlates with the process of radicalization.

In the interest of the conceptual clearness, it is necessary to make a difference between recruitment and radicalization. Two concepts are mutually closely related yet they describe two different matters. Recruitment is a process in concrete steps in the direction of involvement in the group and acceptance of opinions, attitudes and ideas which could lead to terrorism, while radicalization is a process initiated by the unique combination of cause-consequential factors that provoke drastic changes in the attitudes and the behavior of individuals and groups. In other words, recruitment is directly conditioned by radicalization.

The recruitment of the militant Islamists in the Balkans could be elaborated in two stages. The first one begins with the appearance of the Islamist ideology on the territory of former Yugoslavia and continues till the end of the conflict in Macedonia in 2001. The influence of the militant Islamists from Yemen, Algeria, Egypt and Afghanistan, that in the time of the war in former Yugoslavia, fought on the side of the Bosniaks, presents the main factor which had initiated the process of recruitment in the Western Balkan. After the Dayton Peace Agreement, part of them and their followers continued to spread the ideology as a key factor in the process of recruitment, first in Albania and then in Kosovo and Macedonia.

The end of the conflict in 2001 in Macedonia as well as the invasion of Afghanistan marked the beginning of the second stage in the recruitment of militant Islamists from the Balkans. The formation of the International coalition against terrorism with participation of almost all Balkan countries, and the extension of the military campaign to Iraq, resulted in rapid increase of the number of recruits who responded to the call for global jihad. Radicalized from the local leaders of the Wahhabi communities, the young Muslims from the Balkan states became an easy target. According to the media reports, between January 2013 and January 2014 between 218-654 fighters from Albania, BIH, Kosovo, Macedonia, Montenegro and Serbia participated in the battles in Syria (Holman 2014). According to CIA, at the battlefield of Syria and Iraq, there are around 700 militant Islamists from BIH, Montenegro, Kosovo, Serbia, Albania and Macedonia (Bardos 2014, 19). This figure may not look very big but the tendencies should not be underestimated.

### **Methods of Activity**

In the last several years the Western Balkan has grown into a new frontline of the militant Islamism. In early 2010 the militants committed a series of terrorist attacks on the state institutions, diplomatic-consular offices, the critical infrastructure and civilians in the region. The return of the Jihadists from the battlefields in Syria and Iraq is a big problem, not only from the aspect of spreading of ideology, radicalization and recruitment of new militant Islamists, but also from the point of view of changing the methods of their activities in the region. Having been inspired and motivated by the deeds and the experience of the veterans from Iraq, Afghanistan, Chechnya, Libya and more recently from Syria, they have been engaged in formation of infrastructure and expansion of religious intolerance and anti-Semitism. Nowadays however they turn to terrorism as a more frequent form of activity in the Balkans.

The local collaborators, secure locations, NGOs and the media are part of the necessary infrastructure for the operation of the militant Islamists. The essential meaning of the local allies in the political and security structures for a militant Islamist could be illustrated the best by the example of Abu Hamza, the instigator of the terrorist attacks of the transport infrastructure in London. Thank to the local allies from BIH, Abu Hamza along with numerous like-minded people got new identities and passports, which enabled safe travel, operating and spread of ideology of the militant Islamism across the world. According to the International Crisis group (ICG 2001, 11), during the war and in its



aftermath the regime of Izetbegovic granted Bosnian citizenship to approximately 12000 militant Islamists who had fought on the side of the Bosnian army.

In some locations - such as Gornja Maoca and Donja Bocinja in BIH - the militants succeeded to develop isolated Islamic communities, i.e. they built parallel societies to some degree. The Constitution of BIH and the federal regulations were replaced by the Sharia law. According to the former leader of Islamic Religious Community of Bulgaria Nedim Gendzev, the militant Islamists have an aim to form a „fundamentalist triangle” among Bosnia, Macedonia and the west side of the Rhodope Mountains in Bulgaria. They are supposed to serve as safety shelters for international jihadists but also as key centres for radicalization, recruitment and expansion of the Islamist ideology in the Balkans (Bardos 2014).

The NGO and humanitarian organizations financed by various donators close to Al Qaeda are one of the key components that make the infrastructure of the militant Islamists in the Balkans function well. The official CIA report claims that around one third of the NGOs were helping the activities of the militant Islamist organizations like the Egyptian Al Gama'a al Islamiyya, the Palestine Hamas, the Algerian Armed Islamic group and the Lebanese Hezbollah (CIA 1996). Some of them were singled out as most active in the process of reislamization of the Muslim population in the Western Balkan. For example, a Sudanese organization for help to the countries of the third world, founded by Muhammad Elfatih Hassanein, collaborates not only with the National Islamic front and Al Qaeda but also established exceptionally well-organized cooperation with the former leader of BIH. Namely, he was a personal friend with the Bosnian leader Alija Izetbegovic, who received financial help from the organization, necessary for the purchase of military equipment for the Bosnian Muslims (Shay 2009, 61).

One of the most frequent forms of activity of the militant Islamists in the Western Balkan is extreme interpretation of some parts of the Quran in order to provoke ethnic and religious intolerance. One of the most exploited parts of the Quran that confronts the fragile inter-ethnic and inter-religious relations in the Balkans is the following quote (5:51): „O you who believe, do not take [certain] Jews and Christians as allies; these are [in fact] allies of one another. Those among you who ally themselves with these belong with them. God does not guide the transgressors.” (Куран на македонски).

The growth of anti-Semitism and hate towards the Western allies are also among the most common and the most frequent forms of activity of the militant Islamists. The essence of this method could be found in the Islamic declaration of Alija Izetbegovic, in the part referring to the Palestinian question: „... for Islamic movement and all Muslims in the

world there is only one solution: continuance of the fight, its everyday expansion and support, no matter of the victims and the period, until they are not forced (the Jews) to return each piece of stolen territory (Palestine)" (Izetbegović 1970, 29). This attitude of Izetbegovic with regard to the Jews was not any novel political course. It was not only taken from the Quran but it also referred to the determination of „The great mufti of Jerusalem" Amin al Hussein i.e. one of the key figures in of the militant Islamism.

In addition to propaganda by the radical imams and media, the civil war in Syria has additionally enforced anti-Semitism and the anti-Western sentiments among the militant Islamists in the Western Balkan. The fighters on the side of the Islamic State and Al Nusra in Syria, shoulder to shoulder with the most extreme jihadists in the world, are a typical product of the influence of the ideology of the militant Islamism related to the Jews. The best illustration of that is to be found in the following statement of Bajro Ikanovic, war veteran from Syria: „ ... The goal of all of us is death, especially in the battle against the Jews. Syria is not important at all to us. Our goal is Jerusalem" (Source.ba 2013).

Unlike the continuing terrorist campaigns of various separatist, left-wing or right-wing terrorist organizations, the militant Islamist organizations generally use terrorism as a tactic for carrying out individual attacks. In the period from 1995-2014, the militant Islamists who were directly or indirectly connected to the Balkans were involved in thirty terrorist activities around the world. The organizers and/or direct perpetrators of those attacks had undisputable relations to the Balkans. Until 2010 Western Balkan countries served more as logistic bases from where the terrorist attacks were planned and prepared by the militant Islamists with long experience from the Jihadist fronts throughout the world. In meantime they also influenced strongly the young Muslim Diaspora that after 9/11 marks has gone through a process of intensive radicalization and use of violence against the Western targets. The terrorist attacks are a serious indicator: from a logistic base for conquering the Western European states, slowly but certainly the Balkans is becoming a new front of the militant Islamists.

## **Conclusion**

The expansion of the militant Islamism in the Balkans is directly related to two events with strong influence on the birth and spread of this security threat. The first event was the formation of "Young Muslims" and promotion of the idea of greater Muslim state on the territory of the Balkans, Middle East and North Africa. The second event is directly

related to the violent dissolution of Yugoslavia, in which mujahedeen forces were directly involved and remained influential in the war/conflict aftermath. As a result the process of reislamization has begun; it intensifies by day as more young people get convinced that the Islam is a fundamental unifying force and the only way towards nation-building and shaping of society in which the Muslims would dominate. By the force of personal examples and through the strong influence on the local population as well as on the political and religious elites, the militant Islamists have developed their infrastructure for promotion of religious hatred, anti-Western propaganda, anti-Semitism, but more importantly for terrorist activities against the ideological enemies. Through these specific methods of activity in the Western Balkans, they actively support global jihad.

The expansion of the militant Islamism should be seen as a growing potential threat to the internal and the regional security. Individually no Balkan state is able to effectively deal with such a threat. Therefore any solution to this problem has to be based on the principles of regional security, with an accent on intensifying the regional cooperation of the national security services of the respective states in the region. As a member of the global coalition against terrorism, Macedonia has to prepare for a generational struggle as the militant Islamist ideology will not vanish any time soon. Compared to the EU states, and even with some neighboring ones, the current measures do not cover the overall militant Islamist structure. New measures should not only be focused towards returnees from Syria and other battlefields, but also to some NGOs, religious and political structures that serve as cover-up for international terrorism. Given the multi-ethnic and multi-confessional character of the Balkan societies, some preventive measures are likely to cause ethnic or religious tensions. Yet the seriousness of these threats call for an effective strategy for dealing with asymmetric threats.

### **Bibliography**

1. Bardos, Gordon N. „From the Balkans to ISIS: Militant Islamism in Southeastern Europe“. *SEERECON*. December 2014.
- „The Ideology of Militant Islamism in Southeastern Europe“. *American Center for Democracy*, February 15/2014. 25.01.2015. <  
<http://acdemocracy.org/the-ideology-of-militant-islamism-in-southeastern-europe/>>

- „Jihad in the Balkans: The Next Generation“. *World Affairs*, September/October 2014. 04.03.2015.<  
<http://www.worldaffairsjournal.org/article/jihad-balkans-next-generation>>
- 2. CIA Report on NGOs With Terror Links“, *Central Intelligence Agency 1996*, 06.03.2015.<  
<http://intelfiles.egoplex.com/cia-ngos-1996.pdf.#sthash.AvcmtSrl.21Pvhnda.dpuf>
- 3. European Commission. *Radicalisation, Recruitment and the EU Counter-radicalisation Strategy*. 17 November 2008.
- 4. European Commission. *Terrorist recruitment: a Commission's Communication addressing the factors contributing to violent radicalisation*. MEMO/05/329, 2006. 07.02.2015.<  
[http://europa.eu/rapid/press-release\\_MEMO-05-329\\_en.htm](http://europa.eu/rapid/press-release_MEMO-05-329_en.htm)>
- 5. General Intelligence and Security Service in Netherlands (AIVD). „From Dawa to Jihad: The Various Threats from Radical Islam to the Democratic Legal Order“. *Ministry of the Interior and Kingdom Relations*. The Hague, 2004.
- „Violent Jihad in the Netherlands: Current trends in the Islamist terrorist threat“. *Ministry of the Interior and Kingdom Relations*. The Hague, 2006.
- 6. Holman, Timothy. „Foreign Fighters from the Western Balkans in Syria“. *Combating Terrorism Center*, June 30, 2014.
- 7. International Crisis Group (ICG). „Bin Laden and the Balkans: The Politics of Anti-Terrorism“. *ICG Balkans Report No 119*, November 2001.
- 8. Izetbegović, Alija. *Islamska Deklaracija*, Sarajevo: Bosna, 1970.
- 9. Margetić, Domagoj. *Islamistički Terorizam na Jugu Evrope*. Zagreb: DM, 2006.
- 10. Meddeb, Abdelwahab. *The Malady Of Islam*. New York: Basis Books, 2003.
- 11. Pressly, Linda. „The boy from Kosovo who grew up to be a suicide bomber“. *BBC News Magazine*, 7 October 2014. 14.02.2015.<  
<http://www.bbc.com/news/magazine-29524402>>
- 12. Politiets Efterretningstjeneste (PET). Center for Terroranalyse (CTA). <<https://www.pet.dk/English/CenterforTerrorAnalysisCTA.aspx>>
- 13. Roy, Olivier. *Globalized Islam: The Search for a new Ummah*, New York: Columbia University Press, 2004.
- „The Challenges of Euro-Islam“. ed. Adam Garfinkle. *A Practical Guide Wining The War on Terrorism*. Stranford University, Hoover Institution Press, 2004.

14. Shay, Shaul. *Islamic Terror and the Balkans*. New Jersey: Rutgers - The State University, 2009.
15. „Selefije u „svetom ratu“, Ekskluzina ispovjest BH.Džihad Ratnika u Siriji“. *source.ba*, 10.07.2013. 17.03.2015.<  
<http://www.source.ba/clanak/1400134/vijesti/Ekskluzivna%20ispovijest%20bh.%20Od%C5%BEihad%20ratnika%20u%20Siriji/?ref=najcitaniji?ref=najcitaniji>>
16. Silber, Mitchell D. and Bhatt, Arvin. „Radicalization in the West: The Homegrown Threat“. *The New York City Police Department, Intelligence Division*, 2007.
17. Taarnby, Michael. „Recruitment of Islamist Terrorists in Europe, Trends and Perspectives“. *University of Arhus*, 14 January 2005.
18. Танески, Ненад. „Глобалното исламско движење и неговото влијание врз современите демократски држави“. *Промените во Глобалното Општество*. Европски Универзитет, Скопје, 06-07 Јуни 2013.
19. Veldhuis, Tinka and Staun, Jorgen. „Islamist Radikalisatation: A Root Cause Model“. *Netherlands Institute of International Relations Clingendael*. Den Haag, October 2009.
20. <http://kuran-na-makedonski.net/#1:0>. 07.03.2015.



## The Influence of Religious Fundamentalism on the Conflicts in the Post Communistic States in the Balkan Region

Zoran Matevski

Institute of Sociology, Faculty of Philosophy, Skopje

[zmatevski@fzf.ukim.edu.mk](mailto:zmatevski@fzf.ukim.edu.mk)

and

Dushka Matevska

Institute Max Van der Shtoel, South East University, Tetovo

[dmatevska@seeu.edu.mk](mailto:dmatevska@seeu.edu.mk)

### Abstract

The strong link between politics and religion can cause societal problems that arise as a consequence of a politicized religion, which leads to confessional homogeneity and ideologized religion, which in turn leads to fanaticism that can escalate to terrorism towards nonbelievers. Religious fundamentalism turns religion into ideology. Religious fundamentalism frequently manifests itself as a partial or complete rejection of modern ideas, like religious tolerance, secularization, and different achievements in science and technology, which for some reason are not in agreement with religious doctrine. Obviously politicized Islam and Islamic fundamentalism has not ignored the Balkan Peninsula, considering the fact that large portions of the population are members of the Islamic faith. A large number of theologians that preach radical Islam in Muslim religious objects and public educational institutions and the fact that no one has control what is being preached to the believers and minors in the frames of primary school education, represents a serious threat to the ethnic and religious tolerance, and the peace and stability in R. Macedonia. This is achieved by the radical or fundamentalist Islam, by pointing towards the differences that are frequently connected to nationalism.

**Keywords:** *post conflict society; religious fundamentalism; religious tolerance*

## Introduction

Religion can mobilize societal groups with a desire to acquire power and influence in the globalized society in which they feel marginalized or think that the globalized society presents a threat to them. This is why the crisis of identity makes religious fundamentalism the most actual and controversial ideology in modern times. The claim of the universalistic religions that the world was created by a single God brings us to the conclusion that religion is one of the most important driving forces of globalization. Christianity and Islam have been shown as the most effective globalizing forces, especially due to their missionary work. This is more explicit in Islam. The worldly goal of Islam is the creation of a community of believers, in which the practices listed in the Quran will be adhered to on a consistent basis and which in the militant version will be engaged in a Holy War against unbelievers. The rapid demographic growth of Muslims is why Islam can be considered the religion of globalization. However fundamentalism is just an answer to the challenge of globalization.

From here, we ask ourselves where does the actuality of religious fundamentalism come from and what does its revitalization in the 21<sup>st</sup> century mean? We can give two contradicting answers to this question. According to the first view, fundamentalism is an essential deviation, a symptom of adjusting to a modern and secularized culture. On the other hand, proponents of the second view see fundamentalism as a permanent phenomenon, which appears as a consequence of the failure of secularism to satisfy the need for spiritual needs and a spiritual truth. The Shia fundamentalism in Iran has created the fiercest commitment and dedication, and as such, has been used for the expression of antiwestern tendencies, by creating antipathy towards globalization as a worldly process. This was clearly evident in the Taliban regime in Afghanistan and the jihad groups (like Al-Qaeda) for which the spiritual search for religious basis and traditions has become a synonym for militant politics and armed conflict.

Now we ask ourselves the crucial question: what are the reasons for religious fundamentalism, which in its essence is a positive political ideology, to turn into a negative phenomenon, which relies on aggression in achieving its goals? There are a few sources that create fundamentalist militancy. Firstly those which act in the name of religion and believe their goals are ordained by God. Secondly, fundamentalism is a form of collective identity. Identity politics, no matter what kind (political, societal, ethnic or religious) have a tendency of creating an us vs. them mentality. This can result in violent behavior especially when we talk about ethnic and religious identities. Thirdly extreme fundamentalists, create a clear



border between good and evil. In that sense 'we' are the chosen people and represent good and 'they' are sinful and the personification of evil.

## **2 Religious Fundamentalism and the Conflicts in the Balkan Region**

The increased connectivity between religion, religious communities and politics are especially characteristic of the Western Balkans after the fall of socialism, when the religion and culture became the most important features of the identity of individuals and groups. The members of different ethnic groups simply felt the need of an identity that will differ from the rest. The need for belonging in a certain group and identification with said group, in the transitional period, was mostly found in religion. The ethnic conflicts on the soil of ex Yugoslavia culminated on the croato-serb-bosnian line. Among these three peoples, religions and confessions have been and are (more or less) a factor of societal integration. In those conditions national communities have implemented religious values in their system of values. This is how the road to the sacralization of a nation has been paved, and religion and confession have emphasized their integrative function and role between members from the same national community, as well as their disintegrative role towards members of other national communities. The disintegrativity has been clearly apparent in times of animosity between religions and confessions (Cvitković, 2004: 207). In these circumstances, religion plays a role of a national ideology and in this context the idea of unity of the national and confessional dominates.

With the revitalization of religion in the Western Balkans after the fall of communism, especially with the revitalization of Islam, the basic understanding and preaching of Islam changes. Unlike earlier, when the Islam of these regions seemed to accept the modern views of the world (especially in terms of secularization), now it changes its attitude. These changes in attitude were first propagated by the reis ul ulema of the most prominent Islamic community in the Balkan region- the Islamic religious community of SFRJ, Jakub Selimovski in the journal of the IRC of BiH 15.11.1991, where it is clearly stated: 'Seen from a religious aspect, nobody should be irritated by the fact that, where Muslims are the clear majority or make up 100 % of the population, their religious obligation is to return to the organizing of societal relations on the basis of Islam' (Јевтић, 2009: 262). This attitude clearly shows his commitment for all the Muslims in the second Yugoslavia, there where they are the majority, to create a state based on Muslim principles, where nonmuslims would be restricted in their rights. Considering the fact that most

Albanians the live on the territory of ex Yugoslavia are Muslims (more than 90%) according to a large number of theoreticians on the territory of the West Balkans a process of albanization would occur, instead of a process of islamization. Experts of the field of demography think that if the current level of natality remains for the next 70 years the population of the ex Yugoslav states would be 60% Albanian. This means that sections of Serbia, Montenegro and Macedonia would practically constitute a new Albania (Јевтић, 2009: 264).

It can be said that the 1990-2000 period was a period of radical political mobilization of the religious communities, religious beliefs and symbols for political gain for Bosnia and Herzegovina. The most prominent confessional institutions have given legitimacy to the politics that followed approximately the same ideal: one nation, one confession, one state. In this country, religious affiliation means having a series of other indicators. If, in postwar Bosnia and Herzegovina, you know of the religious affiliation of a person, you know the persons nationality as well (Bosnian, Serb, Croat) what newspapers the person reads, in what quarter the person lives or wants to live in and for which political party the person will vote for.

By analyzing Islam and its development on the Balkan Peninsula, a subtle tendency for radicalization can be noticed. Namely, from a starting point where modern interpretations and modern world views dominate, we can see devolution towards dogmatism and scripture lessons. We need to ask ourselves one crucial question, when we talk about the politicization of Islam and the existence of Islamic fundamentalism: From where does the politization of Islam starts to be implemented. The analyses show that in BiH the islamization of the republic started when the country gained independence, and this is primarily manifested by the implementation of scripture lessons in education, the consumption of foods by Islamic guidelines in hospitals and prisons, the banning of pornographic magazines from stores, and more importantly, the attempt to create an Islamic military power. This could be seen by the attempt of the proclamation of the Muslim National Assembly in Sandzak. The goal for this is the separation of certain parts from Serbia and Montenegro, which would be the first phase in the creation of an Islamic state in second Yugoslavia. This would be followed by a unification of Kosovo and Western Macedonia, where the Muslim population dominates. This is backed by the researches which show a large degree of religiosity in the Muslim population in the sense of a direct connection to their religious leader, which confirms that the massive participation of

Albanians in the secessionist movement would not happen without the direct and tacit support of the IRC (Јефтић, 2009: 265-267).

Despite the existence of many religious organizations and schools in Bosnia, not a single fierce advocate for the jihad has appeared. These types of people come from Kosovo and go to Sarajevo to teach the populace what real Islam is. These teachings are most prominent in Novi Pazar, as the most Bosnian city. Their idea is that the position of Muslims cannot be bettered by the use of paper and magazines, but by the spreading of Islam everywhere and the assurance of the people that there is only Allah. Then they teach the populace to purify their hearts from all idols and to go on a Holy War – jihad if necessary. The radical islamists believe that the only way for Islam to survive is by following the three holy ideals – faith, economy and going towards Allah when the time comes – jihad (Јефтић, 2009:10-11). When we talk about fundamentalism in the Balkans we cannot skip Albania as well. The scientists who study fundamentalism, state that there have been crucial changes in Albania. As time passes Albanian Muslims transform themselves from members from the moderate Hanafi Islam (which preaches coexistence between Muslims and non-Muslims) to members of wahhabism and neowahhabism. This is especially dangerous considering the fact that we know that neowahhabism is the ideology of Al-Qaeda.

### **3 Religious Fundamentalism and the Religious Conflicts in the Republic of Macedonia**

The tendency to preach a form of Islam with fundamentalist elements is present in the Macedonian society and this form of Islam is greatly accepted by the Albanian populace. According to our sources about 80 ethnic Albanians in R. Macedonia have been theologically educated in faculties in countries that practice radical Islam. Unlike 2010, when there was an ongoing battle for dominance between different Islamic teachings, today the theologists that were labeled as radical Islamists and wahhabists by the IRC are integrated in the same institution. Today, all theologists that have been educated in the Islamic faculties in Saudi Arabia and Turkey are hired by the IRC as priests, hatibs, librarians and teachers in public primary schools teaching Religion and ethics, which in essence constitutes scripture lessons. For these activities the IRC gets financial support from Muslim NGOs which are many in R. Macedonia and dictate the direction of the classes in public school and preaching's in the religious objects (Matevska, Matevski, 2013).

The preaching of this type of Islam, which contains a large dose of political impurities, to the Albanian believers can increase nationalism, can convince the believers that they are marginalized in the frame of the Macedonian society, and to mobilize them to do a certain societal action. This type of nationalism, with certain chauvinistic elements from the side of the Albanian ethnic group, is already noticeable in R. Macedonia. The intolerance in relation to ethnic and religious affiliation culminates into frequent violence on an ethnic level in the younger population. In environments where the Albanian ethnic group is the majority (northwestern and western Macedonia) the disrespect towards the legal state is noticeable, the disrespect towards national symbols (the burning of the Macedonian flag, emphasizing of only the Albanian flag in front of state institutions), Albanian mayors 'forgetting' to erect the Macedonian flag during state holidays, 'ethnic cleansing' of the Macedonians employed in the local government etc. If you add the demographic growth of Albanians, which is the highest of all ethnic groups in Europe, and the similar problem that the Serbs in Kosovo faced during the 70s, it can be concluded that these events aren't random, but are connected to a well structured agenda and strategy. The intention is to create an ethnically pure territory in the cities that already have Albanian mayors and are dominated by the Albanian population (Tetovo, Gostivar, Kichevo, Struga, and Debar). These previously mentioned actions create a feeling of insecurity in the Macedonian minority and are done with the intention to make the populace leave the places they called home for generations. This strategy was proven successful in Kosovo, so there is no reason for this to not work in R. Macedonia.

In addition to this thesis is the statement of the leader of the IRC ahead of the celebration of the 100 anniversary of the independence of Albania and the Albanian flag in November 2012. In an interview in the paper 'Journal Plus': "The unification of the Albanian countries is the will of God, which is why we have an obligation to return them to what they were. The unification of the powers of the Albanian people on all levels will become a reality, and Albania will have a single border, created by God. The IRC is prepared to contribute, with all its capacity, to the national cause and answer any call towards the unification of all Albanians. We can't live in 5 countries; it is unacceptable for you to leave here, your father in your homeland, and your brothers outside of the borders..."

According to the analysts, this kind of statement is irresponsible and inappropriate and is a classic attempt of manipulation of religious feelings. This rhetoric is especially dangerous and leads to a deeper divide between the Macedonians and Albanians in Macedonian society, and stirs ethical extremism and separatism, which were already

strengthened in the Albanian population in R. Macedonia after the separation of Kosovo and its self proclamation as an independent country.

When it talks about radical Islamic structures in R. Macedonia, the IRC thinks of Islamic theologians who have finished their theological education in universities in countries that practice and preach radical Islam. During socialism, Islamic theologians were educated in faculties in countries like Syria and Egypt, which are closer to the Muslim tradition practiced in ex SFRJ. After the independence of R. Macedonia, the Islamic theologians started to educate themselves in Islamic faculties in Saudi Arabia (Mecca, Medina, Rijad), where radical Islam is practiced. According to our sources around 80 ethnic Albanians from R. Macedonia were educated in faculties from countries where radical Islam is practiced.

Unlike 2010 when the Islamic corpus fought a battle to determine which Islamic teaching will be preached and practiced in R. Macedonia, and who will lead the IRC today, all theologians that were labeled as radical islamists and wahhabists are integrated in the frames of this institution. The integration of these theologians started in 2012 and today this process is finished, with which, all theologians who have been educated in Islamic faculties in Saudi Arabia and Turkey, are hired by the IRC as priests, hatibs, librarians and teachers in public primary schools for the subject Religion and ethics, which in essence is a set of scripture lessons (Matevska, 2013).

Which form of Islam will dominate in R. Macedonia? Will it be the radical or traditional current? Only time will tell. The fact remains that the IRC act as priests and teachers in public schools that practice diametrically different Islam at the same time: a traditional Islam that is native to the region and a fundamentalist Islam imported from Saudi Arabia. Religious fundamentalism is often manifested as a partial or complete disregard for modern ideas, whether it is religious tolerance, secularization, different accomplishments in science and technology which for one reason or another aren't compatible to the religious doctrine. This is why, according to many scientists, Islam is often connected to nationalism. (Matevski, 2013).

#### **4 Conclusion**

Islam has never been just a religion. It is a complex way of life with detailed instructions for the moral, economic and political actions of individuals and societal groups. The crucial feature of Islamic fundamentalism is the idea that the Islamic religious principles should be the main principles of the societal, moral and political life of a country.

This is where the intention for religion to take primacy over politics comes from. In practice, this means that an 'Islamic state' should be established on theocratic principles, instead of a secular state where religion is separated from politics. In a theocratic country there is overlap between religion and politics. Here the spiritual authority rules over worldly authority with theocratic principles as a codex of legal and moral behavior, with a system of punishment for anyone who breaks Sharia law.

The process of secularization is greatly obstructed by the Islamic religious tradition in which the worldly and spiritual are tightly connected. In these countries the wave of secularization couldn't permeate more, so the religious community is still a considerable power in the societal and political life. Sociologists today, state the return of religion, taking religion and confession as factors of identity, instrumentalization of religion and confession in politics, greater presence of religions and confessions in mass media as social indicators for slowdown of the secularization in post socialistic states. This pushes the idea of post secularism, or the return of religion.

Will the radical or traditional Muslim current prevail? Only time will tell. The fact remains that the members of the IRC acts as priests, teachers in public schools, theologians who practice diametrically different Islam: a traditional who is native to the region and a radical, fundamentalist Islam imported from Saudi Arabia. The large number of theologians that preach radical Islam in Muslim religious objects and public educational institutions, and the fact that no one has control over who preaches to believers and who teaches minors in terms of primary public education, presents a serious threat to the ethnic and religious tolerance, and the peace and stability in R. Macedonia. This is done by fundamentalist Islam by pointing towards the pointing out the differences which are often connected to nationalism. Religious fundamentalism is often manifested as a partial or full rejection of modern ideas, whether it is religious tolerance, secularization, different advancements in science and technology, which for one reason or another are not compatible with religious doctrine. This is why, according to many scientists, Islam is often connected to nationalism.

### References

1. *Cvitkovic, Ivan. 2004. Sociologija religije. Sarajevo: Des.*
2. *Davie, Grace . 2013. The Sociology of Religion: A critical Agenda. London: Sage publications LTD.*

3. Hejvud, Endru .2005. *Političke Ideologije*. Beograd: Zavod za udbenike i nastavna sredstva
4. Јевтић Мирољуб . 2009. *Политикологија религије*. Београд: Центар за проучавање религије и верску толеранцију
5. \_\_\_\_\_. 2001. *Савремени џихад као рат*. Београд: Никола Пашић
6. Matevska, Dushka i Matevski, Zoran. 2013. *National and Religious Identity in R. Macedonia in Global Age*. Kosovska Mitrovica: Faculty of Philosophy, University of Pristina.
7. Matevski, Zoran i Matevska, Dushka. 2012. *The culture of peace as a precondition of the Euro-Atlantic perspectives of the Balkan region*. In Proceedings from the International scientific conference: Security and Euroatlantic Perspectives of the Balkans. Ohrid: University St. Kliment Ohridski.
8. *McGuire, Meredith. 2002. Religion – the social context. USA: Wadsworth Thomson learning*





## **Securitization of Interethnic and Interfaith Relations: West and East European Public Perceptions Compared**

Yantsislav Yanakiev,  
Defense Advanced Research Institute (DARI) at G. S. National Defense College  
[yanakiev@pims.org](mailto:yanakiev@pims.org)

### **Abstract**

This paper presents a comparative study of public perceptions of Muslim communities and immigrants in selected West, Central and Southeast European countries based on Eurobarometer and European Values Study data over 2001 - 2015. The analysis reveals some indicators of a process of securitization of interethnic and interfaith relations. The problem is that this process affects successful diversity management policy implementation in contemporary European societies. This situation calls for the implementation of innovative public policies in response to different sources of ethnocultural diversity in the present-day societies.

**Keywords:** immigrants, securitization, multiculturalism, diversity management

### **The problem: Securitization of Interethnic and Interreligious Relations**

The topic of improvement of dialogue between different religious, cultural and ethnic communities in Europe, and the need for better mutual understanding between the people belonging to these communities, is of particular relevance in the context of the processes of globalization, extensive migration and the need of strengthening stability in the Southeastern Europe. Along with the classic dimensions of interethnic and interreligious relations in the Balkans in terms of traditional minorities and majority, the aspect of so-called "new minorities" emerged as a result of the ongoing migration processes. If the presence of immigrants in the Western Europe has been a long-lasting tradition, it is for Bulgaria and for the Balkans a new situation that presents a number of challenges.

The analysis of public opinion in the Western Europe since the terrorist attacks in the U.S. on September 11<sup>th</sup>, 2001 and after the violence in London on July 7<sup>th</sup>, 2005 shows that relationships between the Muslim immigrant communities, on the one hand, and the host societies, on the other hand, are increasingly perceived as a security issue.

Regarding the Balkans, usually relationships between the majority and minority groups are perceived as a matter of national security. Moreover, interethnic relations are often seen as a "zero-sum game" in which everything which is in favor of a minority is perceived as a threat to the majority (Kymlicka, 2002). Furthermore, there is widespread prejudice in some of the Balkan societies that minorities are disloyal to the state and that they play the role of a "fifth column" of the neighboring country. The geographical proximity of an alternative homeland for some of the local minority groups is an important factor in this respect (Roudometof, 2002). These facts have been interpreted by some authors as indicators of the process of securitization of interethnic and interreligious relations (Thorsten & Thorsten, 2007; Zuhail, 2007; Roe, 2004; Cesari, 2009; Cesari et. al., 2006; Vékony, 2014).

The term "securitization" was introduced by the researchers from the Copenhagen School of Security Studies to define a situation in which a fact/process or phenomenon in the public life is presented as an existential threat to the survival, self-determination of individuals and the core values of the society. Accordingly, the public interprets this theme as a security problem and any action outside the normal policy can easily be justified (Buzan & Wæver, 2003). For that reason, treatment of minorities, no matter traditional or new, largely becomes a security problem rather than an element of social democratic policy.

Under these conditions, the effectiveness of the model of immigrant multiculturalism, which has long been portrayed as a successful form of social integration of minorities in the Western Europe, was challenged because explicitly the process of de-securitization of interethnic relations was defined as one of the most important factors for successful implementation of public policies for managing ethnic and cultural diversity in the Western world (Kymlicka, 2004; Lesińska, 2014; Rex and Singh, 2003).

In short, the issue of management of ethnocultural diversity under the conditions of securitization of interethnic and interreligious relations has a high academic and political importance for Europe because it is directly related to the stability and prosperity of multiethnic and multicultural societies. The development of the securitization process is a challenge for the effective implementation of public policies in response to ethnic and cultural diversity.

In this paper, the concept of securitization of interethnic and interreligious relations is operationalized based on public perceptions of immigrants and Muslim communities in Europe as a threat to survival, self-determination and the fundamental values of society. For that purpose, the report presents and analyzes data from international comparative public opinion surveys such as Eurobarometer and European Values Study.

### Trends in public perceptions of immigrants and Muslim communities in Europe after 2001

The first one since the terrorist attacks of September 11<sup>th</sup>, 2001 Eurobarometer survey found out that nearly 70 percent of the West Europeans more or less supported the statement "Further the 9/11 attacks, one can understand some distrust toward the Muslim community in Europe". Risk perception of international terrorism certainly raised some fears and mistrust of Muslims who live on the continent (Fig. 1).

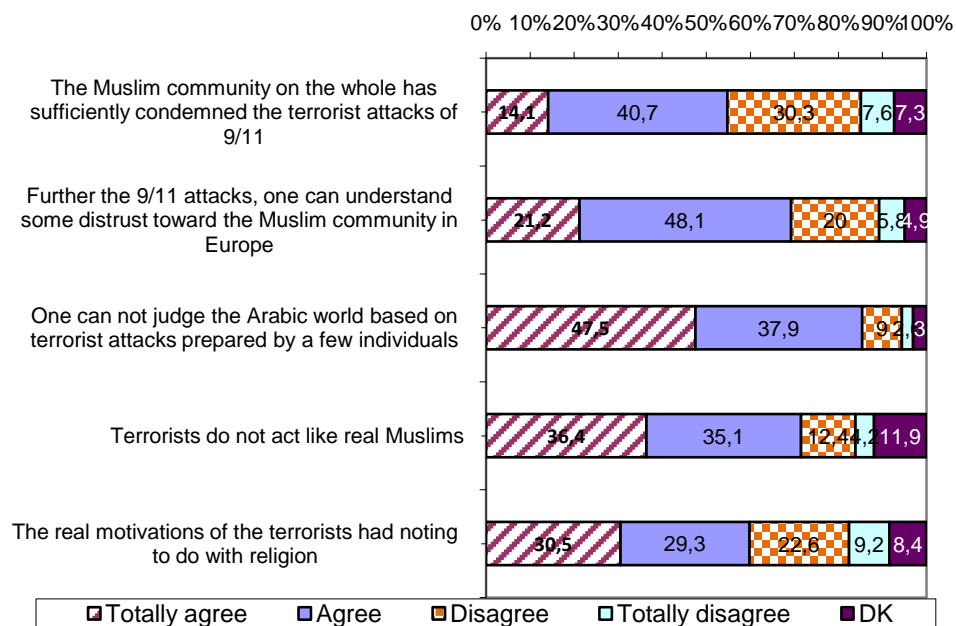
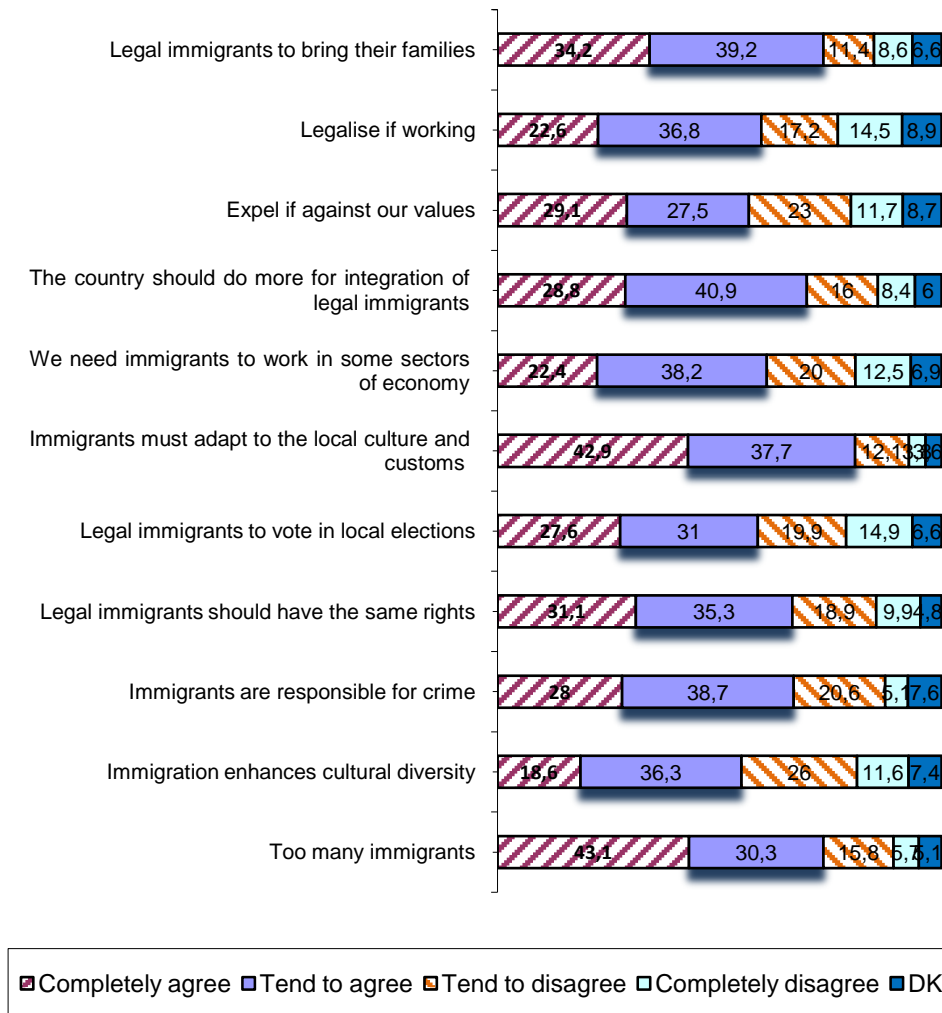


Figure 1

Attitudes towards Muslim communities in Europe, in percent (Source: Flash EB 114, November 2001)

At the same time, the data analysis shows that West European public opinion was not ready to condemn the Arab and Muslim communities as a whole for the terrorist attacks and did not connect directly Muslims with terrorism. Indicative in this respect is the high degree of agreement ("Completely agree" and "Tend to agree") with the statements such as: "One cannot judge the Arabic world based on terrorist attacks prepared by a few individuals" (85.4%), "Terrorists do not act like real Muslims" (71.5%). In addition, majority of the West Europeans in 2001 also supported the statement "The real motivations of the terrorists have nothing to do with religion" (59.8%). The public was divided regarding the statement "The Muslim community, on the whole, has sufficiently condemned the terrorist attacks of 9/11". Less than 15% of the respondents completely agree with this statement and 40.7% tend to agree.

The data analysis from another Eurobarometer survey conducted in 2003 among citizens of the Western Europe shows relatively tolerant attitudes towards immigrants, as it is decisive for whether they are legally residing in the country (Fig. 2).



**Figure 2**  
**Attitudes towards immigrants, in percent** (Source: EB 59.2 May-June 2003)

Telling in this respect is the prevalent support ("Completely agree" and "Tend to agree") to statements such as "Legal immigrants to bring their families" (73.4%), "Immigrants to be legalized if they work" (59.4%), "Legal immigrants should have the same rights as other citizens" (57.6%), "Legal immigrants to have the right to vote" (58.6%) and "Immigration enhances cultural diversity" (54, 9%).

Understandably, the West Europeans appreciate that in a situation of an aging population, immigration is a "necessary evil" to stabilize and develop the economy, as evidenced by the fact that nearly a quarter (22.4%) fully agree with the statement "We need immigrants to work in some sectors of the economy". Another 38.2% of the respondents tend to agree with this statement.

At the same time, West European public opinion recognizes the need of extra efforts for societal integration of immigrants, proved by the strong support ("Completely agree" and "Tend to agree") to the statements "The country should do more for integration of legal immigrants" (69.7%) and "Immigrants must adapt to the local culture and customs" (79.6%). Obviously, people understand that this is a bilateral process, which is responsibility of both the host society and the immigrants themselves.

In the face of comparatively tolerant attitudes towards immigrants in the Western Europe at the beginning of the XXI century, the analysis of the data reveals as well certain indicators of securitization of public perceptions. It is characteristic the high degree of agreement ("Completely agree" and "Tend to agree") with the statements "There are too many immigrants in the country" (73.4%) and "Immigrants are responsible for increasing crime" (66.7%). More or less the majority of respondents also agree with the statement "Immigrants to be expelled if against our values" (56.6%).

To sum up, the analysis of the data from quoted Eurobarometer surveys identifies some prejudices and stereotypes in the minds of the West European citizens regarding Muslim communities and immigrants, related to the perception of these groups of people as a threat to survival, self-determination and the fundamental values of society. These facts can be seen as warning signs of the process of securitization of interethnic and interreligious relation in the Western Europe.

How is this process evolving in the coming years? How the outlined fears, stereotypes and prejudices are stable over time? Are there significant differences in public perceptions in the Western, Central and Eastern Europe? Answers to these questions can be found in the second part of the report. Figures 3 and 4 illustrate data on perceptions of immigrants in several selected countries in the Western, Central and South Eastern Europe. The data are from the European Values Study, conducted in 2011. Certain negative statements about immigrants are presented, making it possible to measure stereotypes and prejudices in the European public opinion.

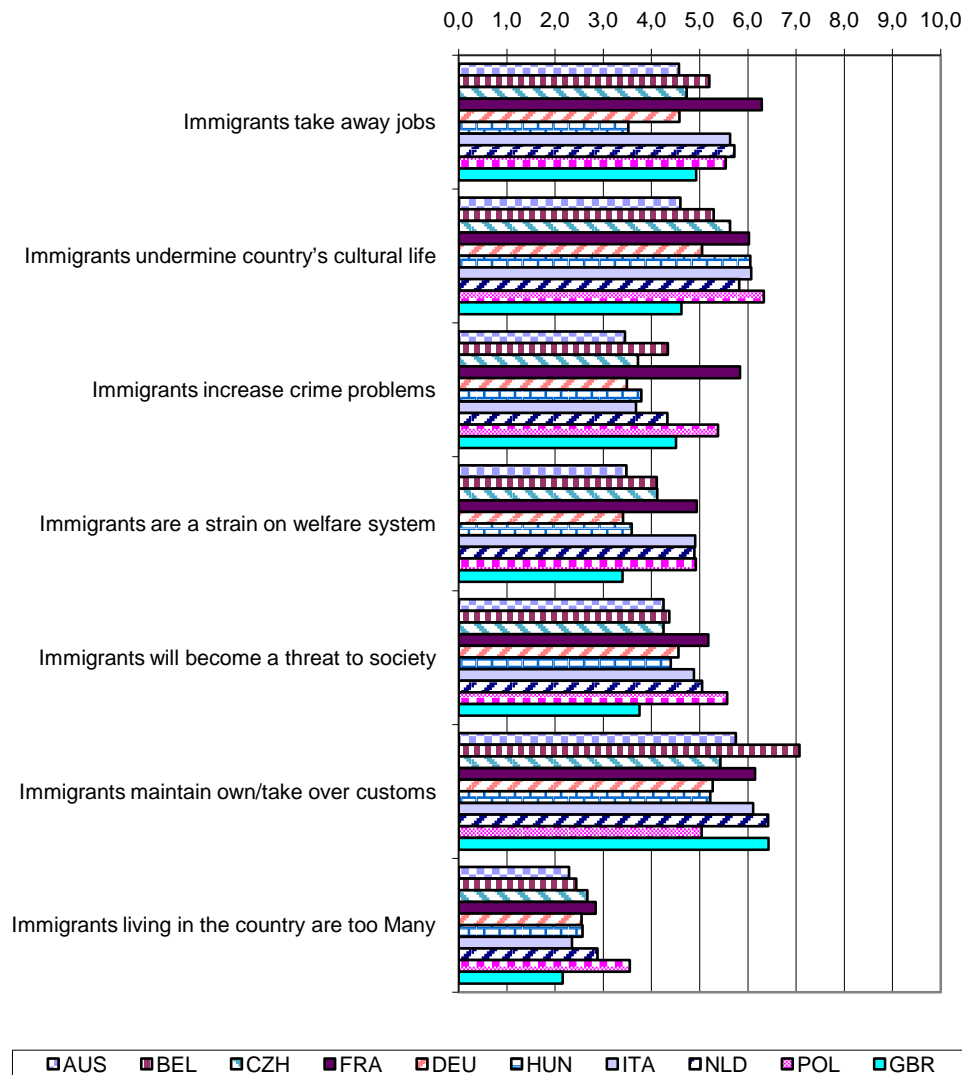
Both charts represent arithmetic mean values for any statement, measured on a 10-point scale. The lack of support of the statement is marked by 10 on the scale, while the full agreement with it is marked by 1. The figures on the scale between 1 and 5 indicate different levels of agreement with the statement. The figures above 5 indicate different levels of disagreement.

The analysis of the data presented in Figure 3 shows comparatively wide-spread stereotypes and prejudices regarding immigrants in the West and Central European societies. This conclusion is supported by the high level of agreement with statements like "Immigrants living in the country are too many", "Immigrants will become a threat to society", "Immigrants are strain on welfare system", "Immigrants increase criminal problems" and "Immigrants take away jobs". Indicative in this regard is the fact that almost all arithmetic mean values are below or close to 5.0. There is relatively less marked agreement with statements as "Immigrants undermine country's cultural life" and "Immigrants maintain own/take over customs", although the arithmetic mean scores are below or close to 6.0. These results can be interpreted as an indication of process of securitization of interethnic and interreligious relations in the Western and Central Europe.

While public opinion is almost unanimous with respect to negative perception of the growing number of immigrants in Europe, on some of the other indicators there are significant differences across the countries represented in the study. The stereotypes about immigrants as a source of crime are strongest in Austria, Germany, Hungary and Italy.

With regard to the fear that immigrants will take over jobs, the analysis shows highest level of prejudice in Hungary, Germany, Austria and the Czech Republic. Similar is the picture when the perception of threat to welfare system is analyzed. Most worried are people in Great Britain, Germany, Austria and Hungary. Finally, the general perception that immigrants will become a threat to society is strongest among the people in the Great Britain, followed by Hungarians, Germans, Czechs, Austrians and Belgians.

In general, public opinion in France and Poland seems to be comparatively more tolerant towards immigrants.

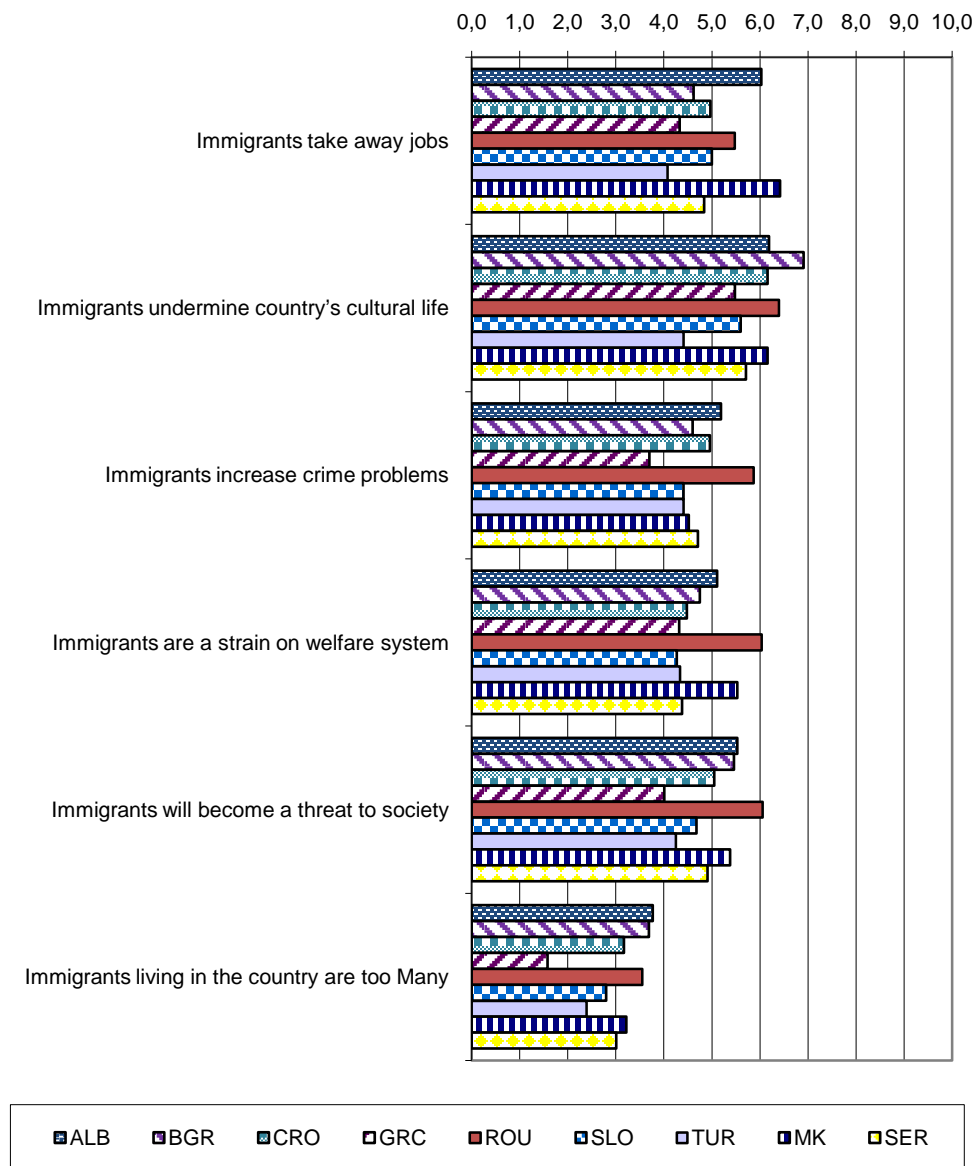


**Figure 3**

**Attitudes towards immigrants in the Central and West European countries** (Source: EVS (2011): European Values Study 1981-2008, Longitudinal Data File. GESIS Data Archive, Cologne, Germany, ZA4804 Data File Version 2.0.0 (2011-12-30), doi:10.4232/1.11005.)

The analysis of the data presented in Figure 4 on the perceptions of the immigrants in Southeast Europe shows a relatively similar picture.





**Figure 4**

**Attitudes towards immigrants in the Balkan countries** (Source: EVS (2011): European Values Study 1981-2008, Longitudinal Data File. GESIS Data Archive, Cologne, Germany, ZA4804 Data File Version 2.0.0 (2011-12-30), doi:10.4232/1.11005.)

There exists also a high level of support in Southeast European public opinion of statements like "Immigrants living in the country are too many", "Immigrants will become a threat to society", "Immigrants are strain on welfare system", "Immigrants increase criminal problems" and "Immigrants take away jobs". Indicative is the fact that almost all arithmetic mean values are below or close to 5.0. Compared with the perceptions of the West Europeans, there are no significant differences. Likewise, there is less fear in Southeast Europe regarding the threat to the national culture and customs. This is evident from relatively reduced amount of support for statements as "Immigrants undermine country's cultural life" and "Immigrants maintain own/take over customs", where the arithmetic mean estimates vary around 6.0.

In terms of perception of the number of immigrants in the countries concerned, the Southeast European public opinion is similarly unanimous that they are too many. The most worried are Greek people. The stereotypes about immigrants as a source of crime are strongest in Greece, followed by Slovenia and Turkey. Comparable are perceptions of the Bulgarians, Serbians, and Macedonians. Somewhat less negative are perceptions in Romania, Albania, and to some extent in Croatia.

As regards to the fear that immigrants will take over jobs, the analysis point out highest level of prejudice in Turkey and Greece, while the people in Macedonia, Albania and Romania are less worried. The Bulgarians, Croatians, Slovenians and Serbians demonstrate average level of concerns. The arithmetic mean value measuring the agreement of the respondents with this statement is close to 5.0. Concerning the perception of the threat to welfare system, most worried is public opinion in Slovenia, Turkey, Greece and Serbia. Comparatively less afraid are Romanians, Macedonians, Albanians, Bulgarians and Croatians.

Finally, there are significant differences among South East Europeans with respect to general perception that immigrants will become a threat to society. The strongest is the fear among the people in Greece, followed by Turks, Slovenians, Serbs and Croats. In the same time, Romanians, Albanians, Bulgarians and Macedonians demonstrate less prejudiced perceptions of immigrants.

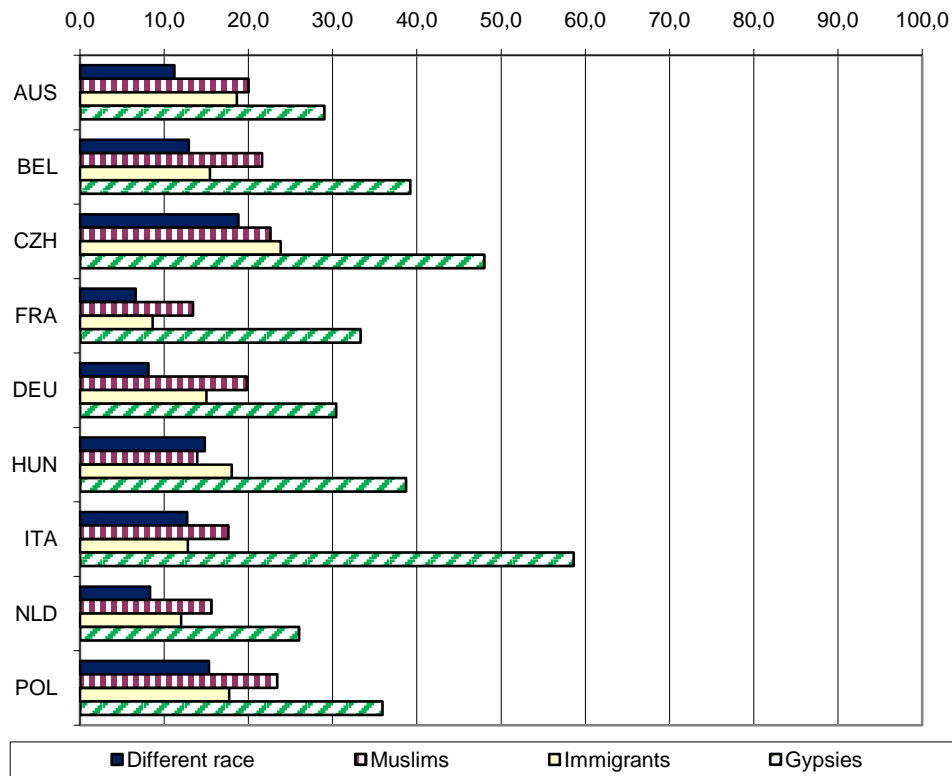
On figure 5 data regarding views of the respondents from Central and Western Europe about the people from different race, Muslims, immigrants, and gypsies are presented.

Figure 6 presents data about opinions of respondents from the South Eastern Europe regarding ethno-cultural diversity in the society. In addition to above-mentioned categories of people, the group of "Christians" is added.

The analysis of the data presented in Figure 5 reveals widespread negative attitudes towards Roma community in almost all countries of the Western and the Central Europe included in the study. The marginalization of Roma people is stronger in Italy and the Czech Republic, where correspondingly 58.6% and 48.0% of the citizens do not accept as a neighbor representative from this minority. In the UK, Belgium, Hungary, Poland and France over a third of the respondents do not accept as a neighbor one of Roma ethnic group. The prejudices towards Roma in Germany and Austria are comparatively less negative. Not-acceptance of the people from Muslim religious group as neighbors varies between 13.4% in France and 23.4% in Poland, while the average level of not-acceptance in the other West and Central European countries is about 20%.

Similar are attitudes towards immigrants. The lowest is the level of not-acceptance of immigrants in France – 8.6% and the highest it is in the Czech Republic – 23.8%.

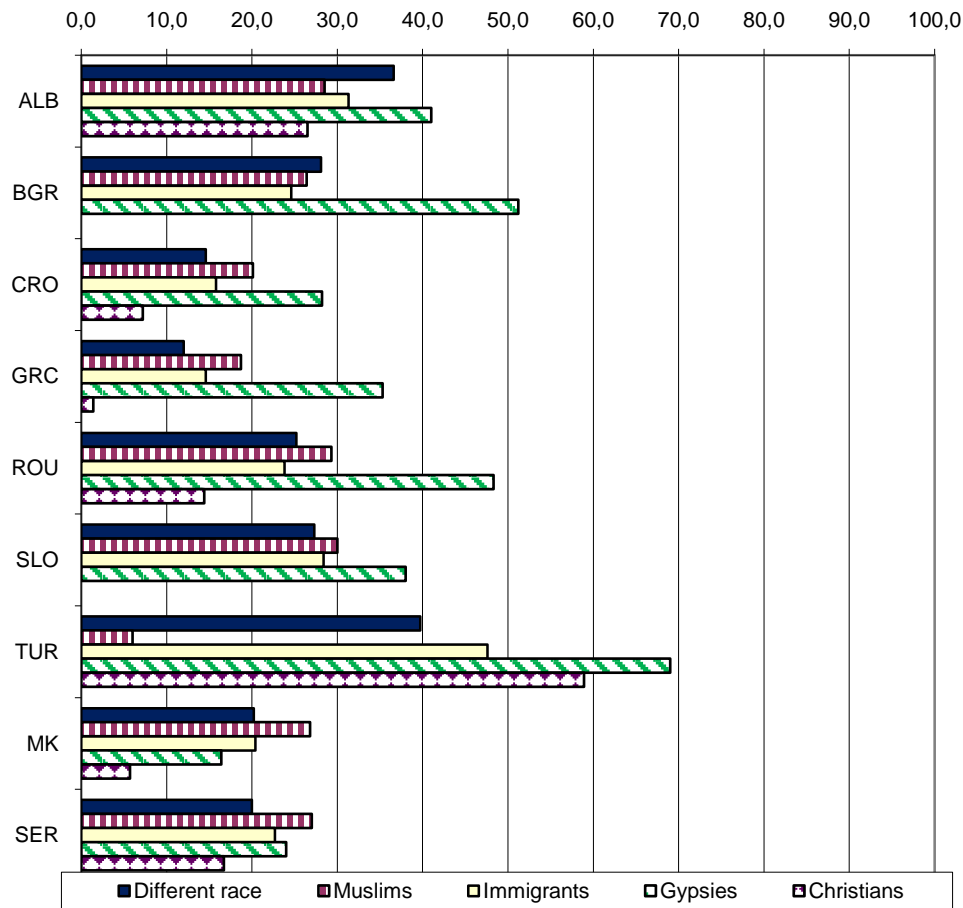
The analysis of the attitudes of the respondents towards people from different race shows analogous results. The lowest is the level of not-acceptance in France – 6.6% and the highest it is in the Czech Republic – 18.8%.



**Figure 5**

**Distribution of positive answers to the question "I don't like as neighbors people from the following categories", Central and Western Europe, in percent (Source: EVS (2011): European Values Study 1981-2008, Longitudinal Data File. GESIS Data Archive, Cologne, Germany, ZA4804 Data File Version 2.0.0 (2011-12-30), doi:10.4232/1.11005.)**

One can speculate that the respondents that do not accept as a neighbor representative from Muslim community, immigrants and/or people from different race are the same and they form a group. To confirm this hypothesis additional analysis is needed. The data presented in Figure 6 illustrates alike negative attitudes towards Roma community in the South East European societies.



**Figure 6**

**Distribution of positive answers to the question "I don't like as neighbors people from the following categories", South Eastern Europe, in percent** (Source: EVS (2011): European Values Study 1981-2008, Longitudinal Data File. GESIS Data Archive, Cologne, Germany, ZA4804 Data File Version 2.0.0 (2011-12-30), doi:10.4232/1.11005.)

Note: In Bulgaria and Slovenia the question was not asked about "Christians".

The highest is the level of not-acceptance of the Roma people as neighbors in Turkey (69.0%), followed by Bulgaria (51.2%) and Romania (48.3%). The prejudices towards Roma in Albania, Greece and Slovenia are comparatively less negative. Over a third of the respondents, correspondingly 41.0%, 35.3% and 38% in these countries do not accept as a neighbor one of the Roma community. The most tolerant are the attitudes towards Roma in

Macedonia, Serbia and Croatia where less than one third of the respondents declare that they don't like as neighbors Roma people, respectively 16.4%, 24% and 28.2%.

More than one - fourth of the respondents in Slovenia (30.0%), Romania (29.3%), Albania (28.5%), Serbia (27.0%), Macedonia (26.8%) and Bulgaria (26.4) declare that they don't like to live in close vicinity with Muslims. A bit more positive are attitudes towards Muslims in Greece and Croatia, where respectively 18.7% and 20.1% of the respondents prefer not to have Muslims as neighbors.

On the whole, the perceptions of the respondents in South East Europe as regards people of different race are less positive in comparison to West European public opinion. Over a third of the citizens of Turkey (39.7%) and Albania (36.6%) state that they don't like as neighbors people from different race. More than one-fourth of the Bulgarians (28.1%), Slovenians (27.3%) and Romanians (25.2%) maintain comparable attitude. Slightly more positive are the attitudes towards people from different race in Greece, Croatia, Macedonia and Serbia, where less than one-fifth of the respondents (between 12% in Greece and 20.2% in Macedonia) declare that that they don't like as neighbors such people.

The attitudes towards immigrants in the South East European countries vary significantly. The lowest is the level of not-acceptance of immigrants in Greece – 14.6% and in Croatia – 15.8%, while the highest it is in Turkey – 47.6% followed by Albania – 31.3%, and Slovenia – 28.4%. In the rest of the countries presented in the survey the level of not-acceptance of immigrants vary between one-fourth and one-fifth: 24.6% in Bulgaria, 23.8% in Romania, 22.7% in Serbia and 20.4% in Macedonia.

Finally, the analysis of the data presented on Figure 6 reveals high level of not-acceptance of Christians as neighbors in Turkey (59.8%) and Albania (26.9%). Surprisingly, 16.7% of the respondents in Serbia and 14.4% in Romania also do not accept Christians as neighbors. Less than one-tenth of the citizens of Croatia (7.2%) and Macedonia (5.7%) maintain the same attitude. This fact deserves attention and needs deeper analysis to identify factors for the described perceptions.

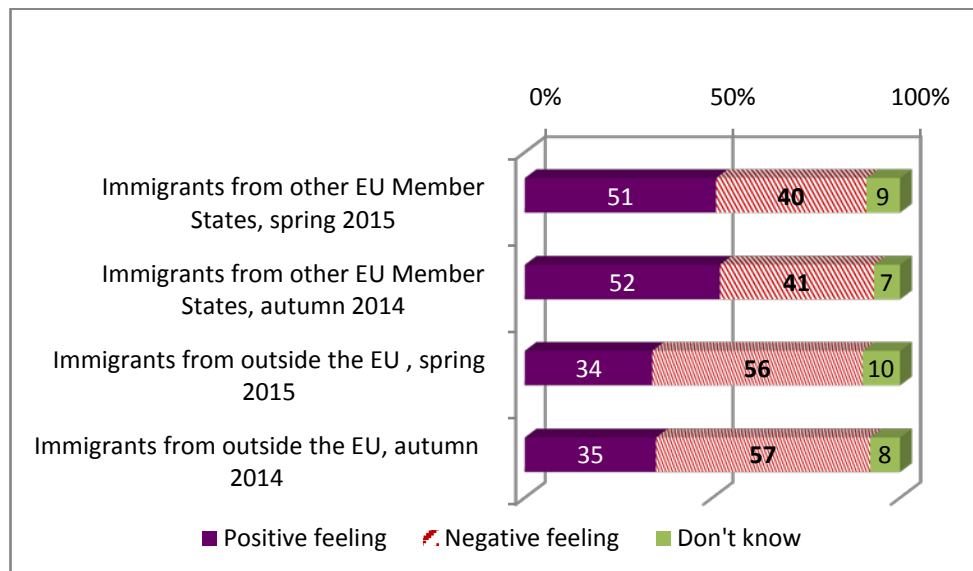
Figure 7 presents data on attitudes of the citizens from 28 Member States of the European Union with regard to adoption of immigrants in the country by two successive Eurobarometer surveys in 2014 and 2015.

The analysis of the data reveals diametrically opposed attitudes towards accepting immigrants in the EU, depending on whether these people come from other Member States, or from countries outside the Union. Just over half of the respondents (51%) in the spring of 2015 express a positive attitude towards accepting immigrants from other EU countries,

while 40% maintain negative attitudes and 9% have not formed a particular attitude. In terms of migration from outside the EU, the analysis of the data reveals contrasting attitudes. Only about a third (34%) of the EU citizens is positive about such a perspective. The majority (56%) have a negative attitude, while 10% are undecided.

The comparison of the attitudes of the Europeans on immigration, whether it comes to people from the other Member States or for people from countries outside the EU, remain almost unchanged compared to autumn 2014.

As far as these are the first results from Eurobarometer 83 and the data is still not available for secondary analysis, one cannot go deep to study the factors for the described perceptions. This will be a task for additional research in the future.



**Figure 7**

**Public perceptions of the immigrants in the European Union, summary of data on the 28 EU Member States, in %** (Source: Standard Eurobarometer 83, First results from spring 2015, available on [http://ec.europa.eu/public\\_opinion/index\\_en.htm](http://ec.europa.eu/public_opinion/index_en.htm))

## Conclusion

The process of securitization of interethnic and interreligious relations, which become more and more relevant, especially after September 11<sup>th</sup>, 2001, is one of the major barriers to successful management of ethno-cultural diversity both in the Western and Southeastern Europe. This process will continue to be in the focus of attention of researchers and politicians who are called to make political decisions in the coming decades. This fact can easily be foreseen taking into account the processes of globalization, demographic and economic trends in the countries of the Middle East and North Africa and the associated greater than before migration. Europe will continue to be an attractive destination for large groups of people from these regions to flee from armed conflicts, instability and lack of economic prospects. For the time being, Europe remains divided between tolerance and prejudice against potential immigrants from outside the European Union. Outlined negative attitudes towards these people deserve special attention because they will become an important factor for successful implementation of effective policies for integration of immigrants in Europe, including Bulgaria. These attitudes can become fruitful bases for the escalation of extremist and radical ideas and establishment of social movements against the people who are different from us in terms of their race, ethnicity and culture. This is a challenging situation for European societies where much wisdom is necessary. We need cohesive social policies focused not only on cultural issues and ethnicity. They have to take into account the integration of the representatives of the traditional and the new minorities. The aim should be to achieve economic and political integration, as well as strengthening the value-normative identification of minority groups with the host society. Furthermore, these policies must be aimed at increasing cohesion in society, while preserving ethnic and cultural differences and identities. Last but not least, the requisite is to overcome the typical weakness of multiculturalism - the risk of ghettoization of minority groups, as well as the risk of their cultural assimilation.

## References

1. Andreas Zick, Beate Küpper and Andreas Hövermann. "Intolerance, Prejudice, and Discrimination. A European Report". Friedrich-Ebert-Stiftung, International Policy Analysis, 2011.



2. Buzan, B. and Wæver, O. Regions and Powers. *The Structure of International Security*, Cambridge (Cambridge University Press) 2003.
3. Cesari, J. *The Securitization of Islam in Europe*, Research Paper 15, April 2009. Centre for European Policy Studies. Available online on [http://libertysecurity.org/IMG/pdf\\_The\\_Securitisation\\_of\\_Islam\\_in\\_Europe.pdf](http://libertysecurity.org/IMG/pdf_The_Securitisation_of_Islam_in_Europe.pdf), accessed on 15.09.2014.
4. Vékony, Dániel "Potential threats of securitisation of Muslim minority politics in Western Europe". Biztpol affairs Vol. 2:2 2014.
5. EB 59.2 May - June 2003. Available from <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/333>. Accessed on 07.10.2015.
6. EVS (2011): European Values Study 1981-2008, Longitudinal Data File. GESIS Data Archive, Cologne, Germany, ZA4804 Data File Version 2.0.0 (2011-12-30), doi:10.4232/1.11005.
7. Flash EB 114, November 2001. Available from [https://dbk.gesis.org/dbksearch/SDESC2\\_eng.asp?no=3603&search=Flash&search2=&DB=D](https://dbk.gesis.org/dbksearch/SDESC2_eng.asp?no=3603&search=Flash&search2=&DB=D). Accessed on 07.10.2015.
8. Jocelyne Cesari, Chris Allen, Marcel Maussen, Yasemin Karakasoglu, Sigrid Luchtenberg, Frank Peter, Reim Spielhous, Alexandre Caeiro, Jose Maria Ortuno Aix, Mima Liguori. *Securitization and Religious Divides in Europe. Muslims in Western Europe After 9/11: Why the term Islamophobia is more a predicament than an explanation*. Submission to the Changing Landscape of Citizenship and Security 6th PCRD of European Commission, 2006.
9. Kymlicka, W. *Culturally Responsive Policies*. Paper prepared for 2004 UNHCR Revised draft – June 15, 2004, United Nations Development Programme, Human Development Report Office, Background paper for HDR 2004.
10. Kymlicka, W. "Multiculturalism and Minority Rights: West and East", *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 4/2002.
11. Lesińska, Magdalena. "The European backlash against immigration and multiculturalism". *Journal of Sociology*, 2014, Vol. 50(1) 37–50, SAGE.
12. Rex, J. and G. Singh. "Multiculturalism and Political Integration in the Modern National States – Thematic Introduction". *International Journal on Multicultural Societies (IJMS)*, Vol. 5, No 1, 2003, 3–19.

13. Roe, P. "Securitization and Minority Rights: Conditions of Desecuritization". In: *Security Dialogue*, Vol. 35, 3 / 2004, pp. 279-294.
14. Roudometof, V. "National Minorities, Nation-states, and External National Homelands in South Eastern Europe". In: *The New Balkans: Disintegration and Reconstruction*, Kourvetaris G., Roudometof V., Koutsoukis K. and Kourvetaris A. (Eds.), Columbia University Press, New York, USA, 2002, 55-84.
15. Standard Eurobarometer 83, First results from spring 2015, available on [http://ec.europa.eu/public\\_opinion/index\\_en.htm](http://ec.europa.eu/public_opinion/index_en.htm), accessed on 10.09.2015.
16. Thorsten G. & Thorsten B. *The Concept of Securitization as a Tool for Analyzing the Role of Human-Rights-Related Civil Society in Ethno-Political Conflicts*, SHUR WP 05/07, March 2007. Available online on <http://shur.luiss.it/files/2008/10/shurwp05-07.pdf>, accessed on 15.09.2014.
17. Zuhail Yesilyurt Gündüz. *Europe and Islam: No Securitization, Please!* Friedrich-Ebert-Stiftung, International Policy Analysis, 2007.

## Religion and Nation: the Case of the Republic of Macedonia

Stojan Slaveski, European University , Skopje

[stojan.slaveski@eurm.edu.mk](mailto:stojan.slaveski@eurm.edu.mk)

and

Igor Gelev, Ministry of Defense of the Republic of Macedonia,

[igelev@yahoo.com](mailto:igelev@yahoo.com)

### **Abstract**

*Historically to ensure unity in a country where religion played a significant role, it was required that the country have only one religion i.e., "the sovereign of the country determines its religion." This politicization of religion led to religious wars within and among the nations of Europe; hence the principle was replaced by one of secularity, i.e. separation of religion from the state. Modern liberal democratic societies are secular. However, since the end of the Cold War there has been a re-politicizing of religion. The Republic of Macedonia is no exception to this trend. Under the constitution, the state is a secular one and religion is segregated. In practice, however, this separation is not fully achieved. The paper investigates the interlocking relationships that have come to exist between politics and religious communities in the Republic of Macedonia in light of nation-building process. The paper concludes that the success of the modern nation-building process is determined by the respect for the existing cultural matrix, which in itself articulates the values of two confessions - Muslim and Orthodox Christian. Religious groups, in essence, are calling for peace, tolerance and respect for the "other", which can contribute to building a multicultural society. On the other hand, disrespect and manipulation of religious feelings may affect adversely the building of the sense of a single nation. In a society such as Macedonian, inter-religious cooperation is very important. Only this concept carries any promise for the future of the contemporary Macedonian nation.*

**Keywords:** *politics, religious communities, nation, religion*

## Introduction

Until the mid 17th century and beginning of the formation of the modern (secular) international system of states, religion was the key ideology that often provoked political conflicts between social groups within countries and between countries. But after the Treaty of Westphalia in 1648 and the development of the modern nation-state, first in Western Europe and then in the European colonies and the rest of the world, at both the intrastate and international level, the political importance of religion declined significantly (Haynes Jeffrey 2009).

However, at the beginning of the 21st century, religion is once again being politicized. This trend has been particularly noticeable in the period since the end of the Cold War. And this is especially true of the so-called "world religions" (Buddhism, Christianity, Islam, Judaism, Hinduism and Confucianism). Many analysts point to the Iranian Revolution (1978-79) as a moment of "re-awakening of religion". For many years, Iran, just like Turkey, had been an example of a secular state patterned on the Western liberal model. Moreover, many other parts of the world witnessed the emergence of states where religion played an increasingly important role. Europe was partly an exception because most of its countries emphasize their secularity having displaced religion from the public into the private sphere. But, no one can deny that religion is an important resource that can be used in nation-building.<sup>1</sup> According to Mike Pierce (2012), "it is not possible to build a complete and well-functioning society in which religion is completely absent." There are two approaches to the utilization of religion in nation-building, i.e. organic and voluntary one.

Religion has a special role in the organic approach to nation building. Hence, when it comes to identity, religion sometimes bulks larger than ethnicity. Religion is one of the earliest and most general expressions of humanity that connects people. Hence, many

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<sup>1</sup> Unlike in European countries, the role of religion in the United States is quite prominent. More than half of Americans say they regularly attend religious services, which is three to four times more than European norms. Even on the American currency, the dollar, the words "In God we trust" are written. The importance of religion in public life in the United States is partly explained by the fact that it is an element of the cultural heritage of the 17th and 18th-century settlers, many of whom were Anglo-Protestants. This is an important cultural factor that is present in the daily lives of Americans, and even in the formation of the American multi-ethnic yet civil nation.

politicians have used it in the creation of their nation-states. In that case religion has a special place in the constitution of the country.

The problem occurs when there is more than one religion in the country: The political elite cannot use the religion of the majority as a means of homogenizing the society, because it creates a feeling of inferiority among other religious communities.<sup>2</sup> In such cases, the "ethics and morals" that are basic tenets of each religion need to be brought into play. However, sometimes, due to different interests, religions cannot act together to accomplish the goals of the national state. That is the cue for the secularists to make their entrance, "to limit them (the religious groups) in that impulsive rejection of each other". This is the essence of the voluntary approach in building the nation.

### **Historical Perspective on the Role of Religion in Macedonia**

Multi-religious societies are a defining feature of life in the Balkans (Poulton and Taji-Farouki 1997). In today's Republic of Macedonia, along with the ethnic Macedonians, who are predominantly Christians, there are ethnic Albanians, who are mostly Muslims.<sup>3</sup> During the Ottoman Empire, which was an Islamic theocracy, the so-called "millet" system

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<sup>2</sup> As a positive example of how different religions can live together we can point out the Ottoman and the Hapsburg Empires.

<sup>3</sup> Albanians are divided into two major cultural groups, Ghegs and Tosca. Ghegs in the XIX century inhabited the higher areas of Kosovo, the western part of today's Republic of Macedonia and the northern Albania today. While Tosca were living in southern Albania, around Prespa Lake and in northwestern Greece, Ghegs tribes were organized, disobedient and rebellious. Unlike them Tosca, who lived in more urban environments were less inclined to war. During the Ottoman Empire, the majority of Ghegs have given up the Christian religion to become Sunni Muslims. The majority Tosca also converted to Islam while a fraction remained Christians - Catholic or Orthodox. But unlike their northern compatriots they belong to less traditional Bektashi sect. Overall, these cultural and dialect groups haven't had developed an Albanian national consciousness until the beginning of the XX century. Until then, Muslim Albanians considered themselves Turks, but also members of a particular clan who have a specific regional identity. On the other hand, for the Christian Albanians, religion and place of residence had a great role in their identification. Unlike Ghegs for Tosca tribal affiliation had much more meaning. See Duncan Perry, "Conflicting ambitions and shared destinies: Past, present and future of Albanians and Macedonians", in Rudometof Victor, *Macedonian Question*, (Skopje: Euro-Balkan Press, 2003), 367. (Рудометоф Виктор, *Македонското прашање*, (Скопје: Евро-Балкан Пресс, 2003), 367).

was established for non-Muslim communities. Muslims in the Ottoman Empire enjoyed certain advantages over non-Muslims. On the other hand, the "millet" system of faith-religious self-government gave a degree of autonomy to the Christian population, for whom religious affiliation had much greater importance than ethnicity. In other words, ethnic identity was closely tied to religious affiliation that is essence of the organic approach to building a nation.

The end of 18th and the beginning of the 19th century saw a beginning of the process of forming autocephalous national churches, which marked the end of the ecumenical community of Balkan Orthodoxy. The newly established national churches had the task of assisting in building the nation and the state. On the one hand, they were a means of assimilating the enslaved peoples. The population in Macedonia was the target of assimilation by the autocephalous churches of the new nation states (Greece, Bulgaria, Serbia). Particularly fierce was the fight between the Greek Patriarchate and the Bulgarian Exarchate over the Christian population in Macedonia (Karakasidou 2003, 83). The Balkan wars and the division of Macedonia only complicated the process "because of the more acute awareness among some people that they were not Bulgarian, Greek or Serb, but Macedonian" (Loring 2003, 42).

Thus at the beginning of the 20th century, the primary role in the development of the Macedonian ethnic identity was played by church affiliation, while for the Albanians it was the Muslim religion, in addition to 'language and culture" (Perry 2003, 378), had a decisive influence on the definition of their ethnic identity. After the First World War, with the establishment of the Kingdom of Yugoslavia, at first named the Kingdom of Serbs, Croats and Slovenes, ethnic Macedonians and ethnic Albanians had an inferior status. This was an additional incentive for both groups to work on their projects for ethnic homogenization (*ibid.* 380). It was a period of peaceful coexistence between the Macedonians and the Albanians, yet they rarely mixed with each other.<sup>4</sup>

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<sup>4</sup> Although they had a common enemy, the two groups "never united forces." During the Second World War most of the ethnic Macedonians joined the Yugoslav Partisan movement which guaranteed it would recognize their distinct national identity. On the other hand, ethnic Albanians from the territory of Macedonia in great portion joined the "Bali Kombetar", an anti-communist movement, which fought to create a Greater Albania which will include Kosovo and Western Macedonia. The other part of the Albanians joined Albanian partisan movement. But relations between the Albanian and Yugoslav partisans were often strained so that mistrust and hostility between Macedonians and Albanians have grown. In the postwar period in the newly created Republic

Since the 1944 decisions of the Anti-fascist Assembly for the National Liberation of Macedonia (ASNOM) and the establishment of the modern Macedonian state, the state has maintained a wide-ranging interest in relations between itself and its religious communities. To this end, a number of regulatory acts were adopted. In all legal acts, the emphasis is placed on freedom of conscience and religion as a private matter; separation of religious communities from the state and freedom in exercise of religious activities and religious rituals; prohibition of abuse of religion for political purposes; equality of citizens in rights and obligations regardless of religious, racial and national origin etc..<sup>5</sup> This approach to religion can be named as voluntary in building the contemporary Macedonian nation. All believers are guaranteed the right of free expression of religious feelings, but the use of religion for anti-state objectives is not permitted. In other words, this voluntary approach to building the nation allows religion as a significant social resource to contribute to the development of the nation, but prohibits any abuse of religion.

In the period of cohabitation in the Yugoslav Federation, the Macedonian leadership supported the Macedonian Orthodox Church (MOC) as the largest religious community in the country, especially in its bid to win ecclesiastical independence from the Serbian Orthodox Church (SOC). The secular leadership saw this as a way to strengthen self-determination and Macedonian identity. These efforts culminated in the decision by the Macedonian Orthodox Church in 1967 to proclaim autocephalous status. However, the move was not accepted by the Serbian Orthodox Church (SOC). The rationale for the SOC's opposition was that one country (Yugoslavia) could not have two autocephalous Orthodox churches.<sup>6</sup> The status of the Socialist Republic of Macedonia (SRM) as a federal unit was an argument for SOC to oppose autocephaly for the Macedonian church. For SOC the SRM was just "an administrative federal unit" hence it would only recognize the autonomous status of MOC. For this reason, the MOC was reproved for "tempting to destroy the brotherhood and unity" of the state.<sup>7</sup> In other words, MOC was impairing the affirmation of the

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of Macedonian although religious tolerance has been practiced there has been one veiled hostility because of the conflicting goals of the groups, creating a Macedonian state and nation against the unification of Albanian territories into a single country.

<sup>5</sup> See the official website of the Commission for Relations with Religious Communities and Religious Groups: <http://www.kovz.gov.mk>

<sup>6</sup> At that time there was no Montenegrin Orthodox Church.

<sup>7</sup> Interview with protodeacon Slave P. Projkovski for the weekly *Citizen* (*Citizen*, no. 27, November 3, 2012, 36).

"Yugoslav political nation". However, according to, the Macedonian political elite, aware of the importance of the Church for the construction of the Macedonian ethno-nation, "orchestrated the creation of the autocephalous Macedonian Church and for the most part accepted the modernist vision of statehood" (Keith Brown 2012).<sup>8</sup> It was generally supported by the Yugoslav authorities. In this period the Socialist Republic of Macedonia took measures toward abolishing certain traditional Muslim customs, such as the wearing of the veil by women (Lederer 2001). The moves aimed at "modernizing" the population and reducing the influence of Islam caused revolt with the ethnic Albanians.

"Church nationalism" in the Balkans, according to Loring M. Denfort (2003) is an attempt by "Balkan nation-states to use the Orthodox churches in order to incorporate in the nation people living outside the country's borders". This applies especially to the ethnic Macedonians and the Macedonian state.<sup>9</sup> The state tries to strengthen the links between Macedonian ethnic identity and the Christian religion, while on the other hand it seeks to integrate Macedonians living abroad into the ethno-nation. Consequently an attack on the religious identity of the Macedonian ethnic community is seen as an attack on the nation.

The independence of the Republic of Macedonia created conditions for complete freedom of action and equality of religious communities.<sup>10</sup> However, Article 19 of the 1991 Constitution, which distinguishes the Macedonian Orthodox Church from the other religious communities meant a switch to organic approach to nation-building and a source of friction between Macedonians and Albanians in the first years of independence. So, smaller religious

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<sup>8</sup> The issue of autonomy of MOC has not been resolved yet. From time to time among the Macedonian public there are allegations for a "union" to be a way of resolving the dispute with the SOC and the isolation which is imposed by other Orthodox churches. It is very sensitive and conditioned solution. First, because it is difficult to guess what will be the reaction of believers to this move of the church and second, this decision needs to be approved from the Vatican. Given the stronger position of the SOC regarding MOC not only in the Orthodoxy but in the entire Christian world then the answer could be perceived.

<sup>9</sup> With the establishment of an autocephalous Macedonian Orthodox Church and the state independence, many immigrants from Macedonia to Australia who previously had Greek or Bulgarian national identity embraced the Macedonian ethnic identity.

<sup>10</sup> There was an unsuccessful attempt a cleric (the head of the Orthodox Church, at that time Bishop Mihail) to be elected the first President. This solution certainly would have had negative consequences for the secular state and inter-religious coexistence. Namely, in addition to Orthodox Christians (67% of the population) there are Muslims (30%) and Catholics.



communities and religious groups wanted to limit the power and influence of the MOC stemming from the Constitution (Stojanovska 2001).

The Framework Agreement envisaged that in addition to the MOC, the Constitution would include the Islamic Religious Community on an equal basis. But after strong opposition from the MOC, which argued that it was still unrecognized by other Orthodox churches and would lose its primacy, a compromise was reached: After the reference to the Macedonian Orthodox Church, the word "and" was inserted, followed by a list other churches or religious communities: the Islamic Religious Community (IRC), the Catholic Church (CC), the United Methodist Church (UMC), and the Jewish community (JC).<sup>11</sup> All churches, religious communities and religious groups are separated from the state and are equal before the law.<sup>12</sup> This clearly shows that there is no state religion and as such it cannot act as the exclusive builder of the nation. This is again a return to voluntary approach.

### **Contemporary Government's Approach to Macedonian nation-building**

According the Constitution the state is not allowed to interfere in religious matters, nor should religious communities interfere in state affairs. But this separation is not very strict in any secular society. Politics and religious communities are linked in a complex web of relationships. According to Sasajkovski (2001, 429), the political engagement of religious communities could be defined as "efforts to build status as an institution... which, rising above day-to-day political divisions, consistently and selflessly works to restore the lost unity of society and state...."<sup>13</sup> For that reason, he advocates the inclusion of the MOC in discussions "on topics related to national identity". According to him, in the first years of

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<sup>11</sup> The law allows other religious organizations to apply for government recognition. The government has granted this recognition to 30 religious organizations. In order to obtain the same legal rights and status as the five groups named in the constitution, the law requires aspirant religious communities to register with the courts.

<sup>12</sup> Religious organizations can apply to register themselves as a "church," a "religious community," or a "religious group." These classifications are based on group size, internal organization, and internal hierarchy, and do not bestow different legal rights, benefits, or obligations.

<sup>13</sup> Сасајковски Славејко, „Ревитализација на верските заедници како политички субјекти“, во Панде Лазаревски и др., *Аспекти на националната безбедност на Република Македонија*, (Скопје: ИСППИ, 2001), 429.

independence, the Macedonian Orthodox Church and the IRC essentially did not have status of a “relevant social and political entity.” For its part, the IRC uses current conditions to become more visible and influential in daily political developments.

The ruling conservative elite now give greater space and support to the MOC-OA in the everyday life. International Religious Freedom Report for 2014 notes that “the government continued to deny recognition to minority religious groups and maintained its preferential treatment of the MOC-OA.” According to the Report, religious groups continued to have trouble obtaining restitution of former properties and permits for new construction. Smaller religious organizations not listed in the constitution, such as the Jehovah’s Witnesses<sup>14</sup>, the Bektashi<sup>15</sup>, and the Orthodox Archbishopric of Ohrid<sup>16</sup>, complained that the government did not treat religious organizations not listed in the constitution as the equals of the five named organizations. Most religious groups stated the government favored the MOC-OA by granting it unique tax privileges, providing public properties free of charge, offering funding for the construction of new Orthodox churches, and providing exclusive invitations for its representatives to attend government functions. These other religious groups said the ruling coalition’s dominant ethnic Macedonian, and predominantly Orthodox party had politicized religion for its own political gain by appealing to the religious beliefs and identity of the country’s majority and by using the MOC-OA<sup>17</sup> as a tool to that end (UN State Department 2014).

Given that Macedonian society is multi-religious with five of the numerous religions accorded constitutional status, one cannot talk about an exclusive role that religion might have played in the creation of contemporary Macedonian nation. The largest religious groups are Orthodox Christianity (to which most ethnic Macedonians belong) and Islam (which is followed by most Albanians). Although historically these two largest religious

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<sup>14</sup> Representatives of the Jehovah’s Witnesses complained that their missionaries were subject to harassment by police when distributing religious material.

<sup>15</sup> The Bektashi complained that they continued to receive threats from individuals with different interpretations of Islam.

<sup>16</sup> The self-declared Orthodox Archbishopric of Ohrid is awaiting a ruling regarding its application to register as a recognized religious organization, which courts had denied on the legal grounds that it could not substantiate the difference between its name and symbols and those of the MOC-OA.

<sup>17</sup> So far, the MOC-OA remained the sole registered Orthodox group, due to the requirement that religious groups seeking recognition not have names or symbols similar to those of an already registered group.

groups have successfully co-existed, due to the experiences they underwent in the former Yugoslavia, there is a danger of their confrontation.

So far, that danger is minimal; moreover there exists an element that bridges the ethno-religious divide: Albanians who are Christians, and Macedonians who are Muslims. These small religious groups can be a connecting element between the two religions. In addition, religious communities can be a cohesive factor in ethno-political life, when it is divided by the ideological platforms of the political parties; thus religion can play a part in strengthening the ethnic identity of the communities in the state. Therefore, there needs to be a combination of organic and voluntary discourse in the use of religion as a social resource in building the modern Macedonian nation.

### **Conclusion**

The contemporary nation building process in Macedonia should continue within the existing cultural matrix. Religious groups, in essence, are calling for peace, tolerance and respect for the "other", which can contribute to building a multicultural society. On the other hand, disrespect and manipulation of religious particularity can adversely affect the building of the sense of a single nation. In a society such as Macedonia's, inter-religious cooperation is very important. Only this multicultural concept (combination of organic and voluntary approach) carries any promise for the future of the contemporary nation.

### **References**

1. Haynes Jeffrey (ed.), *Routledge Handbook of Religion and Politics*, (London: Taylor & Francis Group, 2009).
2. Poulton H. and Taji-Farouki, S. (ed.), *Muslim Identity and the Balkan State*, (London: Hurst, 1997).
3. Rudometof Victor, *Macedonian Question*, (Skopje: Euro-Balkan Press, 2003).
4. Lederer Gyorgy, "Islam in East Europe", *Central Asian Survey* (2001), 20(1).
5. Stojanovska G., "Macedonia: Church rage Over Political Reforms". *Institute for War and Peace Reporting*, BCR 292, 31 October 2001, <http://www.iwpr.net>, accessed on 5.11.2001.

6. Сасајковски Славејко, „Ревитализација на верските заедници како политички субјекти“, во Панде Лазаревски и др., *Аспекти на националната безбедност на Република Македонија*, (Скопје: ИСППИ, 2001).
7. Macedonia, International Religious Freedom Report for 2014, United States Department of State,  
(<http://www.state.gov/secretary/remarks/2015/10/248198.htm> acceded 10.11.2015).
8. *Citizen*, no. 27, November 3, 2012.
9. *Citizen*, no. 26, October 27, 2012.
10. *Citizen*, no. 29, November 17, 2012.

## **AN ANTHROPOLOGICAL ANALYSIS OF HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS FROM THE WESTERN BALKANS TO THE EUROPEAN UNION**

Desirée PANGERC – Title: Prof. Ph.D.

CIELS Srl (Padova– ITALY) / Royal Anthropological Institute of Great Britain and Ireland  
(UK)

[desiree.pangerc@gmail.com](mailto:desiree.pangerc@gmail.com)

### **Abstract**

Especially from the 90s, globalization also showed its “dark side”, revealing the continuous increase of two criminal phenomena: smuggling of migrants and human trafficking.

This contribution will analyze the author’s 8 years of fieldwork on the matter, from a standpoint drawn from her research trip from Italy to Bosnia and Herzegovina, through the countries of transit of Slovenia and Croatia, till her recent researches in FYROM/Republic of Macedonia.

This paper will also describe the methodology used on the field, i.e. active participant observation, mimetic approach and transactional analysis. Finally, it will demonstrate to what extent anthropology can provide a decisive contribution in to thoroughly understand the holistic dimension of illegal and forced migrations, also by playing a pivotal role in the prevention phase in the country of origin and not only in the emergency one in the countries of destination.

**Keywords:** Human trafficking, Smuggling of migrants, Western Balkans, Europe, Anthropology of security.

### **Introduction**

Globalization, migrations and security issues are strictly connected (Goldstein, 2010): but, if we can consider globalization and migration as “total social facts” – as we say in anthropology (Palidda, 2002: IX) since every element or representation of the economical, social, political, cultural and religious aspects are involved in this human experience, we

have to underline also the “dark side” of this duo. Especially from the 90s thenceforth, we have been observing a continuous increase of two criminal phenomena linked to forced and illegal migrations: smuggling of migrants and human trafficking.

The first one is defined as “the facilitation, transportation, attempted transportation or illegal entry of a person or persons across an international border, in violation of one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documents” (U.S. Department of State, 2006). The second one is defined as follows by Article 3, paragraph (a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (2000): “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs... The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used”.

These two kinds of exploitation of human beings became a priority in the International Community agenda: the 2013 statistics talk about 20.9 million of victims trafficked worldwide, an underground industry of \$32 billion per year. The UNODC Report *Trafficking in persons to Europe for sexual exploitation* (2010) shows that this is one of the most lucrative illicit businesses in Europe, where criminal organizations are making around \$2.5 billion per year, especially through sexual exploitation and forced labour.

And – only in the European Union – up to 70,000 additional victims are exploited every year. Half of them come from the Balkans (32% more or less) and the former Soviet Union (19%), with 13% originating in South America, 7% in Central Europe, 5% in Africa and 3% in East Asia.

As to the statistics regarding the smuggling of migrants, they estimate an annual income of \$20 billion for the criminal groups, but the number of smuggled people differs from report to report. We can just take for granted that the percentage of smuggled migrants is much higher than that one of trafficked victims.

In fact, the characteristics of the two criminal phenomena (as organized – and in large part transnational) result “in a high dark number and make trafficking [and

smuggling] hard to identify, to control and to prevent [them]" (Savona & Stefanizzi, 2007: 20); for several reasons, the crime is not readily reported to the police and the victims are extremely reluctant to cooperate with the judicial operators, so we can only rely on the data given by the border police or the NGOs which operate in the assistance of the victims (Pangerc, 2012).

### **1. The "Italian Model" and its Success**

At the beginning of my research, I was trained by a great Italian Anti- mafia Prosecutor, Nicola Maria Pace, who explained me the "Italian model" (Spiezia, Frezza & Pace, 2002) and its application to combat these two social scourges. This successful model is characterized by four aspects:

1. Differentiation of every flux of immigrants from the others. The differentiation on ethnical bases showed that every criminal group works in a different way, from the recruitment of the victims to the modalities through which they segregate them, once enslaved (Spiezia, Frezza, Pace, 2002);

2. Analysis of criminal organizations in their transnational dimension, comparing their structure to the one of transnational holdings. As Jean Ziegler (2000) demonstrates in his researches, the new mafias are characterized by:

- a. financial and economical capitalistic structure whose parameters are the maximization of the profit, a vertical control and the productivity;
- b. military hierarchy, which means that every criminal organization has its roots in the extreme violence, is subject to capital accumulation, territorial domination and conquest of the markets; there is a command-obedience relationship, obtained through an authoritarian method;
- c. ethnical structure (Ziegler, 2000) or the form of a "coalition", that is a temporary alliance to reach a specific/some specific goal/s (Boissevain, 1974:171).

These three characteristics exclude one another in everyday life, but by interconnecting them, the criminal organization obtains the maximum level of effectiveness.

3. To diversify the general phenomenon called "trafficking in human beings" in sub-phenomena:

- a. trafficking in women and minors for sexual exploitation;
- b. trafficking in men, women and minors for labor exploitation;

- c. the issue regarding the so-called *argat*<sup>1</sup> or minors “in leasing”;
- d. human organs trade;
- e. illegal adoptions;
- f. forced marriage;
- g. money laundering, obviously connected to the previous illicit activities.

This model was used in several police operations, assuring their success: the most famous is *Operazione Oriente 1*. This operation conducted to the dismantling of a transnational criminal network committed to human trafficking and smuggling of migrants, whose leader was a boss of the Chinese mafia, Xu Bailing. The main cell, formed by Bailing and two Croatian mafiosi, was controlling a criminal activity which yielded an amount of 130 billion Italian lire (99 million dollars) per year and which illegally introduced 5,000 migrants from the Far East to Italy in just over 9 months.

According to the Prosecutor, some of these migrants were considered “special loads”, because they were destined to the organ trade, with the possible killing of the smuggled persons. Moreover, some scabrous details emerged from the wiretappings, for instance the physical violence used by the slave drivers on the victims, like brawls or other form of tortures, in order to facilitate further payments for the transit of the human merchandise.

In the so-called “bull's game”, two migrants were obliged to head butt each other, while the slave drivers of the different sorting centers recorded their painful screams in order to send the tapes to the families or friends of the victims in the country of origin. The criminal network also decided if to sell the migrants to another criminal group or not and, if

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<sup>1</sup> *Argat* or “slave” is a Roma term used in opposition to *gazda*, which means “owner”. This phenomenon refers to the buying and selling of children, common issue among some Roma communities but also in the rural Albania. In fact, in some parts of Albania, every aspect of life is still disciplined by the *Kanun*, a code of 1,262 articles which regulate all aspects of the mountainous life: economic organization of the household, hospitality, brotherhood, clan, boundaries, work, marriage, land, and so on. In Book Three “Marriage”, Chapter Six “The Family”, article XXXIII, paragraph 59 (Fox, 1989: 44), we can read: “The father has the right: a) over the life and sustenance of his sons; b) to beat, bind, imprison, or even to kill his son and daughter without being liable before the law, which considers this to be the same as suicide [...]; c) to place his son in paid service as many times as he likes [...]; d) over the earnings of his son, whatever these may be; e) to sell and to buy, to give and to take [...]”.



this happened, the new slave drivers demanded further money for the transit of the victims transit of the victims (Pangerc, 2012).

After *Oriente 1*, a lot of counter-trafficking operations used the same model with success: this is why the Italian model was exported abroad, especially in the Balkans, through various meetings of the Ministries of the Interiors and the other actors of the judicial cooperation.

## **2. The Importance of International Police Cooperation**

Recent changes in the perception and understanding of security have made effective border security systems as well as comprehensive international police cooperation increasingly important. In many cases, improving a country's frontier controls necessitates extensive legal, organizational and structural changes.

International police cooperation requires international agreements, on the one hand, and a national implementation administrative framework, on the other hand, in order to apply these agreements properly. As an example, I would like to describe the structure of the Police Cooperation Convention for Southeast Europe, with its headquarter based in Ljubljana (Slovenia) and I will give some information I gathered when I visited them in January 2013.

On the 5th of May 2006 in Vienna, during the Austrian presidency of the EU, the Ministers of Interior from Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Romania and Serbia, signed the Police Cooperation Convention for Southeast Europe. After ratification by all seven signatory states, the Convention entered into force on the 10th of October 2007. In addition, Bulgaria acceded to the Convention on the 25th of September 2008, Austria on the 24th of May 2011, Hungary on the 6th of July 2012 and Slovenia on the 14th of December 2012.

Its Secretariat is hosted by DCAF (Democratic Control on Armed Forces, an international foundation located in Geneva with permanent offices in other countries, retrieved from [www.dcaf.ch](http://www.dcaf.ch)) Ljubljana. The Secretariat became operational on 1 September 2008. The work of the Secretariat is executed by DCAF Ljubljana staff and secondees from Donor Countries and Contracting Parties.

The PCC-SEE, under the political guidance of the Committee of Ministers and the supervision of the Expert Working Group the Secretariat is mandated with the following main goals: to execute the tasks specified by the Committee of Ministers and the Expert

Working Group; to coordinate and catalogue all Convention related activities; to promote the exchange of best practices among the Contracting Parties; to organize the meetings of the Committee of Ministers and the Expert Working Group; to be the contact point for the Contracting Parties and the international partners; to give assistance for the implementation of the Convention; to create a list of experts for every field relevant to the PCC-SEE activities; to report on its functions and activities under the Convention directly to the Committee of Ministers at ministerial meetings, or indirectly through the Expert Working Group; finally, to keep the partners and the public informed about its developments.

The main activities for the full implementation of the Convention are based on three pillars: the decision-making process, the implementation programme and the operational cooperation. As to the first pillar, article 33 of the Convention states that the Committee of Ministers decides unanimously on the implementation, interpretation and application of the Convention. The decision making process of the Committee is modeled on the practice of the European Union in order to be more effective and transparent. One of the bodies involved in the decision making process is the Expert Working Group, whose role is to monitor the application and the implementation of the Convention and to make recommendations to the Committee of Ministers.

As to the implementation programme pillar, with the support of international partners, Contracting parties are preparing the establishment of operational capabilities for full implementation of the Convention.

As to the operational cooperation pillar, the Convention itself provides a toolbox for operational cooperation, which should start almost immediately.

The activities carried on are several: joint threat analysis, liaison officers, hot pursuit, witness protection, cross-border surveillance, controlled delivery, undercover investigations to investigate crimes and to prevent criminal offences, transmission and comparison of DNA profiles and other identification material, technical measures for facilitating transborder cooperation, border search operations, mixed analysis working groups, joint investigation teams, mixed patrols along the state border and cooperation in common centres (information retrieved from <http://www.pccseesecretariat.si>).

I analyzed the PCC-SEE Cooperation because it is one of the coordination and operative organisms I know better and because it is an initiative implemented mainly by the Western Balkans, but there are also other ones we must mention, for instance Eurojust, whose mission is to support, stimulate and strengthen coordination and cooperation

between national investigating and prosecuting authorities in relation to serious crime affecting two or more E.U. Member States (retrieved from <http://eurojust.europa.eu/Pages/home.aspx>).

The main problems these coordination structures are connected to the lack of fundings to implement all the activities and to find a long-term strategy focused on the vocational training of the border police, in order to eradicate the problems of the corruption or, worst, the connivance between the police officers and the criminal groups.

### Researching on the Field

Figure 1: Source: "The post", retrieved from <http://www.ilpost.it/2015/04/20/mappa-migranti-italia/>.



As we can see in the figure above, the Western Balkans are a very complex net in which immigrants' fluxes can be channeled by the criminal groups involved in smuggling and human trafficking. All this area is a hub from routes which starts from Afghanistan, Iran, Turkey and now, after the recent political events, from North Africa and Ucraina.

In 2006, I decided to follow one of these routes from a country of arrival, Italy, through some countries of transit, such as Slovenia and Croatia, and then to stop in Bosnia and Herzegovina. I did my fieldwork there between 2008 and 2010 and the reason of my choice was the peculiar situation – regarding especially human trafficking – I discovered after some months spent on the field (Pangerc, 2012).

I arrived in Bosnia and Herzegovina in the middle of September 2008. There, I officially started to work as a Program Officer for the Local Technical Unit of the Italian Embassy in Sarajevo. My work consisted in evaluating and monitoring all the Italian cooperation initiative in the country, especially those concerning the justice system and the protection of the vulnerable social groups.

Bosnia and Herzegovina is what David Thuerer (1999) defines a “failed State”<sup>2</sup>: a State in which state institutions collapsed – especially the police and the judiciary system, the organs devoted to the activities of control and monitoring. The result is a paralysis of governance, a breakdown of law and order, and general social chaos; on the other hand, there is an expansion of illicit markets and trades, for instance human trafficking.

I said before that I thought to be perfectly prepared to my fieldwork research because I knew the historical background of the country, the socio-political situation (Yenigün & Gjara, 2011) and how to approach the victims of human trafficking. When I met one of the most experts in human trafficking, operating there for one Cooperation Agency, he quickly stopped my introduction, in order to reply: “But there is no human trafficking here in BiH. Have you read the Trafficking in Persons report<sup>3</sup>? Bosnia and Herzegovina was promoted, the country is in the II Tier, its government made great efforts in fighting human trafficking and was successful”.

In fact, in the past BiH has generally assessed as a country of transit and destination for victims – especially women from Eastern Europe. With a lot of operative measures to control the borders and with the key-role performed by the International Police Task Force till 2003, the procedures to smuggle the victims in and out of the borders were too risky for the criminal organizations, so the external trafficking came to an end (OSCE, 2007). Statistics showed that. But Benjamin Disraeli’s words give us a help: “There

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<sup>2</sup> Some scholars could argue that the Western Balkans cannot be defined “failed States” but only “weak States”, according to the Failed States Index 2008 or the following ones. I continue to be very cautious with indexes and statistics, because I experienced on the field what I write and I prefer qualitative analysis rather than contrasting data.

<sup>3</sup> “The Trafficking in Persons (TIP) Report is the U.S. Government’s principal diplomatic tool to engage foreign governments on human trafficking. It is also the world’s most comprehensive resource of governmental anti- human trafficking efforts and reflects the U.S. Government’s commitment to global leadership on this key human rights and law enforcement issue. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it” (retrieved from <http://www.state.gov/j/tip/rls/tiprpt/> ).

are three kinds of lies: the big lies, the small lies...and the statistics". Obviously I agree with him, because Bosnia and Herzegovina is still a country where this human right violation is present.

When I met the assistant of the State Coordinator for Counter- Trafficking in BiH, she told me: "You ask me how organized crime operates here, but I have to tell you that only two local mafiosi trafficked in human beings, Milaković – who operated in Prijedor – in the past and now Kučević who operated in Tuzla" – Kučević was convicted in 2009, while I was in Sarajevo. But the local newspapers continuously reported cases of trafficked people, trafficked not by criminal groups but by common people, NGOs continued to ask the Donors Community for money to finance shelters, rehabilitation activities and so on. And she explained me: "You are asking about mafia. The problem here is that common people started to traffic women and minors. You cannot believe it, but last week we discovered three women enslaved by a mother and her son in a village not far from here". (Pangerc, 2012: 169)

The Italian model I had in my mind was not useful to continue my researches: I had to change my methodology and to start thinking about *crime perception* (Bauer, 2013). First of all, I was on the field in order to put in practice the active participant observation, theorized by Bronislaw Malinowski, by collecting facts and not data; to adopt a mimetic approach, useful to create my social network and to analyze the others; to use an actor-oriented approach, by dividing the network of my gate-keepers into three levels; an informal one, formed by people; an operative one, i.e. experts from EUFOR and EUPM, local police, social operators from NGOs; finally, an institutional one.

What I found through this method was that the country had been increasingly starting to face a new form of human trafficking, whereby Bosnian women and minors – minors especially from Roma communities – were being recruited and exploited within its borders. This internal trafficking "is harder as we can only find out about by special intelligence and surprise raids, both requiring a lot of resources and impossible to keep up as a standard approach", an investigator noted (Savona and Stefanizzi, 2007:18).

As to the statistics – mostly provided by NGOs which are on the field, the number of identified victims of trafficking in human beings for the purpose of sexual exploitation stagnated since 2003. However, in 2007, although the number of identified victims of trafficking in human beings for the purpose of sexual exploitation was the lowest since this phenomenon has been monitored systematically, the number of citizens of Bosnia and Herzegovina who had been identified as victims of trafficking in human beings for the

purpose of sexual exploitation within its borders, for the first time exceeded the number of identified foreign victims of trafficking in human beings. The 44% of the total identified victims were minors, all from BiH (OSCE Report, 2009): the number of children working on the streets was constantly rising, due to a lack of efficient mechanism of protection by relevant institutions, particularly among minority groups, such as Roma as I said before.

Another big problem was the involvement of common people in this trade: human trafficking was no more considered a crime *stricto sensu*, but "just a business" for normal people. Big criminal groups decided to choose other illicit trades, such as arms and drugs, easier to manage. The traffic changed its operational context: single criminals or common people created an internal market, in order not to cross anymore the country borders, with the high possibility to be arrested. Consequently, this explains why the victims were recruited between Bosnian girls and minors and no more from the other countries. Moreover, this underlines once more the scarce involvement of the civil society and the lack of information regarding what local Institution do (OSCE Report, 2007): this situation is quite common in all the Western Balkans.

Anyway, according to the TIP 2008, the great efforts made by the Bosnian government to combat the phenomenon through a normative framework, the creation of a State Office dedicated to the issue, the organization of a coalition of 5 NGOs to assist the victims and the significant reduction in the number of people trying to illegally pass the border, proved that BiH was a virtuous country: the dyscrasia between rules/statistics and reality is evident. And it was more evident during my second short mission in BiH in July 2012: after the results of the TIP Report, the International Community decided that there was no need to fund the initiatives to combat human trafficking: so the State Coordinator became a role without importance and the NGOs coalition was broken. Only one of them is still trying to provide assistance to the victims and to protect them: "Emmaus International" which manages the only remained shelter. So, now BiH is again a country of origin and transit, abandoned by the International Development Agencies.

## Conclusions

As already said, the common perception in BiH but also in the majority of the Western Balkans is that human trafficking is just a business (mainly for the traffickers but also for the trafficked because of their extreme poverty) and not a crime against humanity. So the challenge is to change this wrong perception and to work on raising awareness

among civil society. Moreover, it is very important to stop this human rights violation to focus on the victim status, that is criminal justice intervention must ensure victim protection and assistance: this because victims are fundamental as witnesses during the trials.

As Jo Goodey says (2004), the treatment of trafficked women as victims of crime and their treatment as criminal justice informants are different between EU Member States and not EU Member States and this is a very big problem. "It is very hard to identify a victim who does not co- operate or, as often happens, denies his/her status, does not accept our view of him/her as a potential or real victim [...]. It is also clear that if the victim role is not beneficial to the presumed victim, he/she will have no reason to come to us [...]" (Report from Finnish Police, 2006). The weak legal status of the victims in the legislations of most nation states contributes to their reluctance to report the crimes and to co-operate with authorities during the investigation and court proceedings (Savona and Stefanizzi, 2007:20).

So, by working on crime perception and through an anthropological perspective, my suggestions are:

1. the International Community and the local government must continue to work on raising awareness among civil society and on prevention campaigns;
2. an adequate vocational training of the local police and social operators is also required in order to ensure the success of the operations and, after, the collaboration of the victims (this vocational training should be carried on by high specialized expert with a cross- cutting approach);
3. a more structured coordination between institutional, judicial and social actors allow to cut expenses for small projects and to channel resources for an effective long-term strategy in counter- trafficking (Pangerc, 2013).

Anthropology of security and action anthropology can offer a great contribution in fully understanding the holistic dimension of illegal and forced migrations, also by playing a pivotal role in the prevention phase in the country of origin and not only in the emergency one in the countries of destination.

Anthropology of security provides the theoretical framework regarding the "relationships between security discourse and practice, human and civil rights, and the entailments of neoliberalism by offering a perspective on these issues that is at once ethnographically sensitive and attuned to contemporary global interconnections" (Goldstein, 2010: 487), whilst action anthropology, "being a scholarly enterprise based in field research,

data collection, and theory building, during which the anthropologist is also committed to assisting local communities in achieving their goals and meeting specific felt needs, [...] contributes to the community while learning from their experiences [...] and discovers local concerns in the course of ethnographic work and engages local resources in addressing them". (Birx, 2006: 56).

### References

1. Bauer, A. *Dernières nouvelles du crime*. (Paris: CNRS Editions, 2013).
2. Birx, J. (Ed.). *Encyclopedia of Anthropology*. Vol I. (SAGE Publications, 2006).
3. Boissevain, J. *Friends of friends. Networks, Manipulators and Coalitions*. (New York: St. Martin's Press, 1974).
4. Buzan, B. & Hansen, L. *The Evolution of International Security Studies*. (Cambridge: Cambridge University Press. 2007).
5. Esman, M. J. *Diasporas in the Contemporary World*. (Cambridge: Polity Press, 2009).
6. Cameron, S. & Newman, E. (2008). *Trafficking in humans: social, cultural and political dimensions*. New York: United Nations University Press.
7. Fox, L. *Kanun: The Code of Leke Dukagjini*. (New York: Gjonlekaj Publishing Company, 1989).
8. Goldstein, D.M. Towards a critical anthropology of security. *Current Anthropology*, Vol. 51, n° 4, pages 487– 517. (Chicago: The University Chicago Press, 2010).
9. Goodey, J. Sex trafficking in women from Central and East European countries: promoting a 'victim- centred' and 'woman- centred' approach to criminal justice intervention. In *Feminist review*, 76, (Palgrave: 2004), pages 26– 45.
10. OSCE. *Report on the situation of trafficking in human beings and illegal immigration in Bosnia and Herzegovina and Report on the implementation of the Action Plan for combating trafficking in human beings and illegal immigration in Bosnia and Herzegovina* (2007).
11. OSCE (2009). *Report on Trafficking in Human Beings and Responses of the Domestic Criminal Justice System: A Critical Review of Law and Emerging Practice in Bosnia and Herzegovina in Light of Core International Standards*.(2009)
12. Retrieved from  
[http://www.oscebih.org/documents/osce\\_bih\\_doc\\_2009070710460618eng.pdf](http://www.oscebih.org/documents/osce_bih_doc_2009070710460618eng.pdf)



13. Palidda, S. Introduzione. In Sayad, A. *La doppia assenza. Dalle illusioni dell'emigrato alle sofferenze dell'immigrato*. (Milano: Raffaello Cortina Editore, 2002).
14. Pangerc, D. Processi migratori e traffico di esseri umani – Verso una differenziazione operativa del concetto. *Dedalus* n°5, July– August, pages 37-41. (Milano: Albo Versorio, 2008).
15. Pangerc, D. Trafficati. Esperienze di viaggio. *DADA – Rivista di Antropologia Post-Globale*, n° 1 Speciale "Antropologia del viaggio". Retrieved from [www.dadarivista.com](http://www.dadarivista.com). (2011).
16. Pangerc, D. *Il traffico degli invisibili. Migrazioni illegali lungo le rotte balcaniche*. (Roma: Bonanno Editore, 2012).
17. Pangerc, D. Illegal Migrations Along the Balkan Routes. *SDU Faculty of Arts and Sciences Journal of Social Sciences – Vol. 2 Special Issue on Balkans*, (2012), pages 139-147. Retrieved from [http://sablonsdu.edu.tr/dergi/sosbilder/dosyalar/27/OS\\_12.pdf](http://sablonsdu.edu.tr/dergi/sosbilder/dosyalar/27/OS_12.pdf).
18. Pangerc, D. Anthropological Methods in Counter-Trafficking Activities: Analysis of Criminal Networks and Victim- Oriented Approach In *Anthropology and Security Studies*, Anton Hurtado F. & Ercolani G. eds., (Murcia: Editum, 2013), pages 185-198.
19. Savona, E. U., & Stefanizzi S. *Measuring Human Trafficking. Complexities and Pitfalls*. (New York: Springer, 2007).
20. Spiezia, F., Frezza, F. & Pace, N.M. (2002). *Il traffico e lo sfruttamento di esseri umani – Primo commento alla legge di modifica alla normativa in materia di immigrazione ed asilo*. (Milano: Giuffrè, 2002).
21. Thuerer, D. (1999). The 'failed state' and international law. In *International Review of the Red Cross* n° 836, pages 731– 761.
22. UNODC *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime*. Retrieved from: [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf). (2000)
23. UNODC. *The Globalization of Crime. A Transnational Organized Crime Threat Assessment*. (2010). Retrieved from: [http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA\\_Report\\_2010\\_low\\_res.pdf](http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf).

24. UNODC. *Trafficking in persons to Europe for sexual exploitation (2010)* Retrieved from [http://www.unodc.org/documents/human-trafficking/UNVTF\\_fs\\_HT\\_EN.pdf](http://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf).
25. U.S. Department of State *Trafficking in Persons Report*. (2009-2013) Retrieved from <http://www.state.gov/j/t/p/rls/tiprpt/2013/>.
26. Yenigün, C. & Gjani F. (Eds.). *Balkans: Foreign Affairs, Politics and Socio-Cultures*. (Tirana: Epoka University Publications, 2011).
27. Ziegler, J. *I signori del crimine*. Milano: Marco Tropea Editore. (Original work published in 1998, ed. 2000).

## THE LINKS BETWEEN WOMEN TRAFFICKING AND ORGANIZED CRIME IN POST-YUGOSLAV SOCIETIES

Tanja Miloshevska, PhD

Ss.Cyril and Methodius University, Faculty of Philosophy,  
*Institute of security, defense and peace, the Republic of Macedonia*

Desirée Pangerc, PhD

Padova-Italy,  
*Royal Anthropological Institute of Great Britain and Ireland (UK)*

### Abstract

Human trafficking is the only part of transnational organized crime in which women are notably represented – as victims, perpetrators, and as activists seeking to combat this crime. Woman trafficking is a large and rapidly growing component of transnational organized crime. The paper focuses on the main aspects and trends in women trafficking and expands upon the knowledge of activities carried out by human traffickers with a focus on links to organized crime. Particularly, the paper implies to answer the question, “What link exists between women trafficking and organized crime?” This paper aims to research women trafficking in the post-Yugoslav societies and to gain better understanding of this phenomenon that represent one of the security problems for this region. The violent Yugoslav disintegration and economic decline altered traditional social relations in ways that led to more exploitative trafficking exchanges of women and young girls and the proliferation of new networks of suppliers, distributors, and clients. More research in this field would allow a comprehensive understanding of the underground alliances and the different roles organised criminal groups can play in this context.

**Key words:** human trafficking, women trafficking, organized crime, violence, post-Yugoslav societies.

### Introduction

Unbridled ethnic conflict on a scale not witnessed in Europe since 1945, several episodes of external intervention (often involving the overwhelming use of force), and the

unabated use of violence by criminal elements provided waves of challenges to civil society in the Balkan region. As the more explicit challenges to law and order—genocidal activities and overt civil war—were quelled through external intervention, transnational crime surged. Transnational crime networks have long historical records in the Balkans, and include cigarette, heroin, and arms trafficking that predate the collapse of Yugoslavia. Nonetheless, the Yugoslav wars and their aftermath intensified the scale of transnational crime and the levels at which criminal networks preyed on the population. (Friman & Reich 2007).

Trafficking of women for sexual services is best understood in the context of cultural practices and economic incentives. Long (2006) posits trafficking as an exchange transaction involving an array of different parties and women as objects/providers of services being exchanged. The motivations of such actors, conditions and organizational patterns that facilitate the trafficking exchange are worth in-depth analysis. The forms of exchange transactions differ a lot. Long also focuses on “the gift, the service and the commodities exchange” and, drawing on examples from Post-Yugoslav societies, traces the ways in which these dimensions have changed over time. For example, gift transactions involving women have a long history in the Balkans.

However, the violent Yugoslav fragmentation and economic downturns altered traditional social relations in ways that led to more exploitative trafficking exchanges of women and young girls and proliferation of new networks of suppliers, distributors, and clients.

### **Root causes of Women Trafficking in Post-Yugoslav Societies**

#### *1. The Transition to a Free-Market Economy*

The process of economic transition has led to a decrease in the quality of life and the accelerated spread of poverty to a large portion of the population in the countries of South Eastern Europe and the former Soviet Union. Women have been particularly vulnerable to trafficking networks because the post socialist transition has displaced many of them, and because the “feminization of poverty” has been particularly acute in the former socialist countries (Moghadam, 2005). The transition process in the countries of former Yugoslavia has also led—as a secondary effect—to weakening of state institutions. Simultaneously, the institutions have become even weaker due to the widespread corruption. It is estimated that the degree of the increase in criminal activity in most

countries in the region is inversely proportional to the successes that the respective states have achieved in implementing market economy and democratic reforms.

Expansion of neoliberal capitalism, deepening gap between poor and rich countries, and the dependent development of post-communist countries do not give ground for expectation of any stable welfare state in near future (Sklair, 1991: 233). The costs of economic change are very high, especially in poorer and war-torn countries. The new forms of exploitation and slavery are hidden in the obscure spaces of the market economy: migrants and criminal organizations find a sort of common agreement, even though this relationship is clearly asymmetric in favor of the exploiters, who have capital, information, logistic support, knowledge of the territory and well established social networks (Pangerc 2012).

Both globalization and the development of organized crime are important factors which facilitate sex trafficking (Williams, 1999: 202). The confluence of two forces has enabled the development of the sex industry, which is "based on and perpetuated by prevailing unequal socially and culturally defined gender and power relations." Immigration laws and policies in destination countries, including policies on migrant labor, migration, and prostitution, and corrupt officials in sending, transit, and destination countries, further contribute to the development of sex trafficking merely by making organized crime possible (Konig, 1997: 17).

## *2. The Opening of the Borders*

It is well known that much of the "new" trade in human beings has emerged from the former socialist bloc since the opening of the borders at the beginning of the 1990s, after the end of the Cold War (Shelley, 2003). Moreover, opening of the borders has led not only to the increase of cooperation at all levels between countries in countering illegal immigration, but also to rise of organized criminal activity, including human trafficking. The Balkans, with the large presence of international administration, organizations, police, and military forces, the attendant confusion in jurisdiction, corruption, and inefficient and biased law enforcement system, and its short distance from the post-communist countries with large supplies of desperate women, is ideal destination for traffickers wishing to avoid risks and unnecessary expenses. Moreover, women from other East European countries usually do not need visas to get to the former Yugoslavia, which make traffickers' tasks even easier.

When recruiting women, organized crime relies largely on myths about Western countries which exist among women in post-communist countries.

### *3. The Existence of a Developed "Black Market"*

As it is the case with all forms of organized crime, the existence of a developed "black market"—even since the communist period—has played a major role in the establishment and development of illegal networks and routes of traffic. All the centralized economies of Eastern Europe harbored developed black markets, due to the incapacity of the official economies to meet consumers' basic needs. Against this backdrop, after 1990 different criminal groupings began to appear, taking advantage mainly of the weakness of the state and the corruption of state structures.

### *4. The Wars in the Former Yugoslavia*

The collapse of Yugoslavia and the wars that emerged led to the increase of organized criminal activities in South Eastern Europe. The need to finance war efforts of the various groups involved in the conflicts led to the appearance of a so called "war economy," which generated its funds from illegal activities (Caldor, 1999). The networks and markets established during the war were maintained even after the war ended, as they had proved themselves to be very efficient. Sometimes even the peacekeeping forces were involved in such activities (mainly human trafficking and prostitution). Moreover, in addition to their occasional active involvement, the peacekeeping forces formed an important consumers' market for the products of these criminal groups (Report, 2003). The ethnic, religious, social, and national differences that are supposedly so deeply rooted in the Balkans disappear when it comes to the money generated by these illegal activities.

#### *4a) Sex Trafficking During and After Ethnic Conflicts*

Ethnic conflicts in the former Yugoslavia have contributed significantly to the vulnerability of women to sex trafficking. Although only sporadically mentioned in works on wartime sexual violence, sexual slavery and sex trafficking is strongly connected to war rapes and forced prostitution. Post-war militarization and the large presence of

international organizations further contributed to the growth of sex trafficking in the Balkans.

Because of its better economic situation at the beginning of 1990s, Serbia was one of the main destination countries within Eastern Europe at least for certain period of time. Later on Serbia became mainly a transit country, both to neighboring territories where the raging war brought a large military presence, and to Western Europe. Women from the Ukraine, Russia, and Romania make up the majority of women trafficked through Serbia. They are most often used as prostitutes in Serbia for some time and then sold further, mainly through Montenegro to Italy. A similar situation exists in Macedonia. Although the economic situation in Macedonia was difficult throughout the transition, its geographic position, large presence of NATO forces, and strong Albanian mafia contributed to it becoming one of the main transit countries for many trafficked women (Bacanovic, 2001). Women from Bulgaria, the Ukraine, Mongolia, Moldova, Romania, and Albania prevail among those trafficked to or through Macedonia. From there, women are trafficked to the Middle East and Western Europe, mainly via Greece. Serbia and Macedonia are often transit countries for the trafficking of women from other East European countries to Kosovo, as well. According to official data, more than a half of women whom IOM assisted entered Kosovo from Serbia, and about a third of them entered from Macedonia. Also, women sometimes enter Kosovo from Albania. Women are usually sold three to six times during their journey to Kosovo (IOM 2000-2001).

Thus, the geographical position of the Yugoslavia predestined it to a role of crossroads for different illegal channels. This makes trafficking in women (as well as other forms of transnational crime) in the Balkans a particular case in comparison to both Western countries and other parts of Eastern Europe. As a consequence, factors which contribute to trafficking in women from, through and to the Balkans are connected with the ethnic conflicts in the former Yugoslavia and with the transition from communism in Eastern Europe, as well as with the broader processes of militarization and globalization of the region.

### **Violent Entrepreneur Model – Balkan Crime Groups**

The Violent Entrepreneur Model pertains almost exclusively to the trafficking of women. These crime groups do not traffic laborers, although they traffic drugs and arms along the same routes and sometimes move all of these commodities simultaneously. Their human victims are large numbers of women from Balkan states, as well as women from the

former Soviet Union and Eastern Europe sold to Balkan crime groups. These criminal groups initially made their profits by offering the women to peacekeepers stationed in Kosovo. They also developed extensive international networks, running an integrated business by controlling the women from the time of “acquisition” in the Balkans through their exploitation in the brothels of Western Europe.

This is an opportunistic model in both the source and recipient countries. The civil conflict and subsequent instability in the Balkans in the 1990s resulted in large numbers of vulnerable women. Female victims were often those whose families had died or women seized as part of blood revenge by one family against another. The women had already been traumatized by the violence of war or that of internecine feuds among families and clans. Balkan traffickers operate within family groups. Therefore, although men control the organizations, there are cases in which female family controls operations in a particular country or region members or by outsiders (Shelley, 2010).

This model results in very significant violations of human rights and terrible violence against trafficked women. The model's reliance on violence in all stages of its operations makes it the most serious violator of human rights. Threats to family members at home are combined with terrible physical abuse of the women.

Organized criminal groups increasingly deal with trafficking for forced prostitution because of the low risk of apprehension and the relatively light penalties criminals receive if caught. There are two other factors influencing the rise of criminal activities in this area:

The first is that it is the most lucrative kind of business among human trafficking and smuggling activities. According to Interpol an exploiter can earn over 100.000 Euros a year on each woman exploited;

The second is that trafficking for sexual exploitation often develops and builds on the local underworld's rings, which traditionally control the exploitation of prostitution. On the expertise and cultural profile, organized crime groups have not difficulties in dealing with them. There are different ways for traffickers to enter into underground system of prostitution.

Some traffickers rely on pre-existent networks of sexual exploitation to supply trafficked women and girls; others run the business independently, creating their own structures for the exploitation of women and girls.

The worldwide expansion of trafficking activities is not always sponsored by complex criminal organizations: free-lance traffickers and small enterprises are also very active in the field. Considering their size, the degree of integration in the underworld



system of prostitution, as well as in legal society, some distinctions can be made among the criminal groups that can be roughly divided into three main categories:

1. small and loosely connected criminal groups,
2. middle-size criminal groups, and
3. Complex trans-national criminal organizations (Monzini, 2001).

In the small and loosely connected criminal groups, usually recruiters also act as transporters and exploiters, and they are friends or acquaintances of the future victims. Once abroad they introduce them to the established criminal networks (preferably of the same nationality) which are a part of the lowest circles of illegal prostitution.

Middle-size criminal groups are different from small organizations in that they specifically provide trafficked women and girls to supply sex markets of foreign countries. Some of these groups focus their activities uniquely on the recruitment and transport of victims. They make profits "selling" their victims to intermediaries and procurers in the industry's main transit points, in particular the capital cities and/or border areas. More sophisticated middle-size groups organize the so-called "mobile prostitution" (Nurmi, 1999). It consists in moving or rotating trafficked women from one place to another, both internally within a country, and across national borders, mainly to western European countries.

Prostitution is prohibited by law in most Balkan countries and it becomes not only a serious social problem, but also an important source of income for organized crime (Sarang & Hoover, 2005:19).

Finally, more complex transnational criminal organizations are those able to control and co-ordinate every phase of the trafficking procedure, from the recruitment of women and girls in their origin countries to their exploitation abroad. These networks are highly specialized. Several professional figures, some of which are well integrated in legal society, partake in the business.

### **Recent Trends on Women Trafficking in Post-Yugoslav Societies**

In the Post-Yugoslav countries, the increase in demand and supply for trafficking has lead to the growth of the trafficking in women and girls for sexual exploitation. However, this paper reveals an even greater complexity in trafficking patterns in the region.

These patterns vary extensively by the country of origin and ethnicity of the women being trafficked; by economic conditions within different areas of individual countries and

relative to other countries in and outside of the region; and by shifting patterns of local and foreign demand.

**Slovenia** is a destination and, to a lesser extent, a source and transit country for women and children subjected to sex trafficking (Trafficking in Person Report (TiPR), 2015). Women from Slovenia, Moldova, Serbia, Croatia, Ukraine, Romania, Slovakia, the Czech Republic, and the Dominican Republic are subjected to forced prostitution within the country and transit through Slovenia to Western Europe, primarily to Italy and Germany, where they face the same form of exploitation. From the prosecution point of view, the Government of Slovenia demonstrated improved anti-trafficking law enforcement efforts in 2012, as trafficking investigations and prosecutions increased and its judiciary utilized the trafficking statute to convict trafficking offenders. Slovenia prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from one to 15 years' imprisonment for offenses. (Trafficking in Person Report (TiPR), 2015).

Women and girls from **Croatia**, some of whom respond to false job offers online, fall victim to sex trafficking within the country and throughout Europe. Women and girls from the Balkans and Eastern Europe are subjected to sex trafficking in Croatia. Trafficking convictions increased but law enforcement efforts remained inadequate relative to the size of the problem, with light sentencing for perpetrators. The government identified more victims, but experts believed the true extent of trafficking in Croatia remained higher than the number of victims identified by the government. Croatia prohibits all forms of trafficking through Articles 105 and 106, which prescribe penalties of one to 15 years' imprisonment. (Trafficking in Person Report 2015).

According the US State Department report, **Bosnia and Herzegovina** was the only country that fulfills the minimum standards for combating trafficking (Tier 1 in 2010, 2011), and which in recent years has managed to make clear progress in its efforts to implement legislation on trafficking. But in 2012-2015 the state has dropped into Tier 2 (TiPR, 2015). In the view of the general characteristics stated for the Balkans, Bosnia and Herzegovina is also a country of origin, transit and destination for victims of trafficking, especially women and young girls recruited for forced prostitution, as well as other countries in Western Europe. For example, local women were trafficked out of the country while women from elsewhere in the region were trafficked into the country for prostitution networks that focused on the growing international community as clientele. Women and girls from the European countries are subjected to sex trafficking within the country. The Bosnian victims are subjected to sex trafficking and forced labor in construction and other sectors in

countries across Europe including Azerbaijan, Montenegro, Croatia, Serbia, and Austria. Police corruption creates an environment enabling some trafficking crimes. (TiPR, 2015). The government demonstrated mixed progress on anti-trafficking law enforcement efforts. Bosnia prohibits sex trafficking and forced labor through Article 186 of the Criminal code, which prescribes penalties of three to 10 years' imprisonment.

**Serbia** is a source, transit, and destination country for women subjected to sex trafficking and forced labor, including domestic servitude and forced begging. Local women are subjected to sex trafficking by Serbian criminal groups in Russia, neighboring countries, and throughout Europe, particularly Italy, Germany, and Switzerland (TiPR, 2015). Foreign victims of trafficking in Serbia are from the neighboring countries including Montenegro, Bosnia and Herzegovina, Bulgaria, Romania, and Moldova. Bribery reportedly influences some trafficking cases. Foreign victims were transported to Serbia from Eastern Europe and Central Asia via Kosovo and Macedonia. Serbia serves as a transit country for victims who are transferred from Bosnia, Croatia and Slovenia, for Italy and other countries in Western Europe. Minors, mostly Roma, are traded for sex, forced marriages and begging. The majority of identified victims of trafficking in 2008 were of Serbian origin - out of which more than half were children. Human trafficking is punishable under criminal legislation with imprisonment of three to fifteen years. (Before the amendments from August 2009 the sentence for the crime human trafficking was imprisonment from two to ten years).

**Montenegro** is a country of origin, transit and destination for victims of trafficking, exploited mainly for prostitution and forced work. According to the US State Department, she is also a Tier 2 country from 2010-2015 that does not comply with the minimum standards for the elimination of human trafficking. Montenegro is commended though for investing considerable effort and for the first time publicly acknowledging that the problem of human trafficking exists in its territory. However, the problem of lack of state mechanisms for identifying the victims still exists. The reports from the US State Department from 2009-2012 (Human Rights report, 2012), recommended that Montenegro take aggressive measures to conduct vigorous investigations to prevent crimes of human trafficking, especially for sexual exploitation and forced service operations, and to work on identifying victims and providing assistance for their protection, and particularly highlighted the need to improve special protection to child victims of trafficking. Victims are primarily women and girls from Montenegro, Serbia, Macedonia, Bosnia, Kosovo, and to a lesser extent, other countries in Eastern Europe (TiPR, 2015). It is

believed that criminal networks operate as well in the field of tourism and in trade in young women and girls for sexual exploitation. Internationally organized criminal groups occasionally subject Montenegrin women and girls to sex trafficking in the other Balkan countries. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment.

The lack of visa requirements for most travelers makes it **Kosovo** a vulnerable transit country. Most sex trafficking victims in Kosovo are female citizens, though women from Moldova, Slovakia, Albania, Serbia, and Poland also face forced prostitution in Kosovo. Kosovo's new criminal code and criminal procedure code took effect in January 2013 (TiPR, 2013). Most sex trafficking victims are girls, though criminal groups in Kosovo also force women from Albania, Serbia, Romania, and other European countries into prostitution. Women and girls are subjected to sex trafficking in private homes and apartments, nightclubs, and massage parlors. Traffickers promise employment as dancers and singers in restaurants, and instead force victims into sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. Article 171 of Kosovo's Criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years' imprisonment and a fine of up to 500,000 euro (\$608,000) (TiPR, 2015).

The traffickers also reveal considerable diversity, ranging from family members of victims, to local and foreign organized criminal networks, to corrupt government officials and members of international stabilization and police forces charged with helping to rebuild order in the region. This diversity, and especially the participation of the latter groups in human trafficking, represents a profound challenge to the establishment of the rule of law.

### **Dimensions of Women Trafficking in Macedonia**

Historically located at the major crossroads of the Balkans, Macedonia has been fertile ground for human trafficking since long ago. Now Macedonia joins Croatia and Slovenia as the only countries in the region with Tier One status, according to the cited US State Department report on the achievements of countries in this area in 2013. According to the report, countries are put in three categories: Tier One, Two and Three, with Tier One being for countries that have fulfilled all conditions. Macedonia received Tier One status for the first time in 2008, and has maintained it ever since except in 2010-Tier 2, by breaking up human trafficking chains and prosecuting perpetrators - particularly along the porous western and north-western borders - as well as by providing shelters and services for the victims.

Today Macedonia is one of the leading Balkan countries in terms of the legal structure and the measures taken to combat human trafficking in general. Significant improvements have been made to the criminal legislation, covering this crime. These raised the battle for combating the crime to a higher level and contributed to the country being qualified as a country that fulfills the minimum standards to combat trafficking, which is a step ahead of other countries in the region.

However, Macedonia remains a source, transit and destination country for children and women victims of sexual exploitation. Most of the victims come from Roma population. Foreign victims originate from Albania, Bulgaria, Serbia, Bosnia, Ukraine, and Kosovo. The Macedonian citizens are subjected to trafficking in Greece, Belgium, and other countries in Europe (TiPR, 2013). Macedonia is one of the few countries in the region, which was able to put into practice improved legislation. Amendments to the criminal Code (Gazette of RM, 2002; Gazette of RM, 2004; Gazette of RM, 2008; Gazette of RM, 2009) have helped to combat trafficking in minors and human beings and stiffened penalties. What was once a weak tool for combating this type of crime is now transformed into a detailed, comprehensive base which can be used to seriously combat human trafficking (Ivanova, 2013).

Analyzing the laws in the Balkan states against human trafficking one may notice especially Articles 418(a) and (d) of the Macedonian Criminal code, which prescribe a minimum penalty of four years' imprisonment for trafficking of adults and eight years' imprisonment for trafficking of children. The separate article in combating trafficking with minors means better legislative solution than in the other Balkan countries. However, all countries in the region have made changes in the overall attitude in the fight against trafficking in persons in order to comply with international regulations, especially the Palermo Protocol of 2000.

The biggest problem however remains trafficking of girls, especially minors, for sexual abuse. Macedonia is, like its neighbors, mostly a transit country, due to its geographic location. But is also a country of origin and destination. So, young girls are transported through or to the country for abuse. Foreign victims subjected to sex trafficking in Macedonia typically originate from Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine. The Macedonian citizens are subjected to sex trafficking and forced labor in construction and agricultural sectors in Southern, Central, and Western Europe (TiPR, 2015).

The breakdown of law and security regimes in war-torn countries or countries in transition creates a breeding ground for trafficking in human beings. Wide range of criminal organizations has been reported in South Eastern Europe, ranging from cell-like structures to the loose networks involved in variety of transnational criminal activity, including human trafficking. Their cohesion is based on former political and economic liaisons, on ethnicity or kinship, and—with the use of corruption, violence, and exploitation of public services—on the steady links that have been built up between legal and illegal enterprises (Chatterjee, 2005).

The main routes towards Western Europe are the following: firstly, via Bosnia and Herzegovina, Croatia and partially Slovenia to Italy or Austria; secondly, from Moldova, Romania, Serbia and Montenegro to Albania, and across the Adriatic Sea into Italy; thirdly, from Romania, Bulgaria, Albania and Macedonia to Greece. The changing geographical nature of trafficking facilitates the speed and flexibility of its organizers' ability to shift the 'trade' to areas of stronger demand in a short time, building up new transit routes from countries of supply, cunningly using the existing infrastructure of local travel and job agencies, and discovering a whole network of new middlemen and dubious entrepreneurs interested in the influx of illicit labor. Local criminal groups controlled by transnational networks rushed to build up local chains of brothels targeting peacekeepers as clients, as happened in Kosovo, where a chain of brothels had already been opened before the arrival of the first peacekeepers to the region (Piccarelli, 2002).

At the regional level, the traffic in human beings "represents a very serious and growing threat, not only for the countries in the region, but also for the rest of Europe," since "the Balkans has become the gateway to Europe for organized criminals." (Blunket, 2002). It is an issue of critical importance not only because it infringes upon and challenges the protection of human rights, but also because it has the potential to undermine the process of democratization, discredit the rule of law, weaken efforts to reform and build institutions, promote corruption, and even to threaten the stabilization process in the region.

### **Reflections**

Human trafficking is a growing transnational criminal phenomenon and formidable challenge to national and international security. Although it is not a new phenomenon, it has spread to new regions of the world and become a large part of the illicit global

economy. This paper focuses upon the trafficking of women for sexual exploitation, as this appears to be the most serious and growing form of trafficking in the region of post-Yugoslav countries. A remarkable decline in the standard of living and an increase in insecurity, largely flexibility, instability, and war victimization have led to continued sex trafficking over the last decade. The results from war-torn or unstable regions show that, by dejection legal labor markets and impeding governments in economic and political transition or post-conflict reconstruction, women trafficking contribute to the maintenance of an unstable and fragile political environment.

Simply by critically concentrate and eliminating structural violence we can address the crucial problem in sex trafficking in the post-Yugoslav and other post-conflict societies.

### **Bibliography**

1. Bacanovic, O. (2001). „Women Victims of Human Trafficking“, *Yearbook of the School of Security in Skopje*, 104-116.
2. Blunkett, D. (2002). *Defeating Organized Crime in South Eastern Europe*, Lancaster House Ministerial Conference.
3. Caldor, M. (1999). *New and Old Wars: Organized Violence in a Global Era*, Stanford University Press, California.
4. Chatterjee, J. (2005). *The Changing Structure of Organized Crime Groups*. Ottawa: Royal Canadian Mounted Police, 12, doi: <http://dsp-psd.pwgsc.gc.ca/Collection/PS64-9-2005E.pdf>.
5. International Organization for Migration. (2000-2001). *Return and Reintegration Project, situation report*, February 2000-May 2001, Pristina, 6-7.
6. Ivanova, E. (2013). "Comparative View of the Problem with Human Trafficking In the Balkan Countries". *Balkan Social Science Review* (BSSR), 1 (1).
7. Friman, R., & Reich, S. (Eds). (2007), *Human trafficking in the Balkans*, University of Pittsburgh Press.
8. Human Rights Report: Serbia, (2012). U.S Department of State, doi: [http://podgorica.usembassy.gov/trafficking\\_in\\_persons\\_report2012.html](http://podgorica.usembassy.gov/trafficking_in_persons_report2012.html)
9. Konig, I. (ed.). (1997). *Trafficking in Women*, Vienna: Federal Chancellery.
10. Long, D. Lynellyn. (2006). *Trafficking Exchanges and Economic Responses: Reflections from Bosnia-Herzegovina and Serbia*, Johns Hopkins University.

11. Moghadam, V. M. (2005). „The Feminization of Poverty and Women’s Human Rights”, SHS Papers in Women’s Studies/ Gender Research No. 2, doi: [http://portal.unesco.org/shs/en/file\\_download.php/1ec293d182a88561926ecaac403c5642Feminization+of+poverty.pdf](http://portal.unesco.org/shs/en/file_download.php/1ec293d182a88561926ecaac403c5642Feminization+of+poverty.pdf).
12. Monzini, P. (2001). „Trafficking in Women and Girls and the Involvement of Organised Crime, with reference to the situation in Central and Eastern Europe”, *Annual Conference of the European Society of Criminology*.
13. Nurmi, R. (1999). „Mobile Russian Prostitution in Finland”. *32nd Triennial Conference of the International Abolitionist Federation, Breakdown of Borders*, Copenhagen, Denmark.
14. Official Gazette of Republic of Republic of Macedonia. (2002). 04/02.
15. Official Gazette of Republic of Republic of Macedonia. (2004). 19/04.
16. Official Gazette of Republic of Republic of Macedonia. (2008). 7/08.
17. Official Gazette of Republic of Republic of Macedonia. (2009). 114/09.
18. Official web site of U.S Department of State, doi: <http://www.state.gov/j/tip/rls/tiprpt/2012/192363.htm>
19. Pangerc, Desirée (2012), *Il traffico degli invisibili. Migrazioni illegali lungo le rotte balcaniche*. Roma: Bonanno Editore.
20. Piccarelli, J. (2002). *Trafficking Slavery and Peacekeeping: The Need for Comprehensive Training Program*, A Conference Report, Turin: UNICRI and TraCCC.
21. Romanian Centre for Journalism of Investigation. (2003). *Trade with Poverty, Human Beings Trafficking. Report on the Human Beings Trafficking in the Balkans*, doi: [www.proiect.ns/archives/000032.html](http://www.proiect.ns/archives/000032.html).
22. Sarang, A. & Hoover J. (eds.) (2005). *Sex work, HIV/ AIDS, and Human rights in Central and Eastern Europe and Central Asia*, the Central and Eastern Europe Harm Reduction Network.
23. Shelley, L. (2003). *Human Trafficking: Transnational Crime and Links with Terrorism, Statement to the House Committee on International Relations Subcommittee on International Terrorism, Non-proliferation and Human Rights*, doi: [http://usinfo.state.gov/eap/Archive\\_Index/Human\\_Trafficking\\_Transnational\\_Crime\\_and\\_Links\\_with\\_Terrorism.html](http://usinfo.state.gov/eap/Archive_Index/Human_Trafficking_Transnational_Crime_and_Links_with_Terrorism.html).
24. Shelley, L. (2010). *Human Trafficking: A Global Perspective*, Cambridge University Press, UK.
25. Sklair, L. (1991). *Sociology of the Global System*, Hertfordshire: Simon & Schuster.



26. [The State Department 2013 Trafficking in Persons Report](http://www.state.gov/j/tip/rls/tiprpt/2013/), doi:  
<http://www.state.gov/j/tip/rls/tiprpt/2013/>
27. [The State Department 2015 Trafficking in Persons Report](http://www.state.gov/j/tip/rls/tiprpt/), doi:  
<http://www.state.gov/j/tip/rls/tiprpt/>
28. Williams, P. (1999). „Trafficking in Women and Children: A Market Perspective“, *Transnational Organized Crime*, Special Issue "Illegal Immigration and Commercial Sex - The New Slave Trade," 3-4, 202.



## Consequences of Post-Fascism in Security Policies in Spain

José A. Brandariz García

Law School, University of A Coruna, Spain

[branda@udc.es](mailto:branda@udc.es)

and

Patricia Faraldo Cabana

Law School, University of A Corunna, Spain/ Queensland University of Technology, Australia

### Abstract

The paper analyses the features of the Spanish criminal justice system from the perspective of the late-democratisation condition of the Spanish polity. The text sees an almost uninterrupted expansionism and a relatively high level of severity as basic traits of the evolution of the Spanish criminal justice system. Consequently, the paper examines those features from the viewpoints of legal reforms, institutional practices and collective perceptions and expectations experienced since the end of the autocratic period. Finally, the article investigates some reasons which may explain the relatively high punitiveness of the Spanish criminal justice system, before adding a coda on the changes of the penal system fostered by the Great Recession.

**Keywords:** Spanish criminal justice system, democratisation process, punitiveness, sovereign mode of punishment, post-autocratic penalty

### Introduction: Late-Democratisation and Penalty in the Spanish case

A suitable way to introduce a case analysis on the Spanish criminal justice from the perspective of the democratisation process may be by providing basic data on the historical background. The latest Spanish autocratic period ended in 1975. Therefore Spain may well be considered a country of late democratisation. This qualification appears to be even more appropriate if one bears in mind that during the two centuries of Modernity, Spain scarcely experienced any periods of actual parliamentary democracy. With the exception of the period beginning in 1975, only the brief lapse between 1931 and 1936, the time of the

'Second Spanish Republic', may be considered an expression of that political system<sup>1</sup>. The other non-autocratic periods of the last two centuries witnessed simulated democratic regimes, organised around a model of power bargaining among the various elites, frequently accompanied by all manners of corruption and massive electoral frauds (Viejo Viñas, 2012). Therefore, the Spanish polity has undergone a late and 'low-profile' (Pisarello, 2003) democratisation, which cannot be disconnected from the conflictive and no less late integration of the country in the process of capitalist modernisation (Brendel and Simon, 2004; Vilar, 2004).

Moreover, two particularly peculiar elements contribute to characterise the Spanish polity as a late democratisation model. On the one hand, there is the extraordinary length of the most recent autocratic period, lasting from 1936 to 1975. On the other hand, the bargaining process which led to the current phase of democratisation, the starting point of which was actually a concession by the autocratic elites, not a political rupture (Campadabal, 2012; Grimaldos, 2013)<sup>2</sup>. The most direct implication of that peculiarity has been the inability of the current political system to define responsibilities for the massive human rights violations perpetrated during the Franco era<sup>3</sup>, nor even to purge the dictatorship's administrative elite. All this has led to certain worrisome inertias in the operation of the Spanish polity, which have had also an impact on the criminal justice system (Jiménez Franco, 2014).

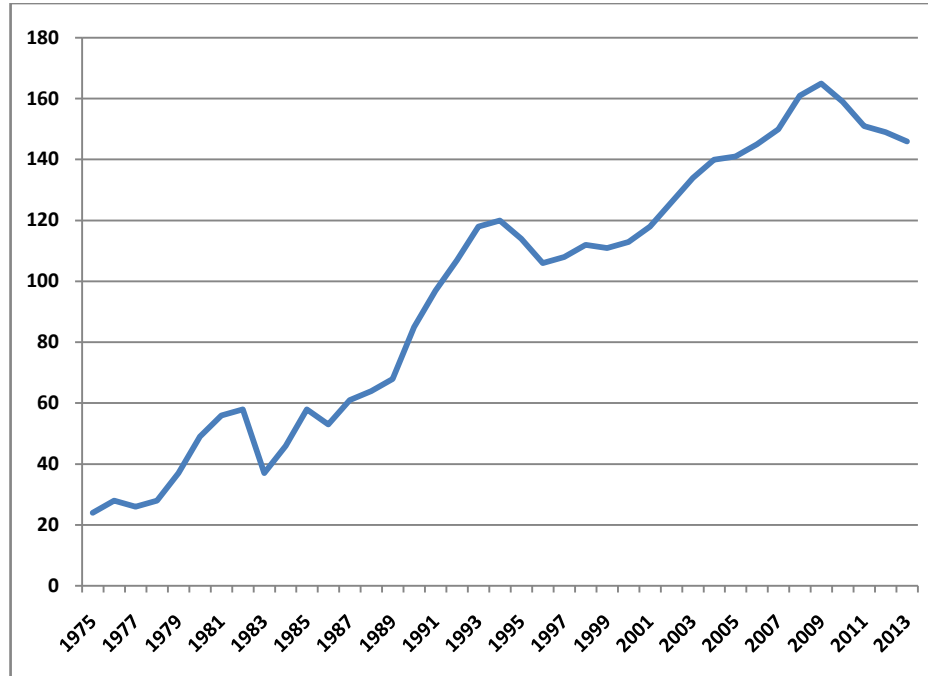
In terms of characterising the post-dictatorship Spanish criminal justice system, its most salient feature may be its amazing expansion, with a very remarkable and almost uninterrupted growth of prison population rates, as can be seen below in Graph 1.

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<sup>1</sup> Throughout the 19th and 20th centuries Spain suffered 52 coups d'état.

<sup>2</sup> These features establish distinct differences between the Spanish autocratic experience and those undergone in Portugal and Greece. The last Greek dictatorship was far more brief (1967-1974). The Portuguese autocratic period was lengthier than the Spanish one (1926-1974); however, in contrast to both dictatorships, it was overthrown by a popular uprising (Carnation Revolution).

<sup>3</sup> It has been estimated that the Fascist regime led to the murder of some 200,000 people during the 1936-1939 Civil War (Beevor, 2001), and to some 25,000 murders thereafter, according to the *Asociación para la Recuperación de la Memoria Histórica* (Association for the Recovery of the Historical Memory) (*El Mundo*, 7 July 2002).



**Graph 1: Evolution of Spanish prison population rate, 1975-2013**

Sources: Carreras and Tafunell (2005) (1975-1989 data), *Instituto Nacional de Estadística* (INE; National Institute of Statistics; [www.ine.es](http://www.ine.es)) (1990-2011 data) and *Secretaría General de Instituciones Penitenciarias* (SGIP; Prison Service Office; [www.institucionpenitenciaria.es](http://www.institucionpenitenciaria.es)) (2012-2013 data)

At the beginning of the post-dictatorship period these rates were amazingly low<sup>4</sup>. By contrast, since then Spanish prison population rates have become, especially during the last decade, significantly higher than those of the EU-15 countries, with the noteworthy exception of the UK ones.

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<sup>4</sup> On the reasons of the surprisingly low prison population rates of late Francoism see Varona, 2000.

	1992	1995	1998	2001	2004	2007	2010	2013
France	84	89	87	75	91	91	98	100
Germany	71	81	96	98	98	92	88	77
Greece	63	55	57	76	79	93	101	111
Italy	83	83	84	97	96	82	112	105
Portugal	97	123	147	128	125	109	109	137
Spain	105	115	113	114	137	147	166	146
UK	92	101	124	125	139	147	151	147

**Table 1: Evolution of prison population rates of several Western and Southern EU countries, 1992-2013**

Source: International Centre for Prison Studies (ICPS; [www.prisonstudies.org](http://www.prisonstudies.org))

An additional fact evinces that the Spanish criminal justice system is characterised not only by a remarkable expansion but also by a comparatively high degree of severity: the crime rate. According to *Eurostat*, Spain has a delinquency rate notably lower than those of other major EU countries; though not lower than those of other Southern European countries (Ripollés, 2011).

	1995	1998	2001	2004	2007	2010	2012
France	61,8	59,5	66,6	61,4	56,4	----	----
Germany	81,8	78,7	77,4	80,4	76,3	72,5	74,7
Greece	31,1	35,7	40,2	36,7	37,9	29,5	17,5
Italy	39,9	42,6	38,0	41,8	49,6	43,4	47,5
Portugal	32,6	33,7	36,3	39,8	37,6	39,7	38,2
Spain	42,2	47,1	50,7	50,6	51,9	50,0	48,5
UK	97,4	96,7	103,1	103,8	89,6	73,8	64,6

**Table 2: Evolution of registered crime rates in several Western and Southern EU countries, 1995-2012**

Source: Eurostat ([epp.eurostat.ec.europa.eu](http://epp.eurostat.ec.europa.eu))

Following the most reliable literature (Matthews, 2009; Tonry, 2004; Wacquant, 2009), the apparent contradiction between low crime rates and high prison population rates

cannot be interpreted in a causal manner: i.e. that greater penal severity is the cause of low delinquency level. In effect, the punitiveness of a criminal justice system is not a *natural* phenomenon but a *constructed* one, mainly the outcome of the complex interplay of three elements: legal reforms, institutional practices, and collective perceptions and expectations (Bell, 2011; Cavadino and Dignan, 2006; Western, 2006).

The analysis of the three elements may contribute to answer the questions arising from the post-dictatorship evolution. First, legal reforms, institutional practices and collective perceptions and expectations will be examined, so as to shape a fine-grained analysis of the expansionism and severity traits that have characterised the criminal justice system since the onset of the democratic period. Second, the paper will investigate some key historic, political, cultural and socio-economic features which may explain those peculiarities of the Spanish criminal justice system, and their relationship with the shortcomings of the democratisation process. As a coda, the paper will briefly analyse the changes undergone by the criminal justice system since the onset of the so-called Great Recession. Those different perspectives are not only aimed at understanding the evolution of the criminal justice system in relation to the democratisation process; they are also aimed at posing an arguably more compelling question: May the Spanish case be read as an example of a distinct type of penalty, which might be called 'post-autocratic penalty'?

### **The Features of Post-Dictatorship Spanish Penal Policies: Legal Reforms**

A first explanation for the rising severity of the criminal justice system may be found in legal reforms, as Spanish penal laws have progressively hardened throughout the post-dictatorship period. While the abolition of the Franco-era Penal Code was considered a most urgent legal reform, the process of passing a new legal structure was extremely slow, lasting from 1980 to 1995. The claims of rehabilitation and penal leniency, so fashionable immediately after Franco's death (Medina-Ariza, 2006) had become outmoded twenty years later. The 1995 Penal Code is, generally speaking, harsher than the former one, particularly in regard to the most frequently prosecuted crimes such as property or drug-related crimes (Ibáñez, 2003)<sup>5</sup>. Moreover, since 1995 dozens of legal reforms have made the penal

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<sup>5</sup> A key reason of the harshness of the legal regulation was the abrogation of the *redención de penas por el trabajo* (early release through prison work), a prison programme established during Franco's rule by the 1956 Prison Service Regulation. The programme allowed the vast majority of inmates to

legislation more and more severe, with very few exceptions. As a consequence, even though the passage of the 1995 Penal Code led to the immediate release of a limited number of inmates<sup>6</sup>, its harshness sustained the constant and significant increase of the prison population during the 2000s. A clear effect of the toughening of penal legislation has been the evolution of the average length of effective imprisonment: from 9.7 months in 1996 (Tournier, 1998) the figure rose to 17.4 months in 2009 (Aebi and Delgrande, 2012)<sup>7</sup>. Second, the legal reforms did not consolidate a diversified and widely-applied catalogue of community sanctions. In 2012 the prison sentence was still the most frequently applied sanction within the criminal justice system (25.5% of sentences), above the fine (19.4%) and the community service order (9.7%), according to INE data. In 2014 probation is still only applied to juvenile offenders. Third, from the 1990s onwards there has been salient political and popular pressure to rise the maximum term of the prison sentence, in line with the 'truth in sentencing' shift in English-speaking countries. Consequently, in a criminal justice system with no (formal) life imprisonment sentence<sup>8</sup>, in 2003 a maximum term of 40-years of imprisonment was approved. Due to the tightness of legal rules in this regard, it has been estimated that in 2010 some 350 inmates were serving prison sentences lengthier than the formal maximum term<sup>9</sup>.

### **Post-Dictatorship Penal Policies: Institutional Practices**

In contrast to legal reforms, at the level of institutional practices is perhaps where the inertias of the autocratic period and the consequences of the lack of a deep political rupture are most acutely felt. In the realm of policing, the most striking feature of the Spanish case is the significant lack of accountability, which may be read as an effect of the

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reduce the length of imprisonment by one-third, with the exception of inmates sanctioned by their inadequate behaviour.

<sup>6</sup> The number of inmates released due to the decriminalisation of certain criminal acts by the new Penal Code amounted to less than 1000 individuals (Herrero, 2010).

<sup>7</sup> Average length of effective imprisonment was the third longest in the EU in 2009, only below those of Romania and Portugal (Aebi and Delgrande, 2012).

<sup>8</sup> In October 2013 the parliament began the discussion of a Penal Code reform proposal that includes reintroduction of (formal) life imprisonment sentence. Life imprisonment was formally abrogated, and substituted by a 30-years maximum term of imprisonment, by the 1928 Penal Code, passed during the autocratic ruling of General Primo de Rivera.

<sup>9</sup> See GODPP, 2010.



deficient democratic reform. As a consequence, in cases of police brutality and cases of police mistreatment and torture are unfortunately frequent, as confirmed by repeated Council of Europe's reports (Commissioner for Human Rights, 2013; CPT, 2013; Varona, 2000). Evidence of this is the frequency with which charges are pressed for assaulting or resisting a public officer, a charge habitually used by the police to conceal cases of brutality: according to INE official data, in 2012 this charge constituted the sixth most frequently sentenced crime in Spain (out of 81 crime categories)<sup>10</sup>.

In addition to all this, policing raises two more concerns. One key motive of preoccupation is the frequent use by riot police of rubber bullets, a weapon considered lethal by European Parliament reports (STOA Programme, 2000), which have produced a number of casualties among demonstrators since the onset of the democratic period<sup>11</sup>. Another important concern is the massive utilisation of ethnic profiling, a racist technique denounced by the UN and by several NGOs (García Añón et al., 2013; Open Society Justice Initiative, 2007)<sup>12</sup>, but upheld by the Constitutional Court (ruling no. 13/2001)<sup>13</sup>. Moreover, a particularly disturbing implication of the lack of police accountability is the frequent impunity of unlawful behaviour by police officers, including in the most serious cases: e.g., 47 police officers convicted of torture were pardoned by the Spanish government between 1998 and 2012<sup>14</sup>.

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<sup>10</sup> In 2012 12,383 individuals were convicted of the crime of assault or resistance to public officer.

<sup>11</sup> It is estimated that since the end of the autocratic period 9 people have been killed and 30 have lost an eye due to police use of rubber bullets (see Stop Bales de Goma, 2013).

<sup>12</sup> According to Spanish Home Office data (Ministerio del Interior, 2013) 36.7% of the individuals arrested in 2012 were foreign nationals, whilst the foreign resident population in Spain that year amounted to 12.1% of the total population. Nonetheless, the actual disproportion of police interventions as regards national origin and ethnic background might only be assessed by taking into account the data of foreigners arrested for the civil offence of irregular stay in the country; yet these data are subject to official secrecy by the Home Office.

<sup>13</sup> In regard to the Constitutional Court ruling, the UN Human Rights Committee subsequently ruled on 27 July 2009 (communication no. 1493/2006) that the police use of ethnic profiling for purposes of detecting irregular migrants violates the right of non-discrimination and equality before the law set forth in article 26 of the International Covenant on Civil and Political Rights, and urged the Spanish administration to eliminate that particular police practice.

<sup>14</sup> On this, see [elindultometro.es](http://elindultometro.es) (accessed 7 April 2014). See also Commissioner for Human Rights, 2013.

The judiciary system is marked by a constant and acute overload of work<sup>15</sup>, a burden that frequently leads judges to sideline the most rigorous observation of the right to a fair trial. The spread of a conservative judicial culture should be noted particularly among the higher ranks of the judiciary<sup>16</sup>. This context may well be influenced by the prominence of the *Audiencia Nacional* (National Higher Court), a contested special court principally devoted to terrorism cases<sup>17</sup>. An apparent consequence of this conservative trend is the limited sensitivity of the judiciary to rights-based criminal justice. Perhaps the most conspicuous evidence of this is the Supreme Court's ruling (no. 197/2006) which extended the maximum term of imprisonment beyond what is prescribed by the Penal Code, a decision eventually overturned by the ECHR in 2013 (*Del Río Prada v. Spain* case).

The prison system is based on an essentially rehabilitative model, established by the 1979 Penitentiary Act. This law, not in vain the first legal reform enacted after the proclamation of the 1978 Constitution, set forth a formally welfarist prison model, outcome of two basic factors: on the one hand the memory of the imprisonment suffered during Franco's era by members of left-wing parties and, on the other, the remarkable influence of experts in preparing the reform (Rivera Beiras, 2006). In this sense, it may well be considered a unique experience in recent legislative history.

The post-dictatorship prison system has also been characterised by a high level of public spending in prison facilities<sup>18</sup>. Thus, in 1997 the prison system had an official capacity of more than 38,000 inmates (Tournier, 1998), while by 2013 this capacity had risen to

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<sup>15</sup> See on this García España and Díez Ripollés, 2013.

<sup>16</sup> The conservative *Asociación Profesional de la Magistratura* (Professional Association of Magistrates) is by far the most widespread judges' association in Spain.

<sup>17</sup> The *Audiencia Nacional* is a court almost exclusively responsible for criminal matters. Indeed, it is the court responsible for the prosecution and judgement of cases of organised crime, particularly those associated with terrorism, drug-trafficking, money counterfeiting and economic crimes. Nonetheless, the vast majority of cases judged by the *Audiencia Nacional* are terrorism crimes. The *Audiencia Nacional* was created in January 1977, more precisely on the very same day that the autocratic *Tribunal de Orden Público* (Public Order Court) was abolished.

<sup>18</sup> Throughout the 1990s and the 2000s a range of prison building programmes were implemented. The outcome of these programmes has been the in-depth renovation of prison facilities, and the substitution of urban small radial prisons with suburban or rural middle-sized modular prisons. According to Prison Service Office data, these programmes led to the opening of 20 new prison facilities between 1996 and 2011. Furthermore, between 2000 and 2012 25 semi-liberty prison facilities (named *Centros de Inserción Social*, Social Insertion Centres) were also inaugurated.

more than 77,900 inmates, according to ICPS data. This economic investment has doubtless improved prison conditions and mitigated overcrowding, which in some periods attained a rate of 150%<sup>19</sup>. Nonetheless, the prison system has failed to meet the rehabilitative expectations of the 1979 Act (Varona, 2000). The constant growth of the average term of effective imprisonment may be read as a clear evidence of that failure.

### **Post-Dictatorship Penal Policies: Collective Perceptions and Expectations**

The reasons underlying the peculiar punitiveness of the criminal justice system may also be approached by looking at collective perceptions and expectations. However the image of these perceptions and expectations derived from CIS (*Centro de Investigaciones Sociológicas*, Sociological Research Centre) surveys is fairly ambiguous. According to these monthly surveys, 'urban safety' has been widely considered a serious problem by the population up to the beginning of the economic crisis, though it was much more of a concern in the 1980s and in the first part of the 1990s. Similarly, 'drug-related problems' and 'terrorism' tended to rate distinctly lower as serious popular concerns throughout the 2000s than in previous decades<sup>20</sup>. In stark contrast to this evolution, urban safety did not gain currency in the political discussion until the 2000s, when its rhetorical connection with the remarkable migratory phenomenon of the decade facilitated its public salience (Medina-Ariza, 2006)<sup>21</sup>.

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<sup>19</sup> In January 2013 the official occupancy level was 88.0% (Source: ICPS).

<sup>20</sup> See on this [www.cis.es](http://www.cis.es) (accessed 6 April 2014). According to most recent CIS data, in March 2014 'urban safety' was included within the three most serious national problems by just 2.0% of those surveyed, 'drug-related problems' by 0.1% and 'terrorism' by 0.9%. In comparison with these figures, in February 2004 the results of the survey were 21.2% ('urban safety'), 8.9% ('drug-related problems'), and 40.1% ('terrorism'). In September 1993 the figures were 17.3% ('urban safety'), 35.8% ('drug-related problems'), and 12.6% ('terrorism').

<sup>21</sup> Medina-Ariza (2006) points out that the cultural effects of the democratisation process and the overwhelming impact of terrorism prevented urban safety from taking centre stage in the political arena during the first decades of the democratic period. By contrast, the prominence of street crime in the public debate throughout the 2000s was facilitated by the interpretation of immigration as a social problem and by the widespread concern regarding gender violence. According to CIS data, 'immigration' was included among the three most serious national problems by more than the 20% of the individuals surveyed between 2005 and 2008.

Regardless of all that, it has been contested whether the population might be considered highly punitive in comparison to other EU countries. The conclusion of a Spanish peculiarly high subjective punitiveness may apparently be backed by some European surveys<sup>22</sup>; however, authorised Spanish academic literature has consistently challenged this viewpoint (Varona, 2009). In addition, two major historical facts of the period under study may explain the prominent role played by criminal justice system in the management of collective anxieties and perceptions of social disorder. On the one hand, we see the extraordinary number of heroin addicts produced by society in the two decades following Franco's death. It is estimated that Spain had the highest rate of heroin addicts in the West; by the beginning of the 1990s they amounted to some 150,000 (Plan Nacional sobre Drogas, 2009), the vast majority of them involved in criminal activities (Gamella, 1997; Miró Miquel, 2005)<sup>23</sup>. On the other hand, throughout the first decade of this century Spain had the world's highest rate of immigration. More than 5.1 million foreigners (of them, more than 4.2 million non-EU-25 nationals) migrated to Spain between 2000 and 2010, and in certain moments of that period Spain had more than 1 million irregular migrants (Carrasco Carpio, 2008; Pajares, 2010). Without a doubt, the penal management of both phenomena contributed to the growth of the prison population between 1983-1994 and 1999-2009 (Rodríguez, 2003; Brandariz García, 2011)<sup>24</sup>.

Furthermore, Spain may well be a case study for testing the theories which point to the role of the criminal justice system in the management of surplus populations (Dean, 2010; De Giorgi, 2006; Rose, 1999). In effect, for long periods Spain has had unemployment

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<sup>22</sup> In the European Social Survey, 5<sup>th</sup> edn. (2010-2011) ([www.europeansocialsurvey.org/](http://www.europeansocialsurvey.org/)), Spain rated as the country with the sixth highest level (out of 26) of fear of victimisation by robbery (27.9% of the surveyed individuals). Spain showed the 5<sup>th</sup> highest rate of agreement with the idea that rising punitiveness may be the best solution to tackle crime (76.2%). See on this Torcal, 2012; see also Varona, 2013.

<sup>23</sup> As a comprehensible repercussion of this, a CIS survey found in June 1988 that 49% of those surveyed included 'drug-related problems' among the three most serious national problems.

<sup>24</sup> Between 1983 and 1994 the prison population grew by 337% in global figures. Between 1999 and 2009 it rose again, this time by 72%.

rates much higher than those of other EU countries, over 15% of the working population between 1982 and 1999, and again from 2009 onwards<sup>25</sup>.

### **An Enduring Sovereign Mode of Punishment**

This quick review of several features of the criminal justice system demonstrates that this case study permits us to make a positive correlation between late democratisation and high punitiveness. In effect, the penal system appears to be remarkably severe and punishment-focused, in contrast both to welfarist and rehabilitative models and to economic-utilitarian and managerial models. In this sense, freely recalling Michel Foucault's (2007) work on punishment and power technologies, we may affirm that the penal system represents an enduring sovereign model of punishment.

The Spanish sovereign mode of punishment appears to be wholly consistent with some theoretical frameworks aimed at relating levels of punitiveness with socio-economic and political models, particularly Lappi-Seppälä's one (2011), which is focused on a wide range of European countries<sup>26</sup>. In effect, the Spanish case may well confirm his thesis, according to which low punitiveness correlates with countries with consensual and corporatist political cultures, high levels of social trust and institutional legitimacy and strong welfare states.

Consequently, the relatively high punitiveness of the system would be consistent with a fairly limited welfare state<sup>27</sup> and with significant economic inequality<sup>28</sup>. Secondly, this

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<sup>25</sup> The unemployment rate was more than 20% from 1984 to 1987, from 1992 to 1997 and from 2010 onwards. In 2013 the average unemployment in Spain was 26.4%, whilst that of the EU-28 was 10.9% (Sources: INE, Eurostat).

<sup>26</sup> Lappi-Seppälä's model (2011) seems to be more suitable than other partially similar models. Cavadino and Dignan's (2006) 'radical pluralist' pattern does not take Southern European countries into account, and it deals with certain groupings of countries that seem questionable, at least since the onset of the Great Recession. The variables analysed by Lappi-Seppälä in regard to countries of high punitiveness are basically consistent with what Cavadino and Dignan classify as 'neo-liberal states'. On the other hand, Lappi-Seppälä's theoretical framework bears a resemblance to Lacey's model (2008), which connects high punitiveness with what she terms 'liberal market economies', characterised by two-party majoritarian political systems and by poorly redistributive welfare models, among other variables.

<sup>27</sup> Social spending amounted in 2011 to 26.1% of the GDP, a percentage below that of France, Germany, UK, other Mediterranean countries (Greece, Italy, Portugal) and the EU average (29.0%).

high level of punitiveness may be explained by pointing to the levels of social trust and political legitimacy of the country, which are fairly poor in comparison to those of the major EU nations, but to some extent similar to those of other Southern European countries<sup>29</sup>. Thirdly, Spanish punitiveness, following Lacey's (2008) and Lappi-Seppälä's (2011) analytical frameworks, may be also related to a political system characterised as fairly majoritarian, aimed at concentration of power and with reluctance to corporatism and consensus making<sup>30</sup>.

Nevertheless, the punitiveness of a given jurisdiction cannot be read as a mere effect of certain modes of organising and governing politics, the economy or the social, but primarily as the outcome of contextual and territorialised phenomena (Lappi-Seppälä, 2011). Therefore, we may suggest three additional explanations of the peculiar punitiveness of the Spanish system. Beyond Lappi-Seppälä's theoretical framework, these three additional traits, which bridge the gap between the autocratic past and the democratic present,

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Social spending per capita in Spain (€6031 in 2011) also stands far below the EU average (€7260) (Source: Eurostat).

<sup>28</sup> The GINI Index in 2012 was 35.0, i.e. a level of inequality higher than that of Germany, France, UK, the rest of the Mediterranean countries and the EU average (30.6). Moreover, in 2012 28.2% of the population was at risk of poverty or social exclusion, a rate higher than that of the major EU countries and the EU average (24.8%), but lower than that of other Mediterranean countries (Source: Eurostat).

<sup>29</sup> See the World Bank 2012 *Worldwide Governance Indicators* ([info.worldbank.org/governance/wgi/index.aspx#home](http://info.worldbank.org/governance/wgi/index.aspx#home), accessed 6 April 2014), particularly by the indicators 'Voice and accountability', 'Political stability and absence of violence', 'Government effectiveness' and 'Rule of law'. Spain rates lower on all of them than Germany, France, UK and the OECD average, but equal to or higher than Greece, Italy and Portugal. In addition, the European Social Survey, 5<sup>th</sup> edn. (2010-2011) found that Spain rates above average in terms of satisfaction with democracy and satisfaction with the police. In contrast, Spain lies below average in terms of satisfaction with the judiciary, trust concerning politicians, trust concerning political parties and interest in politics. The levels of institutional legitimacy seem to have fallen even further in the 6<sup>th</sup> edition (2012-2013) of the survey (see *El País*, 14 January 2014).

<sup>30</sup> Lappi-Seppälä's work (2011) is based on the renowned analysis developed by Arend Lijphart (1999). According to him, the most prominent features of the Spanish political system are: a) a clear trend towards a two-party system; b) a model of one-party executive power; c) one of the most disproportional electoral systems of the EU.

characterise the Spanish mode of punishment as a distinct expression of 'post-autocratic penalty'.

First, the inertias of governmental modes pertaining to the autocratic period should be taken into account, consequence of the absence of a deep democratic rupture (Jiménez Franco, 2014; Varona, 2000). The alarming lack of accountability of system agencies is a consequence of these inertias. The striking use of governmental pardon (more than 10,350 pardons were given by the government between 1996 and 2013<sup>31</sup>) stands out as evidence of a persistent sovereign model of punishment<sup>32</sup>.

Second, the remarkable severity of the criminal justice system may be related to the contamination of the whole system by the exceptionalist practices (in policing, the judiciary, sentencing<sup>33</sup>) employed for the purposes of fighting terrorism (Lazarus, Goold and Goss, 2013; Paye, 2007; Zedner, 2009). Spain continues to be the EU country with the highest number of inmates convicted of terrorist crimes<sup>34</sup>, and likely the only one which still labels and criminalizes the activity of prominent political parties as terrorism (e.g.,

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<sup>31</sup> See [elindultometro.es](http://elindultometro.es) (accessed 12 March 2014).

<sup>32</sup> On the relationship between pardon and amnesties and state sovereignty, see Madrid Pérez, 2014; McEvoy and Mallinder, 2013.

<sup>33</sup> Among the exceptionalist practices, the following ones should be mentioned: a) the passing of *anti-terrorism laws*, aimed at disproportionately increasing the sentences of terrorism crimes; the creation of *associative crimes* - such as belonging to a terrorist organisation or unlawful association - the creation of crimes based on vague and evaluative subjective elements, which require the assessment of the personality of the defendant; b) the authorisation of incommunicado detention periods, the restriction of the right to a fair trial, the almost automatic enforcement of pre-trial detention, and the legalisation of the denunciation of 'repentant' former armed militants; c) the setting-up of high-profile and hardly accountable police units, and the setting-up of special courts responsible for the judgement of terrorism crimes; d) the creation of maximum-security prison facilities, aimed at isolating the inmates convicted of terrorism crimes, and the complete abandonment of the rehabilitation of the offender as the goal of the prison sentence (see Bergalli, 1997; Rivera Beiras, 2003).

<sup>34</sup> According to Home Office official data (Ministerio del Interior, 2013), by the end of 2012, 574 inmates (including pre-trial detainees) were imprisoned in prisons convicted or charged of terrorist crimes. These numbers have remained fairly stable throughout the last two decades, oscillating between 500 inmates and 700 inmates.

*Bateragune* case<sup>35</sup>). The corruption of the system due to this penal exceptionalism is particularly apparent in the extension of the maximum term of imprisonment and in the survival of maximum-security prison facilities, which the 1979 Penitentiary Act<sup>36</sup> considered extraordinary and temporary.

The third hypothesis, just as important as the previous ones albeit more difficult to empirically demonstrate, may be qualified as 'dromological', to borrow a term coined by the French cultural theorist Paul Virilio (1986). It has to do with the accelerated character of post-dictatorship Spanish history. In effect, all of Europe witnessed extraordinary social, economic, cultural and political transformations during the last 40 years, but these mutations were experienced in Spain 'dromologically', that is, in a most accelerated way (García Delgado and Jiménez, 2001; Jiménez Franco, 2014). A country barely acquainted with welfare had to rapidly accept a post-welfarist social model. A country that scarcely experienced Fordism was thrust quickly into post-fordist production model (Jiménez Franco, 2014). The phenomena of controlling surplus population groups (heroin addicts and migrants) may be framed in this context of historical acceleration. The dromological evolution over the last few decades may have contributed to grounding a high level of punitiveness. In effect, the thesis which relates fear of crime and increase of punitiveness to a sort of late-modern angst (Garland, 2001; Bauman, 2006) may be most suitable to explain the Spanish context. Moreover, the penal system may be a good case study for testing Melossi's (2000) theoretical claim, according to which in certain historical periods characterised by exceptional transformations penal severity works as a primary tool for managing perceptions of disorder and social anxiety.

To sum up, the post-dictatorship Spanish criminal justice system may be understood as a distinctly sovereign penal model, arising from inertias left by an authoritarian political history, the contamination of the system by the exceptionalist treatment of certain criminal acts, and the role of penalty in governing the sense of disorder arising from accelerated transformations.

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<sup>35</sup> Both the Audiencia Nacional ruling no. 22/2011 (16 November 2011) and the Supreme Court ruling no. 351/2012 (7 May 2012) condemned some key leaders of the Basque separatist political party Batasuna as members of a terrorist organisation, due to their political activities.

<sup>36</sup> Some 1100 inmates - 2.0% of the whole prison population, excluding pre-trial detainees - were imprisoned in maximum-security facilities by the end of 2013 (Source: Prison Service Office).



### **Coda: Spanish Penal Policies since the Onset of the Great Recession**

The end of this historical evolution is the Great Recession. Since it began, the Spanish criminal justice system has encountered something heretofore alien to its development: the scarcity of public resources.

In May 2010 the Great Recession, begun some two years before, entered its deepest stage in the Eurozone, when severe private indebtedness became public debt. In May 2010 the prison population reached its highest number since the post-Civil War period: 76,951 inmates, equal to a rate of 164. Then began a process unknown since the end of the Francoist autocracy: the number of inmates started steadily decreasing. Hence, the prison population decreased by 13.4% in overall figures from May 2010 to January 2014, downgrading its rate to 143.

The *why* of the contraction process may only be located within the Great Recession context. Within this stark process of economic crisis and sharp cuts in public spending, the prison system had to adapt to the scarcity of public resources. By contrast, the *how* of this contraction of the system can only be hypothesised, due to absence of complete data. However, it should be highlighted that the decrease in the prison population has primarily affected foreign inmates<sup>37</sup>. It appears to be fundamentally consistent with the deportation data, which over the last period show a remarkable increase of deportations tied to penal reasons<sup>38</sup>. Hence, the increment of the rate of deportations of migrants recently released from prison and/or with a criminal record has been a key tool for reducing the prison population. Secondly, the recent contraction may be related to the reform of the Penal Code implemented in December 2010 by the Organic Law no. 5/2010 (Rodríguez and Larrauri, 2012). The reform remarkably downgraded the sentences for some drug-trafficking crimes; owing to the salience of these crimes in the prison realm, the reform has doubtless contributed to the current contraction of the system. In addition, the scarcity of public resources and the adaptation of the prison system to the Great Recession have entailed cutbacks of inmates' rights and the degradation of prison life conditions (Forero Cuéllar and Jiménez Franco, 2014).

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<sup>37</sup> The average foreign prison population in 2009 amounted to 35.7% of the global prison population, whilst in January 2014 it had decreased to 31.4% (Sources: INE and Prison Service Office).

<sup>38</sup> The so-called 'qualified deportations', i.e., the deportations of migrants who have been recently released from prison or have criminal records, increased from 5564 in 2008 to 8809 in 2012, according to the Home Office data.

The most pressing issue raised by the current situation is to what extent the Great Recession may have led to the opening of a new model of penalty, more managerial and less sovereign and 'post-autocratic'. The insufficient data only enable a hypothetical answer. Nonetheless, if the cycle of economic recession/stagnation continues indefinitely, as may be expected, then it would be highly unlikely that the Spanish penal system would initiate a new phase of expansionism and carelessness with the limits of public resources, which have been its key traits since the end of the dictatorship.

### References

1. Aebi M and Delgrande N (2012) *Council of Europe annual penal statistics. SPACE I. Survey 2010*. Strasbourg: Council of Europe.
2. Bauman Z (2006) *Liquid Fear*. Cambridge: Polity.
3. Beevor A (2001) *The Spanish Civil War*. London: Penguin.
4. Bell E (2011) *Criminal Justice and Neoliberalism*. Basingstoke: Palgrave-MacMillan.
5. Bergalli R (1997) The New Order in Spain and an Hispanic Perspective on the History and Meaning of Social Control. In: Bergalli R and Sumner C (eds) *Social Control and Political Order*. London: Sage, pp. 34-51.
6. Brandariz García JA (2011) *Sistema penal y control de los migrantes. Gramática del migrante como infractor penal*. Granada: Comares.
7. Brendel C and Simon H (2004) *Ilusiones políticas y lucha de clases. Del antifranquismo al postfranquismo*. Barcelona: Virus.
8. Campadabal P (2012) CT y política: la lucha por el punto medio. Del "pacto con el régimen, de entrada, no" a la victoria de la CT. In: Acevedo C et al. *CT o la Cultura de la Transición*. Barcelona: DeBolsillo, pp. 65-76.
9. Carrasco Carpio C (2008) Mercado de trabajo e inmigración. In: Izquierdo Escribano A (ed.) *El modelo de inmigración y los riesgos de exclusión*. Madrid: Foessa, pp. 213-257.
10. Carreras A and Tafunell X (eds.) (2005) *Estadísticas históricas de España. Siglos XIX-XX*. Bilbao: Fundación BBVA.
11. Cavadino M and Dignan J (2006) *Penal Systems. A comparative approach*. London: Sage.

12. Commissioner for Human Rights (2013) *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Spain from 3 to 7 June 2013*. Strasbourg. Available at: [wcd.coe.int/ViewDoc.jsp?id=2106465&Site=CommDH&BackColorInternet=DBCFC2&BackColorIntranet=FDC864&BackColorLogged=FDC864](http://wcd.coe.int/ViewDoc.jsp?id=2106465&Site=CommDH&BackColorInternet=DBCFC2&BackColorIntranet=FDC864&BackColorLogged=FDC864) (accessed 7 April 2014).
13. CPT (2013) *Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 22 June 2012*. Strasbourg. Available at: [www.cpt.coe.int/documents/esp/2013-08-inf-eng.pdf](http://www.cpt.coe.int/documents/esp/2013-08-inf-eng.pdf) (accessed 8 April 2014).
14. Dean M (2010) *Governmentality*, 2<sup>nd</sup> edn. London: Sage.
15. De Giorgi A (2006) *Re-thinking the Political Economy of Punishment: Perspectives on Post-fordism and Penal Politics*. Aldershot: Ashgate.
16. Díez Ripollés JL (2011) Un diagnóstico y algunos remedios de la política criminal española. *Teoría y Derecho* 10: 171-188.
17. Forero Cuéllar A and Jiménez Franco D (2014, forthcoming). La cárcel española en (la) crisis. Mano dura y escasez. ¿Hacia la esquizofrenia punitiva?
18. Foucault M (2007) *Security, Territory, Population*. New York: Picador/Palgrave Macmillan.
19. Gamella JF (1997) Heroína en España (1977-1996). Balance de una crisis de drogas. *Claves de Razón Práctica* 72: 20-30.
20. García Añón J et al. (2013) *Identificación policial por perfil étnico en España. Informe sobre experiencias y actitudes en relación con las actuaciones policiales*. Valencia: Tirant lo Blanch.
21. García Delgado JL and Jiménez JC (2001) *Un siglo de España: La economía*. Madrid: Marcial Pons.
22. García España E and Díez Ripollés JL (2013) *La Administración de Justicia según los datos: Especial referencia a la jurisdicción penal*. Málaga: IAIC/Tirant lo Blanch.
23. Garland D (2001) *The Culture of Control*. Oxford/New York: Oxford University Press.
24. GODPP (2010) Desenmascarando mitos que sostienen el sistema penal. Available at: [libros.otroderechopenal.com](http://libros.otroderechopenal.com) (accessed 12 March 2014).
25. Grimaldos A (2013) *Claves de la transición 1973-1986*. Barcelona: Península.
26. Herrero S (2010) La irresistible fascinación del Derecho penal. *Abogados* 61: 26-28.
27. Ibáñez E (2003) La expansión de la cárcel en España. *Mientras Tanto* 89: 139-157.

28. Jiménez Franco D (2014) *La burbuja penal: Mercado, Estado y cárcel en la democracia española*. PhD Thesis, University of Zaragoza, Spain. Available at: [asapa.files.wordpress.com/2014/03/la-burbuja-penal-dani-jimenez-tesis-oct2013.pdf](http://asapa.files.wordpress.com/2014/03/la-burbuja-penal-dani-jimenez-tesis-oct2013.pdf) (accessed 18 March 2014).
29. Lacey N (2008) *The prisoners' dilemma: Political Economy and punishment in contemporary societies*. Cambridge: Cambridge University Press.
30. Lazarus L, Goold B and Goss C (2013) Control Without Punishment: Understanding Coercion. In: Simon J and Sparks R (eds) *The SAGE Handbook of Punishment and Society*. London/Thousand Oaks: Sage, pp. 463-491.
31. Lijphart A (1999) *Patterns of Democracy. Government Forms and Performance in Thirty-six Countries*. London: Yale University Press.
32. Madrid Pérez A (2014) El indulto como excepción. Análisis de los indultos concedidos por el gobierno español durante 2012. *Revista Crítica penal y Poder* 6: 110-133.
33. Matthews R (2009) *Doing time*. 2<sup>nd</sup> edn. Basingstoke: Palgrave-Macmillan.
34. McEvoy K and Mallinder L (2013) Amnesties, Transitional Justice and Governing through Mercy. In: Simon J and Sparks R (eds) *The SAGE Handbook of Punishment and Society*. London/Thousand Oaks: Sage, pp. 434-462.
35. Medina-Ariza J (2006) Politics of Crime in Spain, 1978-2004. *Punishment & Society* 8(2): 183-201.
36. Melossi D (2000) Changing representations of the criminal. *The British Journal of Criminology* 40: 296-320.
37. Ministerio del Interior (1999) *Anuario estadístico del Ministerio del Interior 1998*. Madrid: Ministerio del Interior.
38. Ministerio del Interior (2011) *Anuario estadístico del Ministerio del Interior 2010*. Madrid: Ministerio del Interior.
39. Ministerio del Interior (2013) *Anuario estadístico del Ministerio del Interior 2012*. Madrid: Ministerio del Interior.
40. Miró Miquel G (2005) La política criminal del problema *droga*. Etapas del problema y consecuencias de las soluciones adoptadas. In: Rivera Beiras I (ed.) *Política Criminal y Sistema Penal. Viejas y nuevas racionalidades punitivas*. Barcelona: Anthropos, pp. 303-318.

41. Open Society Justice Initiative (2007) *I Can Stop and Search Whoever I Want". Police Stops of Ethnic Minorities in Bulgaria, Hungary and Spain*. New York: Open Society Institute.
42. Pajares M (2010) *Inmigración y mercado de trabajo. Informe 2010*. Madrid: Ministerio de Trabajo e Inmigración.
43. Paye, JC (2007) *Global War on Liberty*. New York: Telos Press.
44. Pisarello G (2003). Constitución y gobernabilidad: razones de una democracia de baja intensidad. In: Capella Hernández JR (ed.) *Las sombras del sistema constitucional español*. Madrid: Trotta, pp. 129-150.
45. Plan Nacional sobre Drogas (2009) *Heroína*. Madrid: Ministerio de Sanidad y Política Social.
46. Rivera Beiras I (2003) La cárcel y el sistema penal (en España y en Europa). In: Bergalli R (ed.) *Sistema penal y problemas sociales*. Valencia: Tirant lo Blanch, pp. 351-393.
47. Rivera Beiras I (2006) *La cuestión carcelaria. Historia, Epistemología, Derecho y Política penitenciaria*. Buenos Aires: Del Puerto.
48. Rodríguez E (2003) *El gobierno imposible*. Madrid: Traficantes de Sueños.
49. Rodríguez J and Larrauri E (2012) Economic crisis, crime, and prison in Spain. *Criminology in Europe* 2: 10-13.
50. Rose N (1999) *Powers of Freedom*. Cambridge: Cambridge University Press.
51. STOA Programme (2000) *Crowd control technologies. An appraisal of technologies for political control*. Luxembourg. Available at: [www.europarl.europa.eu/RegData/etudes/etudes/stoa/2000/168394/DG-4-STOA\\_ET%282000%29168394\\_EN%28PAR02%29.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/stoa/2000/168394/DG-4-STOA_ET%282000%29168394_EN%28PAR02%29.pdf) (accessed 10 April 2014).
52. Stop Bales de Goma (2013), *Informe 2013*. Available at: [stopbalesdegoma.org](http://stopbalesdegoma.org) (accessed 12 February 2014)
53. Tonry M (2004) *Thinking about Crime*. New York: Oxford University Press.
54. Torcal M (2012) *Resultados de la quinta edición de la encuesta social europea*. Available at: [www.upf.edu/ess/\\_pdf/5a-ola/Datos/ResultadosQuintaEdicion\\_FINAL.pdf](http://www.upf.edu/ess/_pdf/5a-ola/Datos/ResultadosQuintaEdicion_FINAL.pdf) (accessed 22 March 2014).
55. Tournier P (1998) *S.PACE I. Statistique pénale annuelle du Conseil de l'Europe. Enquête 1997*. Strasbourg: Conseil de l'Europe.

56. Varona D (2009) ¿Somos los españoles punitivos?: Actitudes punitivas y reforma penal en España. *InDret* 1.
57. Varona D (2013) Percepción y elección del castigo en España: Resultados a partir de la Encuesta Social Europea (5ª ED.). *Cuadernos de Política Criminal* 111: 145-193.
58. Varona G (2000) "Spain is different": Beyond an Invisible Criminal Policy? In: Green P and Rutherford A (eds) *Criminal policy in transition*. Portland: Hart.
59. Viejo Viñas R (2012) *La danza de Medusa*. Barcelona: El Tangram.
60. Vilar P (1986) *La guerra civil española*. Barcelona: Crítica.
61. Vilar P (2004) *Historia de España*. Barcelona: Crítica.
62. Virilio P (1986) *Speed and Politics: An Essay on Dromology*. New York: Semiotext(e).
63. Wacquant L (2009) *Punishing the Poor. The Neoliberal Government of Social Insecurity*. Durham: Duke University Press.
64. Western B (2006) *Punishment and Inequality in America*. New York: Russell Sage Foundation.
65. Zedner L (2009) *Security*. London: Routledge.

## SECURITY SECTOR REFORMS IN THE REPUBLIC OF MACEDONIA: NEED FOR TRANSFORMATION

Oliver Bakreski

Faculty of Philosophy, Institute of Security, Defense and Peace – Skopje

### Abstract

The security sector reform is a broadly accepted concept that refers to the improvement of the working methods and functioning of the security sector. Respectively, it also includes a wide platform for realization and concretization of certain tasks directed towards improvement of the internal structure of the security sector. These tasks arise from the new developments and hence they focus mainly on such an appropriate transformation of the security structures, which would not bring to danger the real capabilities for enforcing the security policies. The theoretical focus of this paper is primarily on review of the reform challenges to the security sector. Secondly, the paper recognizes the great significance of transparency and accountability promotion, as these are basic principles for democratic functioning of any security sector in a democratic society.

**Key words:** reforms, security, security sector, defense sector, transformation.

### Introduction

The security sector reform represents both a political and an empirical concept. The fundamental goal of the reforms in this sector should be directed towards the build-up of armed forces and the other security forces that would be at the same time effective and efficient; on the other hand, this concept refers also to the state institutions and capacities that would carry out regular democratic oversight and management of the entire security sector. Continuity and success of the reforms in the security sector depend on the solid social and economic programs. In other words, in long run the necessary reforms in the security sector are possible only if accompanied by adequate socio-economic reforms. Hence, the security sector reform remains a significant subject of interest especially in post-authoritarian and post-conflict societies. One could even say that sustainable peace and development depend on the success of the security sector reform.

The national program that sustains security sector reform in the Republic of Macedonia is supposed to enable transformation of the security and political structures in a manner that would not sacrifice transparency and democratic accountability for the sake of efficiency. Security sector reform entails a wide range of activities, such as:

1. Establishment of an adequate political framework that would allow development of the security sector reform and any additional legitimization that would ensure public support;
2. Personnel training for the issues that arise from the reforms.
3. Capacity building and human resources for the security sector reform.
4. Set up of functional structures.
5. Development of tools necessary for implementation the security sector reforms and accompanying policies.
6. Development of various forms of cooperation with all interested parties (the UN, NATO, EU, civil society and other international partners and donors).

### **General Framework of Security Sector Reform**

The security sector reforms are a relatively new concept, which replaces the former, less comprehensive programs such as force reduction, defense reforms and adaptations for the sake of national security of a single state. Its goal is enabling sufficient services in the security sphere that would respond successfully to the new security threats but would also be adjusted to the state's financial capacities. However, few countries in the world are capable of maintaining an independent security sector; most of them rely to some degree on the increased international cooperation as a supplement for the national inter-agency teamwork (Fluri and Shalamanov 2003, p. 242; Bruden and Hänggi 2004, pp. 5-6; Bakreski 2008). The modern security sector's structure is rather comprehensive: in addition to the traditional security structures (military and police), it also embraces all other state bodies and institutions that are entitled to carry and use weapons i.e. employ coercive force, such as: border guards, intelligence services, financial police, special anti-terrorist units, customs, judicial and penitentiary guards. In addition, one should include the structures which are result of privatization of security (Damian, Lilly D. and Page T. 2002; Bakreski 2008). Despite the wide acceptance of the notion of the security sector reform, there are still theoretical dilemmas over the meaning of the phrase "reform" and its essence. In general,



the reform achievements are most often the final result of a long process of reform. The quality of the results is directly dependent on the way the reform process itself has been carried out. Complexity is main characteristic of any state-related process but this one bears special significance because it may be crucial for the complete transformation of a country. However, in addition to the benefits the process may imply big financial costs for the state budget. In such a case, the success of the security sector reform depends on the political leadership's determination to consistently administer the reforms regardless the political costs they may induce.

The goal of the security sector reform is enable functioning of an efficient security system that would embrace adequate security capabilities as a response to the potential threats. The security sector reforms contribute not only to the better readiness and efficiency of the security apparatus but it also strives to make the security structures more responsible for their missions and accountable to the public at the same time. Therefore each phase of the reforms calls for serious approach and attitude; by default each phase should be based on an intelligent, well-grounded and coherent presentation of the progress achieved in any of the priority spheres.

The overall purpose of the "security sector reform" is not only establishment of such security institutions that would be efficient but also that would be legitimate and democratically responsible in their mission of providing external and internal security to the citizens. The security sector reform demands numerous consultations with various stakeholders and it assumes a range of goals, such as: strengthening civilian control and oversight of the security sector; professionalization of the security forces; demilitarization and peace-building and rule of law. The key principles for any activity related to the security sector reform are: good governance, efficient security definition and respect for human rights and international humanitarian law (Clingendael 2002).

Basically, the security sector reform is and will remain politically sensitive area which demands full engagement of all state subjects and not only the ones that are professionally a part of the security system. It means that there is a need for a transparent reform plan, based on the official political documents enacted in the parliament, implemented through a package of governmental programs (supported by the budget means or foreign assistance). For the plan to be legitimate and supported by the general public it is necessary to establish close cooperation of the politicians, the administration, civil society and business community (Shalamanov 2003).

### **Security Sector Reform in the Republic of Macedonia**

Security sector reform in the Republic of Macedonia has been an ongoing process for quite some time. There are numerous rationales (both external and internal) for the reforms in the security sphere. The subjects involved in the reforms have various interests, motives and potentials to enforce them. This fact influences the result of the reform. Some of the motivations and interests are public; others are hidden, and could be identified and assessed only indirectly through analysis of the activities undertaken by some subjects (Slaveski 2009).

The external causes for the security sector reforms in the Republic of Macedonia include the following: the change of the security environment since the dissolution of the Warsaw Pact, the Soviet Union and Yugoslav Federation; the Republic of Macedonia's goal to gain NATO and EU membership is determined by successful reform of the security system; new security risks for the national security (such as terrorism, organized crime, intra-state upheaval, etc.) (Slaveski 2009).

As internal factors that call for security sector reform one could list the following ones: completion of the restructuring process of the security system in order to make it operative and in accordance with the resources which are at disposal; transformation and designation of security structures according to the country's security needs; decrease the personnel in a number ratio which should enable structured, operative and technically equipped security system; de-politicization of the security sector; intensifying the preparations for dealing with the global terrorism, as a major threat that may demand additional capacities; recruitment of professionals according the required qualifications and specific competencies etc.

### **Some aspects of the security sector reforms in the Republic of Macedonia**

Public and professional debate over security sector reform in the Republic of Macedonia has been opened relatively late. The issue became urgent only after the 2001 conflict in the context of implementation of the Ohrid Framework Agreement. It gained intensity after the 2002 NATO summit in Prague. One internal and one international event actually served as catalysts of the processes. Both the domestic and the international actors agreed that the issue for the security sector reform has to get necessary attention. However, not everything went without problems. It could be said that both involved parties in the process, the domestic and the international ones, had different, and sometimes even

contradictory standpoints about what and how should something be reformed (Vankovska 2006).

There is a wide-spread opinion that every single reform endeavor in Macedonia may be endangered due to the possible entanglement in a net of issues. One of the greatest problems refers to organizational and functional aspects, which directly or indirectly affect the size and efficiency of any security structure that has been modified. The organizing process of the police and the army leads towards creation of such a structure that defines the task division, cooperation methods among various sectors and the departments, the utilization of the resources etc. This conceptualization of any specific approach towards the internal organizational set-up of the police and the military focuses on the following: the individuals that execute certain tasks within the structure; relations in the formal information system, responsibility for carrying out the decisions, hierarchical subordination, activity planning that would enable the necessary coordination and cooperation etc. The subjects that work within any organizational structure are in constant mutual interaction. The mutual relations among the employees in the organization itself, who take certain posts and have designated missions, are more or less formalized and are regulated in legal acts (Bakreski 2010).

In general, the organizational structure of the police and the army is composed of a sum of relations established among different posts and different persons that hold the posts. The organizational structures of the police and the military have horizontal and vertical dimensions. The vertical dimension is displayed through the levels of authority, while the horizontal dimension refers to departmentalization. Seen through the vertical dimension, the levels of authority are sorted in a hierarchical form (from the top to the bottom; i.e. from the minister who is on the top of the pyramid down to the level of immediate executors). The relations emanate from the delegated authority from one level to another, while between the levels there is a continuous communication with which the authority is passed between the levels.

This is a standard approach that helps understand the relations of authority in the police and the army. Yet, in order to fully understand the problems linked with the police and the army organization, it is necessary to have a proper knowledge about the levels and the methods in which they are created.

The next problem is connected with the legal vacuum that exists with regard to the coordination between various institutions, services and bodies that deal with internal security and the security assessments. Clearly, one of the basic weaknesses in this respect

is the lack of consistent and regular channels of communication and cooperation of the key actors in the security sector (Vankovska 2003).

In order for the security sector to efficiently execute its missions, there should be a certain degree of coordination of the activities. The coordination has a great significance for the endurance and successful functioning of every institution, respectively, the country as a whole. The success of the coordinated activities depends on the capabilities, skills, and experiences of the leading structures; on the type of the activity and complexity of the tasks that are supposed to be executed; on cooperation between the subjects; on the timely manner in which the coordination is performed etc. But, regardless its success or failure, the coordination remains the key segment and a basic need in all of the institutions, bodies and organizations (Bakreski 2002, p. 9).

The coordination of the security sector in 2001, during the military crisis, was one of the biggest challenges and hardships for the security system of the Republic of Macedonia. We were witnessing a substantially weak coordination, especially between the Ministry of Interior and the Ministry of Defense<sup>1</sup>.

Still, it has to be emphasized that regardless of the steps undertaken during the past years (2006, 2007, 2012 and 2013)<sup>2</sup>, the coordination between the police and the army of the Republic of Macedonia remains a great challenge. So, regarding the coordination between the police and the army there are still many difficulties, but it hasn't been forgotten that the problems tied with the coordination are from the kind that are treated as

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<sup>1</sup> The following example could be indicated as mal coordination: in Arachinovo there was a mal placement and the weak coordination between the police and the army on the ground, which caused imperilment of the positions both for the Army and for the Police. The plans of the Army were unacceptable for the Police, and vice- versa. The security structures undertook offensive for eliminating the NLA members in the village, but the offensive was disrupted because of the controversial pressure of the international community. There were claims that among the members of the PLA in Arachinovo there were western military experts and mercenaries. (See Kostova, J., *Unfinished Peace*, Bata Press, Sofija – Bogdanci, 2003).

<sup>2</sup> In 2006 a Manual for Operative and Other Procedures of the Army of the Republic of Macedonia was brought as a support of the police in case of crisis, and in 2007 the cooperation was manifested through the two joint exercises "Link -07" and "Vodno-07". In 2012 a Memorandum for Cooperation was signed between those two institutions, while in 2013 the Ministry of Interior created a Manual for Operative and Other Procedures of the Police in Terms of Hostility as a support for the Army of the Republic of Macedonia.

permanently opened issues which demand new answers. We continuously come back on the questions that concern coordination, because it has a great significance for the uninterrupted functioning and the survival of the state and it is worth to durably engage for it. In this direction, and in order to improve the mutual cooperation and coordination between the Ministry of interior and the Ministry of defense for the efficient conduct of their competencies an additional synchronization and precision in their joint activities is needed. This could be made with faster steps, especially after the signing of the Memorandum for cooperation between the two ministries in 2012. In the next phase remains to precise the cooperation with concrete protocols in all the segments where there is a need for a common, synchronized and coordinated department for the solution of complex security tasks (Bakreski 2013).

The next problem which contributes for rendering more difficult reforms is the weak communication between the civil sector and the security sector. For a successful reform conduct, a precondition is establishing an efficient communication between the civilian and the security sector, which could strengthen the trust between those two components and positively reflect on the dynamics of the reforms. The immediate communication and cooperation of these two sectors contributes for the intensification of the efforts for finding solutions which will be in the function of the security sector. Basically, the security sector reform in the civil and in the military component poses a real challenge and a high political and strategic priority in many countries. Hence, one of the fundamental preconditions for a successful implementation of the reforms is establishing an effective communication between the civil and the military sector, which could increase the trust between those two structures and could positively reflect on the range, the dynamics and the quality of the reforms.

A big problem is the issue on the decrease of number of employees as sort of a need for reduction of the staff in parallel with the reduction of amortized and outdated equipment. The solution is nominally seen through "superseding" of certain numbers expressed through the numeral ratio of the employees and the projected organizational structure, but yet those activities should accomplish the necessary balance through finding a reasonable level of capacities which will simultaneously be a sufficient response for the risks and threats for peace and security.

The following question which deserves attention is the issue of the intelligence community reforms. Today's intelligence system of the Republic of Macedonia is a result of the process of reorganization, adaptation and development of a security-intelligence

services designated and organized for conducting a broad spectrum of tasks with a security character.

It has to be previously emphasized that similarly as other post-socialist states, also the Republic of Macedonia, after the socialist collapse began with great social reforms, which had the purpose to establish democratic standards in the country. The most essential part of those reforms was the transformation of the intelligence-security system, with a sole purpose for its role to be demystified and to be put under civilian control, and its activities to be in accordance with the law. Under the influence of the past, the reform in the intelligence- security system was far more sensitive than in the other social segments, but also brought certain dilemmas whether the best solutions have been made, which would enable for the intelligence-security system to response the needs of the politics and the country.

Thus a sensitive issue is also the question for the coordination of the intelligence community in the Republic of Macedonia. At this moment, there is a dispersion of intelligence activity and it is organized in numerous institutions, respectively, in various departments, without joint coordination. There is a need for a functional dependence and connection between the Intelligence agency, the Sector – Department for military security and intelligence in the Ministry of Defense and the Direction for security and counter intelligence in the Ministry of Interior.

That would mean that the intelligence system is subjected to transformation beside the defense reforms, which are conducted in continuity and the achieving police reforms. Yet, without the real designation of the intelligence services, there is no efficiency in the functioning of the national security system (Bakreski 2005).

In order to excel the coordination problem in the intelligence community, two decisions were made in September 2003: one by the President of the Republic of Macedonia and the second decision by the Prime Minister. These decisions were in the direction of providing the necessary coordination of all the intelligence structures, especially during the conduct of complex security tasks for the harmonization of the activities.

It could be said that these decisions were a good base for establishing a concrete cooperation and in a certain manner the desired coordination started to be achieved in the intelligence segment of the country. So, gradually the functional connection of the intelligence community was provided through a permanent functional connection which was going on uninterrupted during the process of communication and cooperation, which helped

providing flow of information and enabled all the tasks and roles to be availed smoothly (Bakreski 2013).

The experience shows that this approach did not justify the expectations. The overall coordination of the intelligence community is impossible partially because of the unfinished and non brought legislative solutions in this area.

### **Conclusion**

Although certain results have been achieved, the security sector reform in the Republic of Macedonia remains a relatively new challenge that opens space for further improvements and perfection. The reforms should be dovetail in a broader social framework, but at the same time, the political context should not be forgotten. It is considered that the security sector is still connected with the bad habits of party control on certain segments in the security sector. It creates problems in the adaptation which influences society and reflects on different ways. For the Republic of Macedonia, which has no long democratic tradition, the main purpose of the reforms is forming strong security structures, greater coordination of the security community and strengthening the democratic control of the security sector.

A key precondition for successful reforms in the security sector is that the political leadership, the security institutions, as well as the experts from the ministries connected to security, along with other relevant bodies which enforce security should understand and accept the security sector reform concept as something indispensable. They should implement it and enforce it in their training, in their functions and activities, and pass further the concept to the lower levels of hierarchy. That would presuppose incorporating the principles of democratic control over the security institutions, rule of law at every management level, respect for the human rights of the employees and the citizens. In addition, it should be noted that the reforms are not solely intended for the key departments for defense and security, but also for the numerous other organs and bodies which are part of the security sector of the state. It would enable a comprehensive transformation of the security sector which should make it accountable and prepared to response adequately to all the security challenges.

The security sector reform remains a politically sensitive issue in the Republic of Macedonia. In order to be successfully conducted, a complete engagement of all of the subjects in the country is necessary. That would mean that there are no conditions for

reforms without enabling a transparent reform plan, which will be a reflection of the overall efforts of the politicians, the administration, the civil society and the business community. Hence, there is no dilemma that the Macedonian security sector should be transformed, in order to be capable to respond to the security threats in the country. In that context, changes in all of the segments are needed in order for the shifts in the structure to be a reflection of the overall efforts for change in the direction of enabling the preconditions for creation an efficient security sector. That would mean a complete utilization of the human resources, creating an integrated security system, respectively, institutions prepared for maintaining the internal security.

### **Bibliography**

1. Bakreski O., Koordinacija na bezbednosnata zaednica na Republika Makedonija, Filzofski fakultet, Skopje, 2005.
2. Bakreski O., Osnovi na bezbednosniot menagment, Filozofski fakultet, Skopje, 2011.
3. Bakreski O., Kontrola na bezbednosniot sektor, Filzoofski fakultet, Skopje, 2012.
4. Beeson, M., Bellamy, A.: *Securing South-East Asia. The Politics of Security Sector Reform*. Routledge, Taylor & Francis Group. 2008.
5. Born Hans and Albrecht Schnabel. *Security Sector Reform in Challenging Environments*. DCAF
6. Bruden, A. and Heiner Hänggi (eds.), *Reform and Reconstruction of the Security Sector*, Lit Verlag Münster, 2004
7. Christensen, T., Lægheid, P.: *The Whole-of Government Approach to Public Sector Reform*. PAR, Volume 67, Issue 6. 2007.
8. *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives*, Volume II Macedonia, Moldova, Romania, Geneva Centre for the Democratic Control of Armed Forces, Genneva/ Belgrade, 2003
9. Ditrich F., *Nonmilitary Aspects of Security: A Systems Approach*, UNDIR, 1993
10. Ekengren, M., Simons, G.: *The Politics of Security Sector Reform*. Ashgate Publishing Limited, 2011
11. Edmunds T., *Security sector reform in transforming societies: Croatia, Serbia and Montenegro*, Manchester Unuiversity Press, Manchester, 2007



12. Fluri Philipp and Shalamanov Velizar (eds.), *Security Sector Reform: Does It Work? Problems of Civil-Military and Inter-Agency Cooperation in the Security Sector*, Geneva Centre for the Democratic Control of Armed Forces and George C. Marshall, Sofia, 2003
13. Fluri, P. H., Gustenau, E. G., Pantev, I. E.: *The Evolution of Civil Military Relations in South-East Europe. Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*. Physica – Verlag Heidelberg, 2005.
14. Gyarmati Istvan and Scott Vesel (eds.), *Security Sector Governance in the Western Balkans 2004*, Nomos Verlagsgesellschaft, Baden-Baden, 2004
15. Hunggi, H.: *Conceptualizing Security Sector Reform and Reconstruction*. Pdf.
16. Huhn, J. S.: *Rebuilding the Security Sector in Post-Conflict Societies: Perceptions from Urban Liberia and Sierra Leone*. DCAF, Lit- Verlag Dr. W. Hopf, Berlin, 2010.
17. Jackson, P.: *SSR and Post-conflict reconstruction: The Armed Wing of State Building*. Pdf.
18. Mühlmann, T.: *Police Restructuring in Bosnia and Herzegovina: Problems of Internationally Led Security Sector Reform*. *Journal of Intervention and State Building*. Volume 2, Issue 1. 2008.
19. *Post Cold War Defense Reform*, Library of Congress Cataloging-in-Publication Data by Brassey's, Inc. 2002
20. Trapans Jan and Fluri Philipp (eds.) *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives*, Volume I, Albania, Bulgaria, Croatia, , Geneva Centre for the Democratic Control of Armed Forces, Geneva/Belgrade, 2003
21. Wróbel, J.: "Security Sector Reform and Transparency Building. Needs and Options for Ukraine and Moldova". HARMONIE PAPER 17, 2004. PDF.



## MODEL FOR PARADIGMATIC PROJECTION OF MILITARY FORCE

Sinisha Daskalovski

Institute for Security, Defense and Peace - Faculty of Philosophy, Skopje

[sinisa@fzf.ukim.edu.mk](mailto:sinisa@fzf.ukim.edu.mk)

### Abstract

*The new security threats and particularly the conflict in Ukraine have announced a new phase of re-shaping of the global security scene. Questions that were unthinkable until recently are now urgent as they refer to possible escalation and transformation of the Ukrainian conflict into a major international clash. Up to now NATO assessment identified that the most vulnerable could be the Baltic member-states and Poland due to their incapacity to adequate response to any impending military threat from Russia. However, the new developments call for serious re-assessment and strengthening of their military component. In that context the basic model of the armed forces will have to go through a review process in order to be able to respond to the new security challenges and risks for the Euro-Atlantic region. Indirectly these developments have an impact on security of the sub-regions in the NATO vicinity, including the Republic of Macedonia. In this paper an attempt is made to identify the main factors that are likely to shape a new model for paradigmatic projection of military power in Europe, and to make a particular reference to the military model relevant for the Republic of Macedonia.*

**Keywords:** *model, paradigm, armed conflict, interstate conflict, armed forces*

### Introduction

The most respectable analysts of military organization have never had any doubt that there is no universal model of military organization which can be applied to all states in the world. The scholarly works by default point to the complexity of the issue of modeling military organization due to the fact that numerous determining factors may have different relevance and impact in any specific case. Furthermore, question of an adequate model of military organization gains more significance under specific circumstances when a respective state goes through deep political and socio-economic changes internally, while at

the same time the international environment is also going through systemic transformations. These circumstances usually require reforms in the national security system, particularly in the military domain.

The case in focus could be the Republic of Macedonia. The country has been exposed to such simultaneous challenges in the period immediately after the end of the Cold War and Yugoslavia's dissolution. Process of gaining state independence and sovereignty had been going simultaneously with the establishment of the military as a state institution. Ever since, the quest for a new model of military organization has dependent on the influence of various factors. For instance, the state leadership had to take into account scientific achievements in the military realm and comparative experiences of the other states, and all that necessarily through the lenses of the strategic interests and specific needs of the Republic of Macedonia. Integration into the Euro-Atlantic structures has given new impetus because there were reforms to be implemented in order to get full membership status. On one side they may be limited but on the other side they have determined the quality of the two (domestic and international) approaches. Seen through today's perspective one can draw more reliable conclusions, and it will be done in the first part of this paper.

The second part of the paper put emphasis on the changes that have been brought by the new millennium, especially in terms of warfare dynamics. Obviously a new conflict environment has been created - burdened by new threats, which are both irregular and diffuse. It has a very strong impact on the reform priorities in the sphere of security and defense. The paper further stresses the need for application of science achievements in the process of shaping optimal model of military organization of the Republic of Macedonia. Finally, attempt is made to support concluding insights and knowledge as well as research framework, once again going back to the beginning of the study in which the hypothesis set to confirm or will come to proving or to be redefined.

### **Design of the Model of Military Organization in Accordance to the Constitution of the Republic of Macedonia as Independent and Sovereign State**

According to the 1991 Constitution, the Republic of Macedonia is independent and sovereign state and that is the starting point of the process of building the armed forces. Prior to that, Macedonia was a federal unit of the Yugoslav federation, and as such she

participated in the recruitment of the Yugoslav People's Army as well as established units of Territorial Defense (TD) on its territory. During the process of disintegration of the SFR Yugoslavia and simultaneous formation of sovereign and independent Macedonia, at first the only organized element of the armed forces was the TD units. Originally, the TD represented an integral component of the Armed Forces of the SFRY, which was organized on a level of the federal units with an aim to cover the entire state territory. Thus each federal unit formed its own territorial defense, which in conjunction with the YPA was supposed to respond to the most difficult threats to the national security. Of course, the mission was defense from any external military threat. On the other hand, the issue of possible internal armed conflicts was a taboo because official Yugoslavia dismissed any such scenarios as irrelevant. It was assumed that the security of the Federation could face exclusively external threats, and that it could come to an internal armed conflict only for a short time; but also that this could escalate into larger armed conflict, in war, in which almost without exception would affect the whole territory of Yugoslavia. In such conditions the federal units would become operational forces in a form of TD.

As for the Territorial Defense of the Republic of Macedonia, it is important to stress that in terms of the 1991 Constitution, the TD took over some functions specific to the army. At that early stage of independent state formation, in fact it represented a strategic component of the armed forces and also a solid base for the formation of the armed forces of the Macedonian state.

Shaping the optimal model of military organization in Macedonia has been influenced by a group of systemic and socio-political factors. There was certain influence of the old doctrinal practice and also the reform was implemented by the old guard officers educated in the Yugoslav military system. Obviously, during the build-up of the Macedonian military two approaches were taken into account: application of all available achievements of the social and military sciences gained through scientific methodology, and secondly - already gained experience from the previous system. The radical changes in the political and socio-economic system have further conditioned transformation of the military as an integral part of the defense system. In shaping the optimal model of military organization of the Republic primary role should have been given to scientific progress relevant for the army, but also it was acknowledged that the experiences and skills already embedded should not be neglected and automatically rejected as inappropriate. It meant that nothing should be ignored or rejected *a priori*. In due time, however, a realistic approach was established: the expectations from Macedonia's integration into the Euro-Atlantic and

European defense and security structures meant that the process of meeting the criteria got priority. In other words, the process assumes high respect for the basic tenets of the organization and structure characteristic of Western models of military. On the other hand, small professional armies with fully implemented civilian supremacy and democratic control on the depoliticized and de-ideologized armed forces may have advantages, even in terms of their capabilities and readiness to respond to the old and/or new security challenges and risks. Of course, each model of military organization has its own peculiarities, which are usually translated into experiences that may be shared between countries. Yet the foundations of each military institution should be identified in the societal and political system that it exists in order to defend. These national specifics should certainly be taken into account and incorporated to some degree in the reformed model of armed forces.

For example, for the Macedonian army it was necessary to set up a new basis for its full professionalization, but at the same time to reduce its size, and to modernize itself in order to respond to the old and/or new challenges and risks. Its de-ideologization and de-politicization have had very significant role as well. Just to remind that the YPA was highly politicized military based on the idea of a mass "socialist" army. It also meant bulky military organization and mass conscription. The first changes that took place after gaining independence referred precisely to the introduction of civilian supremacy. Furthermore, it needed a new way of thinking and acting of the top brass in order to overcoming abovementioned traits that had been a product of a different system and regime. The Macedonian academic thought, using scientific methods and techniques in accordance with the strategic interests and national goals of the Republic of Macedonia, has assisted theoretically to the establishment of the optimal model of military organization (Daskalovski 1998). In this aspect, a very important emphasis has been given to its uniqueness, characteristics and interests specific to the respective state.

The today's model is an outcome of a careful combination of the distinctiveness of the Republic and its interests and strategic objectives to integrate into Euro-Atlantic security and defense structures. It has been shaped as a modern army under civilian control and with depoliticized structure with an optimal size and professional and trained staff. It is well-organized and movable, with maximum defense capabilities, and modern combat equipment to counter any potential aggressor and to protect territorial integrity and independence. Civilian control is a mechanism that prevents its political misuse or potential militarization of the society. In liberal societies with political pluralism, the military is expected to be apolitical. The Macedonian army still needs some time to adjust to the new

liberal requirements but also some time for maturation that will embed this postulate in the foundations the army.

The ARM is designed in such a way to be small and professional at the same time, i.e. to reflect country's needs and capacities. This trend is present in armies of NATO too, and most of them are fully professionalized, while in other countries professionalization of the army is underway. In terms of its size an attempt is made to meet NATO requirements for an optimal military force that is designed as a ratio between the size of the population and the size of the military personnel. The resulting equation of dependence on NATO member states applied to the Republic of Macedonia gives the size of the active part of the armed force i.e. 14,045 members (Daskalovski 1998, p. 171). If it cannot be applied to correlation and regression analysis, as in the case of determining the size of the reserve, other procedures and techniques are implemented. So the calculated average of the percentage relationship value reaches a size of 30 455 reserve members. (*ibid*, p. 282). Altogether, the active part and reserve would comprise about 45,000 members of the armed forces. Of course it is possible to reach different values that can be obtained by assessing the impact of certain factors or experiential as in the case of official Macedonia figures that will determine the 100 000 army members of which in peace time the Army's projected 22,592 members, and the Military Staff approximately 100,000 people (*White Paper on Defense of the Republic of Macedonia* 1998, p. 77), or by stops in (*Military balance 1999/2000*, p. 300), the active part accounted for 20,000 and 102,000 people reserve. Comparatively, it is a big difference in determining the quantum of members of the armed forces. Unfortunately, a sizeable layer option will be official, but not acceptable to NATO standards.

The third part of the paradigm model projection of the Armed Forces of Macedonia refers to the minimum modern offensive combat assets in accordance to the defense needs of the country. It is a result of the influence of the national military doctrine that is strictly defensive and accounting economic opportunities which limit the impact of external factors imposed by abide and implementation of the CFE-CFE (Conventional Armed Forces in Europe) treaty that restricts five categories offensive combat vehicles (*Military Balance 1992-1993*). In fact, in the view of implementation of these five allowed categories of offensive combat vehicles, the Republic of Macedonia is limited to only four categories, since it does not possess combat aviation. This is mostly due to several objective factors, such as small airspace, high cost and maintenance of military aircraft, national military

doctrine, etc. On the other hand, this solution leaves enough possibilities for strengthening the other parts of the offensive combat equipment, such as fighter helicopters.

The fourth section, maximum defense, modern combat equipment to counter the aggressor and protection of territorial integrity and independence of the country, seems largely reflecting the uniqueness of the Republic and its relation to the primary threat, i.e. possible external aggression on the country. The commitment for a maximum of combat assets is viable and suits the country's needs, abilities and interests. It represents a good basis to counter any possible aggressor and to efficiently protect territorial integrity and independence. The end of the Cold War gave raise to hope that the peace dividend is going to create a new more relaxed global security situation. The world war seemed to have been unlikely. It was expected a new era in warfare to come, in which the supremacy in terms of conventional forces of the Western countries will gain currency. At the time, the US National Security Strategy planned maintenance of forces for "two wars", in fact, including the ability, in cooperation with regional allies to win two nearly simultaneous major armed conflicts. (*National security strategy of engagement and enlargement*, July 1994, pp. 5-7).

It was believed that internal armed conflicts would dominate over classical inter-state armed conflicts (*SIPRI Yearbook* 2005). It imposed a new way of thinking directed towards growing need of elimination and mitigation of intra-state conflicts and peace-building and building stability in the crisis regions. The conflict in Bosnia and Herzegovina lasted more than three years and the international security structures had not failed to stop it until NATO took over the main role in ceasing the ongoing bloodshed. The turning point was the two-week air campaign that eventually led to the Dayton Peace Agreement. However, this campaign has not put an end to the problem of occurrence of war; on the contrary, it created a new situation and opened a process that would require greater engagement and more complex actions than it was the case with conventional wars. The problem is systemic and requires full engagement. Peace keeping and building stability in a new post-conflict setting proves to be very demanding endeavor. NATO has faced a need for a different crises management system.

The Yugoslav case was an illustrative example of an intra-state conflict. Macedonia seemed to be an exception. It certainly had a significant share in creation of the official Macedonia's policies directed towards use of peaceful means and methods especially because of total withdrawal of all Yugoslav military capabilities and equipment had been stationed in Macedonia, leaving the state practically demilitarized. Seen from the external point of view, the major problems for independent Macedonia, apart from its economic,



political and military weaknesses, were created by Greece. Its southern neighbor even threatened with military threats, unless the Macedonian leadership meets the conditions imposed by Greece. This, together with the aspirations of other neighbors towards Macedonia, affected strongly the security position; the threat of war remained a major factor that determined its security, while the armed forces were expected to be the main instrument in a worst case scenario. The construction of a model of military organization got priority given that challenge. It greatly pushed to the background the other less grave forms of endangering the security of the country, particularly the threat of an internal armed conflict. But critical if it goes at a slower pace and an official approach that there is no danger of aggression or internal armed conflict and, then, in terms of the occurrence of such risks, the country can be found in a very difficult situation, and that later on really happen.

### **Model of the military organization in the new millennium**

A long time has passed since the end of the 20th century, when the defense and security system of the Republic of Macedonia was put on a test by armed groups that infiltrated from territory of Kosovo with aspirations for greater Albania. In circumstances where the infiltrated groups established cooperation and support of segments of domicile Albanian population, it created conditions for armed confrontation with government forces, the police and the military. It did not take long for the Macedonian officials to respond with combat vehicles and systems of the military. They also asked for help from the international community, particularly NATO. It points out the whole complexity of the situation and the threats to the territorial integrity and sovereignty.

Otherwise, in conditions that made possible the infiltration of armed groups, irregular groups or terrorist groups, they should not have posed a larger problem for the police let alone military. But when terrorist groups got logistics from domicile Albanian population and when they put under control a part of the territory from where commanded with military operations, then terrorism transformed into an internal armed conflict. Thus, the territorial claims transformed into a struggle for greater rights. In such conditions the intervention of the military was necessary. The response should have been swift and decisive or the conflict could have intensified and grew into a larger armed conflict and even a war. In that case help from NATO would be necessary. In fact Bosnia and Herzegovina, Kosovo and Macedonia were the first three cases of NATO operations after the Cold War. For the conflict in Macedonia, Lord Robertson, in his capacity as Secretary

General of NATO, speaking at the Conference before the NATO summit in Prague on "The transformation of Europe 1989" said that "NATO with the EU prevented a civil war."

The need for reform of the system and building the optimal model was strongly highlighted by this conflict, and further reforms involved issues of the chain of command, especially the relations and position of the Chief of General Staff, filling the units with troops and modern weapons, training and doctrine that will may enable the function of security forces-police and the army of the Republic of Macedonia. The model which objective was to create an armed force that would be one of the pillars of the defense, of the independence and the overall security of the state, compatible to the military system of NATO. Model with marked ability to timely identify threats, quickly bringing mobility to use and expressed ability to defend the hardest form of endangering the security of the Republic of Macedonia, from aggression.

All other forms of endangering safety, including terrorism, insurgency and internal armed conflicts, would represent a risk of secondary or tertiary importance. Basically, any of the forms, especially military and non-military forms of endangering safety have very little chance, I'd say the chances are minimal for achieving success, and so develop, if the opponent has a military organization that can afford realizes its function. Inability to perform its function on any ground, command, organization and morale etc., opens the space for escalation of the conflict and security implications with major consequences. The model will be based on science and scientific, prefer criteria concerning the organization and formation of the units of the armed forces at any time to fit into any system of the North Atlantic Alliance. About alternatives of the model, it emphasized the weaknesses of the creation of quantitative great armed force, this was especially present in an period of the constitution of the Army of Republic of Macedonia, which to some extent have already been mentioned above. Then, as analyzed as an alternative to armed force with strong offensive opportunities, demilitarization and inclination to any neighbor in terms of security, it would be not a favorable alternative. Finally in terms of cost, starting from economic point, it should always be measured by the expected result and efficiency. Specifically, an attempt is made to obtain a regressive equation correlation between gross domestic product and a military budget of NATO member states. Applied for the Republic of Macedonia received sized 148,000 US dollars military budget, which is significantly more than the official military budget of the country. It is evident that no connection is recognized between science and official structures, security, defense and others, which ultimately adversely affect the security and defense situation in Macedonia with the

emergence of conflict 2001, reflected also in the approach to integration with Euro-Atlantic security structures. On the other hand, while European security structures and especially NATO enriched their experience in terms of dealing with internal armed conflicts, the United States faced a terrorist attacks with great human losses.

It will open a new page and it seems now we start a new era in warfare, which Western powers expected in the period immediately after the end of the Cold War. As never before that attack in 2001, terrorism was elevated to the level of war. The United States will receive guarantees from Atlantic Council that its NATO allies are willing to lend the support that may be required of them under Article 5 of Washington Treaty. (IISS The Military Balance 2002-2003.: Page27). It turned out that it needs urgent changes within the organization and especially the European armed forces to respond to the security challenges of the longer distances and for dealing with irregular forces. NATO Secretary General, Lord Robertson, sent a call, exhorting European nations to increase funding for defense. It will strengthen the need for reform of the military organization in its center will be ability to respond to new threats and forces other than regular, and reducing differences over defense costs. It won't remember for a long time, and already the Prague NATO Summit 2002 will devote considerable attention to this need and security challenge. In fact, it would set the stage for the transformation of the North Atlantic alliance in a new quality, organization and structure with greater capabilities and a set percentage of defense spending. For this to be realized it will finally be brought to an end the division "who feared Europe 20th century." (*NATO after Prague*). And will open the need for reform and transition to a different model of military organization. Basically the model that was based on violence to be transformed into a model of military organization which will be based on ability. Model paradigm perception of military power globally will be the US and within Europe the UK. However, they are not universal and cannot be copied in every country. But they have parts that need to contain every model of military organization if they have ambitions to exist as a model. It does not prevent differences in the design of the main parts, which are specifically shaped model.

There are models of pure expeditionary warfare and combined models. For shortlist of the model significant influence exercised perceptions of the threats. It seems that they are different in Europe and it will be countries that have no direct military threat to the countries which still exist. Because of it models will be orientated towards the response of pure expeditionary wars and combined models for the defense of territory even primary in terms of engagement in multinational operations. For small and non-NATO members such

as our country, it seems more adequate to combine a model due to perceptions of threats to the territory and sovereignty and ambitions integration with Euro-Atlantic structures, which implies participation in operations outside the country. In any case, regardless of the different perceptions of the threats, as a joint European forces, there would be the need and ambition for increased participation in multinational operations outside its borders. (*ISS Strategic Dossier*, 2008, p. 32).

All this would determine the reform of European armed forces in the first decade of the 21st century in order to create smaller, more capable, more adequate and engaged and forces that would cost less. For the Republic of Macedonia as a small country aspiring to join the Euro-Atlantic structures, it seems more acceptable to have the combined model, resulting from the impact of the internal armed conflict in 2001; then, to rely upon assessment of relations with some neighbors who had preceded the conflict or overflow of a larger regional conflict and the ambitions of the country's Euro-Atlantic integration expressed by engagement in operations. For the country as imperative, differentiation between the need to balance the defense of territory and participation in multinational operations will be relevant.

This opens space for actualizing the issue of reforms, which happens on a regional and even global level, particularly within the NATO military structures. For European armed forces we have already mentioned the main goal of defense reforms: more engaged, more capable, more adequate and less cost. That is to say that most countries appreciate the fact that although there are threats to their territory, but their implementation of the new model will take time to allow them to prepare. Therefore, priority will be placed on creating engaged and capable professional armies. Indirectly it will mean the abolition of conscription and reduce size. And ones professionalization and other factors, like reducing the size of the armed forces assumed our model of military organization at the end of the last decade of the 20th century are still relevant. Specifically, in addition to monitoring and analysis of existing trends of changes in size, an attempt was made - step by step using specific scientific methods to arrive at optimal large- of the armed force of the Republic of Macedonia. In terms of professionalization, suppose it goes with the abolition of mass recruitment as an important assumption in the early phase of construction of the optimal model of military organization. Compared with the reforms of the European armies, most has stalled in the new millennium.

In terms of capabilities, for Republic of Macedonia it is important to prepare for the transition from national to multinational level planning capabilities. It will allow them to

exploit the benefits of integration with Euro-Atlantic security and advanced defense structures, and through the use of some of their facilities which otherwise should be also be provided nationwide. On the other hand, capacity can be discussed through the analysis of the characteristics of modern operations, which represent a variable category. This in turn opens a continuous process of adaptation of models, which must not be ignored or neglected. In fact, in that case, one cannot speak of capable armed forces, or that can be can only declarative. Commitment to adaptable forces stems from the need and impact of new multilateral and ambiguous conflict environment in which the armed forces have to cope with many regular and irregular opponents. Significantly, recognizing that one of them is a threat of a military nature, and part of them are not a threat in terms of military adversaries. That is to say that the new conflict environment cannot be treated as traditionally acted against regular military forces-the-opponent aggressor, but in a way that allows efficient countering irregular forces and transnational terrorism as the most prominent threat at the beginning of the new millennium. Because this threat is primarily land-based at complex physical terrain, most appropriate response can be given by ground forces, supported by other branches of the armed forces. It is for operations in which the soldier is required to possess skills, abilities characteristic of the special forces which are equipped with sophisticated weapons and trained to act in the most difficult conditions in small-group teams in conflict environment. Ambiguous conflict environment for special forces cannot exclude the need for performing conventional tasks required capabilities of conventional forces. Together, it will significantly affect the need for change, and through reforms in the defense sector and especially in the armed forces. The military organization of the Republic of Macedonia in accordance with the new conflict environment will require adaptation. In fact, in our case it is the adaptation of the land army already was a certain priority over other parts of the armed forces. Now there is a necessity of having a larger capabilities needed to effectively operate in ambiguous conflict environment.

In connection with the determination and purpose that European armed forces less cost, almost without exception it will be adopted and implemented by all countries in the region. For European NATO members it is the fact that it was already agreed at the NATO summit in Prague in 2002: the cost the military budget cannot be less than 2% of gross domestic product, and that will continuously decline. This seems most of the countries in which perceptions of threats excluded direct military threats, threats of aggression. That is not the case for example with Turkey or Greece where there are still unresolved territorial issues, and countries that aspire to join the NATO. For Macedonia, it is certainly acceptable

that the armed forces cost less. This is particularly evident in situation of crisis as the country will find the beginning of the constitution as an independent and sovereign state. The security situation requires a different attitude towards this issue because it can easily be affected by the conflict and when faced with threats to its independence and sovereignty. In these circumstances and in shaping the optimal model of the military organization, a calculated regressive equation of dependence of the military budget and gross domestic product of the NATO member states is most relevant.

It is estimated that military budget of the Republic reaches 148 million US dollars. It will be much more than it will be officially determined, for example in 1995 116 million, 117 million in 1996, 130 million in 2011, in 2012 132 million US dollars, and this represents a value that today in 2015, represents a respectable determination the military budget of the country. It is a good orientation to respect and practice the recommendations of the NATO summit in Prague in 2002, and in connection with the levying of taxes on the military budget of gross domestic product amounting to 2% which is the case with the projection of the structure of the budget of the Ministry of Defense until 2019. (*White Paper on Defence of the Republic of Macedonia* 2012, p. 65) This is a very significant factor for better implementation of the reform process and in meeting our consistency and seriousness within the integration process. The US several times warned European NATO nations that reduction of the military budget below 2% would have negative implications; these are particularly evident in crisis situations and when to intervene with troops beyond area. Ultimately, the budgets are national and depend on governments' estimations, however, already it is high time that scientific knowledge and insights to feed the strategic decision needs and interests. More than necessary is to continuously monitor and analyze processes that may significantly change security environment.

The conflict in Ukraine 2014 opened dilemmas about direct military threats and especially the danger of a world war that was regarded as unlikely but very influential. The conflict has already become a direct military threat to NATO and especially its European section. (*NATO Wales Summit Declaration* (2014), p. 1-5). It is not over yet, but it affects the attempts of most analysts, to deal with this phenomenon which will emphasize the need for changes to existing models of military organization, and formation of European armed forces. This will open the question to increase defense spending even increased need for reinforcements to the combat potential and preparation through exercises preventively act on the prevention of possible aggression, and under cooked for possible direct attack. All this will say that the process of reform of the armed forces is constantly active, even

though the planned implementation for most European countries to be completed by 2015. If reforms are undertaken to meet the challenge of modern operations, indirectly it will mean and adaptation and changes in patterns of military organization. It seems that is simpler if that element is embedded in the existing model.

### **Concluding observations**

On the ground of the previous argumentation, one could come forward with the following conclusions and findings:

The construction of the optimal model of military organization of the Republic of Macedonia will be realistic only if it relies on a corpus of socio-political and systemic factors that determine its construction and organization. It turned out that the closeness and lack of respect to the impact the factors that determining influence on the shaping of the model of military organization has unfavorable connotations in exercising its function and closer to Euro-Atlantic integration processes.

As an important factor, it is confirmed by the findings that there is no universal model of military force which may be reflected in any country, though the model paradigm projection of military power are the experiences globally, those of the United States and in Europe - the UK. However, as common to them all the basic parts - the purpose of the model, alternatives, criteria and costs, which should be incorporated into the design of each model. For Macedonia, the basic factor is a modeling military organization with a minimum continuous professional and trained forces within the armed force, most modern organized and flexible, with civilian control and depoliticized composition, with a minimum up to the minute offensive combat assets within the defense needs of the Republic and the maximum defensive modern combat equipment to counter the aggressor and protection of territorial integrity and independence of the Republic; in addition, to adapt to which in the late 20th century was based on aggression to the change of environment adapts conflict over reform model that will be based on skills . It turned out that the model is sustainable in the new conditions; even in some segments it was relevant long before the time. It stands as a significant recognition that it takes finding a balance between very influential and little probable and probable and less influential in the construction of the optimal model of military organization of the Republic of Macedonia.

Also, we came to the conclusion that, in ten years within the conflict environment, new threats are emerging, seriously challenging the primacy of bigger security threats.

The conflict in Ukraine once again confirms that search for optimal model of military organization should continue in order to respond to the new military threats.

### References

1. US National Security Strategy of Engagement and Enlargement, July 1994, White House
2. *Бела книга за одбрана на Република Македонија*. 1998. Скопје: Министерство за одбрана.
3. *Бела книга на одбраната на Република Македонија*. 2012. Скопје: Министерство за одбрана.
4. Даскаловски, С. 1998. *Вооружените сили на Македонија-општествени претпоставки на одбраната*. Скопје: НИП „Студентски збор“.
5. *NATO After Prague*. 2002. Brussels-Belgium: NATO Office of Information and Press. [www.nato.int](http://www.nato.int).
6. *SIPRI Yearbook 2006*. Oxford: University Press.
7. *NATO Wales Summit Declaration*, Press Release (2014), Issued on 05 Sep. 2014.
8. *Strategic Dossier*. 2008. European Military Capabilities, London: The IISS.
9. *The Military Balance 1992-1993*. London: IISS.
10. *The Military Balance 1999-2000*. London: IISS.
11. *The Military Balance 2002-2003*. London: IISS.
12. *The Military Balance 2013*. London: IISS.



## DEVELOPMENT OF WAR AND ART OF WARFARE

Vancho Kenkov

Institute for security, defense and peace - Faculty of Philosophy, Skopje

[vancok@fzf.ukim.edu.mk](mailto:vancok@fzf.ukim.edu.mk)

&

Sergej Cvetkovski

Institute for security, defense and peace - Faculty of Philosophy, Skopje

[sergej@fzf.ukim.edu.mk](mailto:sergej@fzf.ukim.edu.mk)

### Abstract

*All segments of warfare, from antiquity until today, have gone through evolutionary change. The evolution is a result of many factors, but the most important ones include development of society, technological and technical development, achievements in science and art of war. The evolution of war and military skill is analyzed through centuries starting from slaveholder period until modern era. The paper outlines the basic features and importance of these factors, while particular attention is paid to modern conditions. Authors also try to make a parallel between constant development of war and changed significance of human and material-technical factor. The research question is whether development of war and changed role of factors of war are mutually conditioned processes. The rapid and comprehensive development of military equipment and technology is analyzed as well as its impact on the physiognomy of war and military skill, wherein it is highlighted that human as a factor of the war is gradually losing its dominant role which it traditionally had throughout the history of wars.*

**Key words:** evolution of war, technical and technological development, factors of war, evolution, industrial revolution, mass strikes.

### 1. Introduction

War, as one of the most complex social phenomena, is about 10,000 old. Development of mankind was much more "history of wars" and much less "history of peace."

As social phenomenon, the war affects all relevant factors essential to the condition and the development of society (global and local). The centers of power, prosperity, and peace shifted around in response to this process, producing new and more effective forms of governance, while driving social development to higher level. The great question that remains, though, is whether the long-run shape of the growth curve will be logistic—flattening out when the entire planet is subsumed under a single government—or boom-and-bust, leading to a catastrophic collapse (Morris 2012, 11). Social changes have been going hand by hand with the continuous changes in warfare. It is an ongoing process. But this relationship has always been two-way street.

## 2. Main Features of War through History

The evolution of war has to be approached dialectically i.e. with respect to the evolution of human society and *vice versa*. War was born in the transition towards the era of slavery, and its evolution ever since has followed the changes in society.

During the *era of slavery* waging war was a decision made by an individual who was at the same time a ruler and army commander. The wars were led for territorial conquest, slaves and loot. During early periods, the armies were not permanent, but later on a phase of slaveholder militia was introduced. The changes reached up to a mercenary army as a standing army, whose support, weapons and equipment was provided by the state. Characteristically, the land army was a major form of military organization and later on navy was established too (*Naval Reserve Officers Training Corps* 2015). In this era military formations such as Centurion, Phalanx, Manipulator and Legion were most significant.

The battle ground was essentially natural setting, without man-made objects; military actions were mostly carried out on land and rarely at sea. System of separate battle and decisive battles prevailed, while the speed of movement was restricted since armies were moving on foot or on horseback. Armed struggle was influenced only by the climate (winter, summer, fall and spring) and meteorological factors (rain, fog, ice, etc.). Some distinguished military leaders and rulers contributed to development and perfection of the martial art. The most famous ones were Alexander the Great, Julius Caesar, Darius, Hannibal, Barca, Octavian Augustus, Scipio Africanus and others (Ratković 1981). The most important written papers on the art of warfare were drafted by Sun Tzu Woo in China and Thucydides in ancient Greece (*ibid.*, 106-112).

In *feudal society* military organization bore all characteristics of the society that was fragmented in economic, political and territorial terms. The military was small, insufficiently organized and fragmented. Feudal lords were often unable to resist the well organized armies led by Mongolian, Tartars, Turks and other invaders at the time. Only the emergence absolutist monarchies created preconditions for emergence of large mercenary armies that gradually turn into modern standing armies. By the 15th century primary weapons were the sword and spears, and at the end of that period appears the rifle (McGlynn 1994). From the 16th century artillery gets an important role in the armed struggle (Шиљеговић and Тодоровић 1971), and dominant forms of internal organization were infantry, cavalry, artillery and engineery. Feudalism did not see any significant social progress neither there was any significant progress in the military sphere. It was marked by regress in terms of military theory and military skills development.

In the period of *industrial society* warfare became more efficient: weapons—particularly small arms—was easier to use, while states abandoned complete reliance on professional soldiers in favor of conscription. Conscription meant increase of the number of military personnel available for combat. This was vastly used by Napoleon Bonaparte. The changes in the formation and organization of the armed forces included new kinds and services. Technological advances became increasingly important; while the armies of the previous period had usually had similar weapons, the industrial age saw encounters (such as the Battle of Sadowa), where possession of a more advanced technology played a decisive role in the outcome. With the introduction of new and improved weapons the firepower gets a special place in the armed fight, which determined the focus tasks and accomplished goals of military actions. The battle deploys started to become more friable, broader and deeper and maneuver received prominence in the art of warfare because of increased mobility, speed and suddenness of actions.

Rapid, diverse and comprehensive technological and technological development was a major feature of capitalist society with several technological revolutions. The science reached major proportions and made the greatest contribution to social progress. The capitalist social order led to the greatest progress in the development of human society. It significantly influenced the development of military science, the military equipment, the armed forces and the military skill. Wars were fought for territories and spheres of influence, and the objectives were primarily economic. The *Total war* was child of industrial warfare too. William Tecumseh Sherman's "March to the Sea" and Philip Sheridan's burning of the Shenandoah Valley during the American Civil War and the strategic bombing of

enemy cities and industrial factories during World War II are examples of total warfare. Total War, first and foremost called upon entire societies to gear up for a far-reaching struggle: „Materially it drew heavily upon an industrial nation's full range of resources, while ideologically it could not be a disinterested or distant affair from people's daily life: the whole of a nation was called upon to unite and commit to combating other whole nations. Organizationally, a state's government commandeered and coordinated much of the production, transportation, communications, and manpower capacity of the society, channeling it into the effective staffing, arming, moving, and re-supplying of an enormous fighting force that ran through people and materiel at a tremendous rate“ (Lynch & Bravman 2008).

All that influenced the role of the individual in war. He was and still is engine of all military events: he decided on going in to the war, he was the carrier of the military production and services and he was also participant in combat operations.

All of aforementioned changes secured a special place for science, while the education of professional military staff has become a requirement for successfully conduction of the tasks of the armed forces in peace and war. The war become more complex and richer in its content and it covers all the structures of society and all social activities and institutions. As war became subject of interest of many sciences, the art of warfare and military science has intensively and comprehensively developed. Achievement of success in war became dependent on use of scientific achievements, because apart from warfare skill, the military officers are required knowledge and the use of achievements of the military as well as other sciences. Successful management and command today assumed knowledge and appreciation of the action of scientific logic and the laws of armed struggle and war.

### **Importance of Art of Warfare and its Development**

Development of art of war is predominantly conditioned by the constant changes in armament and gradual (downward) change of the role of the human as factor of war. The recent concept of Revolution in Military Affairs (RMA) is even somewhat vague and changeable concept that has had many different interpretations which attempt to explain how warfare has been shaped by emerging technologies (Chapman 2003). It highlights the short outbursts of rapid change followed by periods of relative stability. The art of warfare is still rapidly evolving. The new weapons and military equipment determine the process of perfection of art of warfare. This process takes place in three main directions: a) finding

solutions for comprehensive and rapid exploitation of the effects and results of the action of modern weapons (the latest technological generations); b) solving the problems of defense and protection of these weapons, and c) in parallel with this, the integration of art of warfare with the necessary elements of propaganda, the political, the economic, the informational and other contents of the war, which role is increasingly important for the process and the outcome of the war.

The armed forces of the great powers have put the focus of improvement of art of warfare on use of the military actions that allow larger effect of modern weapons with minimum (human) losses on their own side. For that purpose, special attention is given to long distance activities i.e., airspace and outer space. In parallel to their interests and activities primarily on land, those powers seek for allies and use their services and also use the forces that already exist on the territory of the opponent as various military formations, separatist and other organizations and groups, as well elements that are prone to them. They also engage force for propaganda, political, psychological, economic and other activities and actions.

In contrast, the armed forces of mid-sized, and especially of small states, put their focus on finding solutions to counter the technical superior opponent. Their military skill is sort of a combination of defense and protection of high-tech weapons, as well as initiatives, shrewdness, and superior training of all types of forces for pairing technically superior and stronger opponent, with maximum reliance on its own strengths, potentials and opportunities. The measures of anti-aircraft, anti-electronic protection, augmentation of propaganda, psychological and intelligence action and decisive counter-terrorist activities have great importance for the defense of small states. They are likely to avoid direct military confrontation and instead resort to some form of "asymmetric" warfare, including terrorism and guerrilla combat. These forms of warfare will have disastrous consequences for civilians, as they already have (Chapman 2003, 18).

### **The Role of the Factors of Warfare**

The technological and scientific development, the invention and use of new types of weapons contributed some factors of armed struggle to gain a new dimension. Analyzing the wars in the last 20 years, we can conclude that the factors of military struggle (the human, the material and technical resources, the time and the space), have got changed roles. In modern war, the main factors of armed struggle are human and military equipment, while the space and time lose their significance. However, they act

simultaneously and have mixed effect. Although the new weapons, modern military equipment, increased efficiency and the destructive power of weapons take up an increasingly important role, the role of the human factor although gradually losing its importance that have had in the past, still remains significant (Mikić 2003, 173).

Anything built by man can be destroyed by man. The humans decide on all important issues related to war and use of force, apply most contemporary armaments and use it appropriate of its intentions and goals. Even in contemporary warfare they retain the functions that had in previous wars. Modern war today requires contemporary soldier with great knowledge and ability. About the characteristics of such a soldier, the Alvin and Heidi Toffler have said that modern soldier is not only ammunition carrier mule: „He knows mechanized and infantry tactics. He is trained to work together in operations with helicopters and aircrafts, mostly because he guides them. Guiding the planes means that he also knows the opponent weapon. He is adept at geometry and navigation. He manages mortars and artillery, armored and anti-armored weapons, mine and counter mine weapons and tactics, use of explosives, computers, motor vehicles, laser designators, thermal surveillance tools, and devices for satellite communications“ (Toffler 1998, 85) as part of its equipment. Among other things, he manages the organization of supply and the wider logistics. Actually, the man as only living factor in warfare. So, overall moral and professional military values are features that put man on the center spot and still make him a decisive factor in armed struggle (Giap V. Nguyen 1970, 247).

Scientific and technological developments, especially in terms of military equipment, have influenced continuous increase of the role of material and technical factor in modern war. The growing power of arms is manifested in the growing effect of the infliction of loss and destruction of the premises. The development aims at increase of armaments firepower, its precision, the speed of the various activities and the effects on the target. This particularly applies to the role of electronics, missile and informatics technology (Chapman 2003, 10). Use of modern weapons requires hiring fewer military personnel but also requires more skilled and highly educated officers. The role of high educated cadres has been pointed by Alvin and Heidi Toffler in “War and Anti-War”; they argue that in the 1991 Gulf War, the US sent 500 of thousands of troops, 200 thousand soldiers there were for logistical support while the victory was won by 2000 soldiers who used most sophisticated weapons and equipment (in Toffler 1998, 86). However, it must not be left out the perspective that war goes in the direction of full automation. One of the reasons is the desire to minimize the risk to friendly forces. Computer technology and robotics

increasingly aspire to take the priority place of the human factor in the hostilities conduction and war in general. „The development of new technologies of warfare, including autonomous weapons or “killer robots” and cyber warfare, raised fundamental concerns about the acceptability of allowing machines to independently take life-and-death decisions” (United Nations 2014).

Special features of modern wars are the actions of the armed forces at great distances and heights. Considering the technical capabilities of modern weapons, overcoming the space is faster and easier. The territory, the relief and the hydrographic elements in modern war took on new meaning and role. They certainly continue to affect and constitute a requirement for military operations, but their impact, compared to the previous periods is less. The aviation, helicopters and satellites allow mastering space without the influence of man-made and natural obstacles and do not represent any difficulty. Taking into account the use of modern weapon systems as cruise missiles, intercontinental missiles, satellite guided smart bombs and missiles that are launched with hundreds of kilometers away from the desired goal when there is no any established direct contact between opponents, it is obvious that space as a factor in armed struggle gets changed role of its meaning. With usage of these weapons systems and equipment is avoiding losses in manpower, while with strong, precise and massive strikes are being achieved the desired effects. Of course, today only great powers have the most advanced weapons systems and equipment and that is what makes them still superior to all others. Anyway, the military technology is a game of haves, have-nots and catch-ups.

The relation between human factor and technology is very interesting one. The policy of great powers leans away from using its troops in the hot spots. With the technology at its own disposal the state at war finds it better to rely on troops from ‘other nations’ because they are more expendable and their death would not cause such a domestic public uproar. In addition if the troops did atrocities to a number of military and *civil enemies* for whatever reason, again the country at war would be free of blame.

Time factor as well as other factors of warfare has changed in terms of its role and meaning too. Modern weapons systems and command systems have much reduced time limits or have shorten the time for combat actions preparation, for the operation of the controls, decision-making and logistical tasks, by reducing the time limitations. The largest contribution in this regard had modern technology, technique (especially informatics), and the features and capabilities of armament. Here, stems the increased importance of education and training of staff, particularly managers and the specialists who handle

modern equipment, because of the need to quickly and efficiently perform the operational tasks in short time and during intensive hostilities.

Regarding the importance climate and meteorological factors, it has also undergone some changes. Modern weapons systems are less dependent on these elements. The modern aviation is equipped with adequate instruments and devices to perform its combat activities in all weather conditions. The missile weapons systems, the laser and especially satellite guided ones are the least dependent on weather conditions too.

### **Predictions about the Future Wars**

The following thoughts seem too theoretical but they are also being inspired by the current technological trends. Nations do not go through technological regress; soon many of them will use spy satellites and cruise missiles. By 2020 robotic, nanotechnology, and genetic weapons will probably dominate advanced war fighting, and anti-missile systems may have made the old style of nuclear bullying obsolete. (Morris 2012, 33)

Once we move into space it will be easier to destroy such satellites. Without pinpoint accuracy available from spy satellites, forces will have to resort to other means to gather information. Small teams will probably have to be sent in to find targets for the cruise missiles. Stealth will be their best defense. It has come to the point that if a target can be seen it can be destroyed. As warfare moves into space a great many things can change. If a ground based unit can attack a space craft then it would be unlikely a space craft will enter orbit until it is safe. On the other hand, once a craft controls orbit it will be able to destroy targets on the ground with pinpoint accuracy.

One cannot predict the way wars will be fought in the future. With the growing number of weapons of mass destruction one can assume that to avoid the attention of these weapons combat units will be smaller, faster and more evasive. They will not assemble for mass destruction and they will try to avoid detection by the enemy whenever is possible. What is quite certain about the wars in the near future is that the ongoing researches for the needs of war in the next 15 years are focused on enhanced implementation of robotics, bioengineering, artificial intelligence and nanotechnology (Busnell 2001).

### **Instead of Conclusion**

Until the beginning of the 20-th century, the soldiers were fighting in big formations where commanders could re-group the troops in the way they could inflict most



damage to the enemy. In modern times, the war has evolved from a traditional activity in to a scientific enterprise where success is valued above methods. The notion of total war is the extreme of this trend. Militaries have developed technological advances rivaling the scientific accomplishments of any other field of study. As in the years around 1900, a revolution in military affairs is underway. Units to avoid high casualties started using dispersed formations. With the development of the atomic bomb, the large militaries again realized the vulnerability of concentrating their armies like they once did. Radios made it easier to call for fire support and with increased reliability while the expense of radios goes down and the usage of radios will be more than ever before. One level further was application of satellites for need of warfare. From the Allied point of view The Desert Storm was one side fight for Allied ground forces. The allies decimated the Iraqi ranks and infrastructure from the air and sea before the troops ever entered the scene.

What distinguishes modern military organizations from those previous is not their willingness to prevail in conflict by any method, but rather the technological variety of assets and methods available to modern battlefield commanders. Technology has changed the way war is fought to an incredible extent. With current advances in technology it could change even more. The cruise missile, which can strike with pinpoint precision, is now more important than ever. Technology is becoming more precise and lethal. Already, unmanned aircraft are employed by some forces. Unmanned craft it is smaller and it is less restricted by high gravity forces and can probably fight better than a manned aircraft. One should always have in mind that every system has a weakness and strength. Military policy has been, and will likely always be to minimize the strengths of its equipment and minimize the weaknesses.

It is fair to say that the qualitative revolutions in the technology of target acquisition and destruction when coupled with the qualitative revolution in the manner in which wars must be fought on the modern battlefield combine to produce a style of warfare that is itself qualitatively different from almost all war that has gone before. With the human factor as still as primary factor of armed struggle, the challenging task for the modern officer is how to master these new circumstances (Richard and Metz 1992, 104).

It is unlikely that the military will regress... but, as Morris clearly point out that the evolution of war across the last fifteen thousand years has shifted incentives so much that traditional kinds of productive war have become unthinkable. Since the fall of the Soviet Empire, interstate war has almost disappeared, except for the occasions when the USA itself decided to wage it. Mass killing now happens almost entirely within failed states or

when they export it in the forms of terrorism and civil war. The global rate of violent death has fallen well under 1 percent, far and away the lowest in history. One conclusion we might draw from the evolution of war is that productive war will continue mutating in the twenty-first century, shifting incentives further toward peace, until at some point virtually no circumstances will remain in which violence seems profitable. At that point, the dream of a world without war will become a reality. The other, possible future is that we may be reaching a point at which productive war flips over into counterproductive war on a scale to dwarf anything the world has seen before. Either way, the next fifty years will be the most important in human history.

### **Bibliography:**

1. Bushnell, M.Dennis. 2001. „Future Strategic Issues/Future Warfare [Circa 2025] “. Presented at 4th Annual Testing and Training Symposium and Exhibition: A National Partnership, National Defense Industrial Association, Orlando, August 14-16.
2. Chapman Gary. 2003. An introduction to the Revolution in Military Affairs. Paper presented at the XV Amaldi Conference on Problems in Global Security, Finland, Helsinki, September.
3. Giap Vo Nguyen. 1970. *The military Art of People's War*. Edited by Russel Stetler. New York: Montly review press.
4. Lynch Wendy and Bill Bravman. 2008. „Modern Warfare: An Overview for World History Teachers“. In *World History Connected*. Vol. 2 No.2. Board of Trustees of the University of Illinois. Accessed 25. Nov. 2015.  
<http://worldhistoryconnected.press.illinois.edu/2.2/bravman.html>
5. McGlynn, Sean. 1994. „The Myths of Medieval Warfare“. In *History Today*. Vol.44 no 1. Accessed November, 25 20015: <http://deremilitari.org/2013/06/the-myths-of-medieval-warfare/>
6. Mikić, Slobodan. 2011. „Naučne zakonitosti oružane borbe kao teorijski konstrukt vojnih nauka“. *Vojno delo Vol 63*: 83-95
7. Mikić, B Slobodan. 2003. *Pogled na rat*. Beograd: VIZ.
8. Morris, Ian. 2012. „Evolution of War“. *Clodynamics* Vol. 3: Iss. 1
9. Naval Reserve Officers Training Corps, „Evolution of warfare. Vol1“, Accessed novemeber, 23, 2015. <http://www.au.af.mil/au/awc/awcgate/nrotc/eow1.pdf>
10. Ratković, Borislav. 1981. *Vojni leksikon*. Beograd: Vojnoizdavački zavod

11. Richard A. Gabriel, Karen Metz. 1992. „A Short History of War: The Evolution of Warfare and Weapons“. *Professional Readings in Military Strategy Number 5*. Army War College Carlisle Barracks: Strategic Studies Institute
12. Toffler, Alvin, and Hajdi Toffler. 1998. *Rat i Antirat*. Beograd: Paidea
13. United nations.2014. Meeting coverage and press releases. GA/DIS/3502
14. Wager, H. Halleck. 1861. *Elements of Military arts and science*. Bedford: Applewood Books.
15. Шиљеговић, Бошко, и Војо Тодоровић. 1971. *Војна енциклопедија, Вол. 7*. Београд: ВИЗ.



## BIOTERRORISM AS A CURRENT SECURITY THREAT

Zoran Keković

Belgrade University, Faculty of Security Studies

[zorankekovic@yahoo.com](mailto:zorankekovic@yahoo.com)

and

Miodrag Jakovljević

The Academy of Criminalist and Police Studies, Belgrade

### Abstract

*At the end of the 20<sup>th</sup> and early 21<sup>st</sup> century, there is noticeable increase in the number of terrorist attacks and the threat of biological weapons. The potential destructiveness of bioterrorism is such that it can now be considered as a strategic threat. On the other hand, the characteristics of biological weapons are an important factor in the possible use of these weapons, and their classification. In addition, the technology of converting biological material into weapons is available to the terrorist and criminal groups today. The authors question the absence of a clearly defined conceptual apparatus and a solid theoretical framework of biological weapons and bioterrorism. The paper also discusses whether the existing classification of biological weapons and bioterrorism meets current and possible scenarios of bioterrorist attacks. We believe that the answers to these and other questions using typology and classification criteria can contribute to the development of forecasting scenarios, particularly bearing in mind: high mortality rates; the fact that a very small amount of pathogens can achieve strategic effects of destruction; easy and quick activation; equipment required is inexpensive and easy to procure; active live cultures of microbes, which are used already in the natural environment, or can be ordered from a biological storage.*

**Key words:** bioterrorism and biological weapons, security, classification

### Introduction

Contemporary terrorist threats acquire completely new dimensions. This primarily refers to the weapons of mass destruction, since the possibility of their application has

rapidly increased in the most recent period due to the development of new technologies and scientific knowledge. Many terrorist organisations proclaim in their programs possible use of the weapons of mass destruction of incalculable consequences. On top of that, this most probably means the use of biological, radiological and chemical weapons, while the use of nuclear weapons is not excluded either. Unfortunately, history records numerous examples when chemical and biological weapons were used. On the other hand, there are few data from national intelligence agencies, particularly when it concerns intentions, motives and capabilities of terrorists for a serious biological attack or the type of biological weapons that would be used.

The characteristics of biological weapons are rather an important factor of their possible use, but also of their classification. There is also a question related to this: do the existing classifications of biological weapons and bioterrorism fit the actual and possible scenarios of bioterrorist attacks and do they support the actual and possible ranges of the biological weapons development? There is also a problem of inexistence of clearly defined conceptual apparatus and firm theoretical framework of biological weapons and bioterrorism.

### **Terrorism as a contemporary threat**

Unlike more frequent and more predictable incidents like criminal offenses or natural hazards, terrorist acts are difficult to anticipate. For criminal incident estimates we can use either criminal statistics and/or asset target value estimates. On the other hand, factors impacting the probability of a terrorist event are not constant in time, especially because the frugal world or regional politics are an inspiration for such incidents. Although some rough approximations can be made for specific regions, states, and even cities or their neighbourhoods, it is almost impossible to specify the likelihood that a terrorist attack will occur with any definite statistical confidence at a particular time in the particular location. Historical data on previous occurrences are not the most reliable source in estimating terrorism risk, as the conditions driving terrorists may change over relatively short timescales. Even if the conditions remain stable, there is often very limited amount of historical data from which the probability or likelihood of a terrorist attack can be estimated. In statistics, this condition is called small sample space, and in such instances giving phony and misleading quantitative results should be avoided (Young: 2010).

Given their relatively rare occurrence, there are no useful sources for estimating the probability or likelihood of the facility in question to be a potential target to a terrorist.

Therefore, the key question is not how likely a terrorist event is to happen, but rather whether a specific facility is likely to be of interest to a terrorist organization or an individual. Again, due to the low number of these events, quantitative methods can be misleading and the scenario planning remains the best bet.

Security managers and decision makers regard terrorism as a high-risk, low-probability concern that needs to be addressed on an irregular basis. This means that once the contingency plans, emergency procedures and business continuity plans are established, they can turn their attention back to the 'everyday crimes' and other day-to-day issues that threaten the organization's assets. Certainly, like other 'normal criminals' the terrorists will select the most vulnerable target and the one that will generate the highest 'yield' to their objective. What we can sometimes predict are methods and tactics of the attacker as most organized groups tend to maintain the same *modus operandi* throughout their existence. Particularly because attacks can be implemented in various ways and for different reasons, it will significantly affect the likelihood and the vulnerability components of risk. In devising scenarios, we must also think about what is and what is not technically possible, but we must always bear in mind that terrorists can occasionally find their way around technical difficulties or to get lucky only once.

Even though threat assessments are critical for security decision makers, not even the best assessment can anticipate every possible scenario, as terrorists always *adapt to the countermeasures* (Norman, 2010). What we need to do is to try to put ourselves in the place of the terrorist and devise possible methods and targets, which would then serve us to prevent their occurrence or to mitigate their effects. It is more difficult to do with terrorists, than with, say, 'normal criminals' as we must place their way of thinking into ours, regardless of how far different from ours it may be.

The goals and objectives of adversaries, i.e. terrorists, should continually be studied and their *motivation* and intent must be evaluated. Motivation of terrorists is political, or more broadly speaking – ideological. Therefore, their targets often symbolize the object of their hatred. However, targets may not be of the same value to the owner and to the adversary. Usually, when evaluating *target values* the following factors should be taken into account: casualty and injury rates; asset potential for loss, damage or destruction; damage to the political landscape; disruption to operations; disruption to the economy; media attention; impact on the organization's reputation; impact to employees' morale; fear.

Another variable that can and should be assessed is the capability of the terrorist group in question. *Terrorist capabilities* may include highly trained and skilled military units,

armed with explosives, even with unsophisticated nuclear weapons – ‘dirty bombs’. The capability of the adversary will greatly influence the threat dimension of risk.

### **Conceptual determination and characteristics of bioterrorism and biological weapons**

Various authors have defined biological terrorism variously. Bioterrorism is the use of biological and chemical agents in air, water or food in order to cause death of a large number of people or social disturbance. The diseases which are most frequently used today include anthrax, botulism, plague and other diseases which can cause a fatal outcome. Terrorist actions can be targeted in such a way as to cause mass panic, i.e. to have psychological effect, so that it can be said that bioterrorism can be classified as psychological warfare as well. Motivation is usually such as to harm the perceived enemy, get publicity and prove power.

*Biological terrorism* means the use and spreading of various types of biological weapons, as well as biological agents and toxins within population centres in order to destroy morale of people and cause numerous casualties (Gacinovic 2005, p. 134). Bioterrorism is a matter of special concern because of the combination of high mortality rate, relatively simple manner of production and possibility of covert use. Its potential destruction is such that nowadays it is considered a strategic threat, since it can cause suffering of wide scope. Bioterrorism is perfidious, which means there exists a silent period (incubation) of several days before any signs of disease appear, so bioterrorist can escape the crime scene in time, unnoticed and without any doubt that they committed a terrorist act. According to the knowledge of the American security services, there is an interest among ‘criminals’, even among terrorists, regarding biological and chemical weapons, the number of possible perpetrators is on the rise and many such groups have international networks and do not depend either financially or technically on sponsors from one country alone. Terrorists more frequently use conventional weapons (explosives and fire arms) than biological or chemical weapons. In the last decade of the 20<sup>th</sup> century there was a clear increase of the number of terrorist attacks and threats of biological weapons. The technology to transform biological and chemical material into weapon is claimed to have been conquered today and available to terrorist and criminal groups (*ibid.* p. 35).

In literature, there are also other definitions of biological terrorism. Biological terrorism means: the use of biological agents in terrorist actions in order to cause infectious diseases in innocent civilians or military formations, animals and plants, and



which are spread in the form of either epidemics or pandemics; the use of biological agents as the weapons of mass destruction and disabling adversary's armed forces and resistance in both local and regional wars; military, police and scientific research of biological weapons and abuse of scientific knowledge in the field of genetic engineering in order to produce 'super' germs – killers of innocent people; all forms of scientific and quasi-scientific experiments with germs on animals and people, since such experiments have put mankind in jeopardy (the example of experimenting with HIV, Ebola, etc.); production and smuggling of biological weapons and already mentioned 'super' germs, illegal sale of special samples of dangerous strains of bacteria, viruses, rickettsia and their toxins and similar (Jovic and Savic 2004, p. 34).

The basic characteristics of biological weapons include: simple and inexpensive production, covert use, specific impact on people, causing of large-scale sickness or death, disturbance in the work of health and other services, occurrence of problems related to quick detection and identification of the used agents, establishing of adequate measures of neutralizing biological weapons and adequate treatment of the sick people and prophylaxis of healthy people, impossibility of full control as well as the lack of adequate pieces of information on experiences in the use of biological weapons (Gacinovic *ibid.*, p. 134).

The mentioned characteristics of biological weapons are an important factor of their classification, since classification criteria are generated from these attributes.

- In order to suit their purpose, biological weapons should have the following characteristics:
- Be capable of wide-spread and large-scale destruction and incapacitation of personnel and flora at the territory of one country or on a global scale (epidemics or pandemics of infectious diseases). Each man, animal or plant that are infected or get ill become a source of infection so the disease is spread quickly even to those who are not within the scope of biological attack in the war, in other words at distances far from the point of impact;
- Duration of effects of spreading of epidemics and maintenance of endemic foci of infection. Some agents of disease are capable of keeping the capability to cause disease for a long period of time, from several days to several months, depending on the environment they are in and their characteristics;

- Existence of incubation period, which makes it difficult to timely diagnose the disease and detect the biological attack, but also to timely undertake the counter measures. Incubation enables the aggressor to choose the time and place of impact, as well as the possibility to remove traces of crime;
- Suitability for covert terrorist use, primarily for contamination of water and food, as well as the flora and fauna;
- They leave delayed consequences in the form of either germ-carrying or endemic foci of infection;
- Wartime conditions are favourable for creating preconditions for the use of biological weapons and their maximum efficiency of fast spreading the infectious diseases in the form of epidemics and even pandemics. (Jovic 1999, p. 368)

Generally, *biological weapons* include all pathogenic microorganisms or their toxins which are used to deliberately cause illness and death in people, animals and plants, even the environment as a whole. In a wider sense, in addition to *pathogenic microorganisms* and *toxins* (toxic products of some microorganisms, plants and animals), biological weapons include also *insects* and some species of *animals* and *birds* – as disease carriers. According to international conventions, these are “microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, as well as weapons, equipment and other means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”

Biological weapons can be classified according to various criteria, taking into account their various attributes. This is why several classifications of biological weapons exist, depending on the *selected criteria* and *members of classification, based on the requirements of classification*, which are mostly set for “pragmatic reasons of certain states”.

### **Problems of biological weapons classification**

The problem of definition – classification of bioterrorism and biological weapons is the consequence of unresolved taxonomic problem in the field of social sciences, as well as inconsistent application of the existing knowledge in the field of methodology and subject theory in the considered field. This is why conceptual determinations and classifications

which can be found in theory of the considered field do not fully meet the scientific element requirements.

The research in this field so far contain the following classifications of bioterrorism and biological weapons:

- *Genocidal* form is the use of biological agents against people.
- *Agroterrorism* is the use of biological agents on agriculture and food of both animal and plant origin. The use of biological agents against domestic animals is zoocidal form, and against plants is phytocidal form of biological terrorism. The danger from this form of terrorism is rather huge and certain, since the degree of protection of agricultural resources is much smaller in comparison with the protection of population.
- *Ecocidal* form is the third form of bioterrorism, where there is environmental pollution as a result of the use of biological agents, either by direct use against the environment or as a consequence of the use of biological agents in agro-terrorist attack. This form is often considered a collateral damage of bioterrorism. (Jovic and Savic *ibid.*, p. 89)

The most frequent agents which could be used in bioterrorist attacks are: bacteria, viruses, rickettsia, protozoa and fungi. In addition to pathogenic microorganisms, *toxins*, some *insects* and some *animals* are classified as biological weapons.

The main remark to one of the most common classifications of the agents that could be used in bioterrorist attack goes to the classification to bacteria, viruses, rickettsia, protozoa and fungi. This classification does not include toxins as a special group, although some of the strongest toxins that may be used as biological weapons are bacterial products.

The most probable bacteria toxins that could be used as biological weapons are the toxins of botulism, tetanus and **Staphylococcal enterotoxin**. The toxins of these three species of bacteria are the most lethal ones and minimum quantities are required to kill a vast number of people. Although the most toxic toxins belong to bacteria, a large group of toxins belongs to some species of sea organisms, algae, plants, fungi, insects, snakes and amphibians. This tells us that toxins represent a special entity among agents that could be used as biological weapons together with bacteria, viruses, rickettsia, protozoa and fungi.

The main classification – a threefold classification of biological weapons with some small amendments can be found at several authors and it is based on military-epidemiological criteria of biological weapons classification. There is a formal threefold

(military) classification of biological weapons to generic (according to the type), operative-tactical (according to the purpose and target) and according to the efficiency of the weapons.

*Generic* classification according to the type: microorganisms pathogenic for people, animals or plants, from the group of viruses, rickettsia, bacteria, protozoa and fungi; toxins, chemical toxins of biological origin: botulinum toxins, Staphylococcal enterotoxin B and mycotoxins; some insects, as biological vectors causing infectious diseases (mosquitos, lice, ticks, flees) and as pests for people, animals and plants; some animals and birds, as biological vectors causing infectious diseases in people and pests for people, animals and plants.

*Operative-tactical* classification, according to the purpose and target: tactical-sabotaging means for covert use in sabotaging-terrorist actions; operative-tactical for covert or open use; strategic biological weapons, for public use as a rule.

*According to the efficiency*: lethal biological agents, with disease lethality ranging from 10% to 100%; non-lethal biological agents, with disease lethality up to 10%; biological incapacitants which are conditionally incapacitating means in relation to personnel and flora (insects, birds, some animals).

According to their characteristics, biological agents are divided into three categories:

- *Category A* – this category includes the agents with the following characteristics: they are easy and efficient to spread, very infectious, lethality is very high, they can cause general panic with all accompanying manifestations and consequences, and they require special preparations and action of the entire health service. This category includes causative agents of small pox, botulism, plague, tularaemia, viral haemorrhagic fever.
- *Category B* – includes the agents which are spread relatively easily, they result in moderate illness rates and low death rates. Their use causes lethality which ranges from 2 to 5% and based on that they are classified into the group of incapacitating agents.

- *Category C* – includes newly created and some of formerly known agents which can be used as biological weapon in perspective. Their characteristics are that they are easily available, easily produced and highly lethal. This category includes Nipah virus, yellow fever virus, tick-borne encephalitis viruses and tick-borne haemorrhagic fever viruses. (Jovic *ibid*, p. 367)

The main remark to some of these classifications is that they are incomplete since not all members of a given classification have been identified, thus disturbing the requirements of valid classification which includes completeness and thoroughness. There is also a question here of whether the existing classifications of biological weapons fit the possible scenarios of bioterrorist attacks. On the other hand, some classifications are even outdated and do not support the current scope of biological weapon development.

Bioterrorism typology derived from combining at least two criteria referring to the classification of biological weapons relates to unknown content: (1) object in jeopardy – people, animals or plants, then those who are capable of causing infections and diseases in people and animal, or plants and animals or even in all of them – people, animals and plants; (2) carrier – *pathogenic microorganisms* (bacteria, viruses, rickettsia, fungi and protozoa) and *toxins* (toxic products of some microorganisms, plants and animals), *insects* and some *animal* and *bird* species; (3) purpose and target – tactical-sabotaging means for covert or open use and strategic biological weapons, for public use as a rule; (4) efficiency – lethal biological agents, with disease lethality from 10% to 100%, non-lethal biological agents, with disease lethality up to 10% and biological incapacitants which are conditionally incapacitating agents in relation to personnel and flora (insects, birds, some animals); (5) according to the disease they cause – 1) *Bacillus anthracis* which causes anthrax; 2) *Clostridium botulinum* (toxin) which causes botulism; 3) *Yersinia pestis*, which causes plague; 4) *Variola*, which causes small pox; 5) *Francisella tularensis*, which causes tularaemia, and 6) *Ebola* and *Lassa* viruses, which cause viral haemorrhagic fevers, and (6) according to the characteristics biological agents are divided into three categories, A, B, and C. It should take into account at that that the international UN commission established the classification given by Centre for Control of Contagious Diseases.

The comparative analysis of the most valid existing one and the proposed classification is preceded by the comparison of biological weapon classifications known so far. The stated comparison is derived in relation to logical requirements of classification

validity. This results in the most valid existing classification and it is compared with the proposed one in order to verify the suggested classifications as a whole.

### **POSSIBILITIES OF BIOLOGICAL WEAPONS' USE**

Terrorists would rather use biological weapons than explosives because of: high degree of lethality in people; very small quantities of pathogen can achieve strategic effects of destruction; easy and quick activation, possibility of permanent activation; inexpensive and easily available equipment, along with the fact that active living microbial cultures already exist in nature or can be ordered from some biological storage.

According to the doctrine of protagonists of the secret biological war it is of the utmost importance to choose as "rational" targets of attack of biological weapons as possible, which would have strategic importance such as: big industrial and administrative centres, the areas of gathering, regrouping and training of units, large traffic knots, important ports, liaison centres, facilities of anti-air defence, big cattle farms, big complexes with monoculture crops, etc. If terrorists would choose only sabotage-terrorist action with biological weapon in low-intensity conflicts, then the selection of targets of their attack would be: command centres, administration buildings, closed objects for sports, cultural, political and other gatherings, public transportation vehicles, big community restaurants, water supplies, grain silos, big mills and similar facilities. In all these cases the primary expected effect is psychological effect on armed forces and population.

The selection of the most desirable biological agents in relation to the characteristics of the target and facilities of the biological attack is:

- Multiple tactical targets of attack at a wide area – resistant and very resistant microorganisms with delayed effect, mostly lethal agents such as plague, glanders, anthrax, typhus fever, small pox and brucellosis.
- Primarily military facilities of attack and armed forces personnel – lethal and low-contagious or non-contagious agents such as anthrax, plague, glanders, botulinum toxins and haemorrhagic fevers.
- Close contact of aggressor's military force and his alliances (friends) with the population and armed forces of the defender, who are the target of attack – non-contagious, very non-resistant in the environment and incapacitating agents of high contagiousness with low lethality such as influenza, Q-fever, horse encephalitis, dengue, brucellosis and tularaemia.

In addition to the attack on human targets, which would by all means be in the focus of both the public and mass media, non-human targets may also be potential targets of bioterrorist attacks (Jovanivic and Micevic 2005, p. 106). This primarily refers to the use of biological agents on domestic animals and agricultural crops – agroterrorism.

Use of biological agents can cause serious infectious diseases in domestic animals. Deliberate spreading of infectious diseases in domestic animals can destroy cattle fund, which can have serious and heavy consequences on supplying population and result in the reduced quantities of meat, meat products and all other articles of animal origin.

Flora is also susceptible to harmful effects of a series of pathogenic microorganisms, insects and other herbal pests. It is well known that all around the world every year as a consequence of naturally originated plant diseases or “other circumstances” large quantities of agricultural products are wasted since flora is susceptible to a range of pathogens. If the aggressor would choose to destroy some crops, they would then make efforts to use biological weapons on the most important crop in the food chain and economy of his adversary. Such targets in Vietnam included rice fields and forests. In Serbia the most probable targets would be wheat and corn, which make 50% of the total agricultural crops.

Ecocidal form of bioterrorism causes the environmental pollution as a result of the use of biological agents, whether through direct use against the environment or as a consequence of the use of biological agents as a part of agroterrorist attack.

### **Conclusion**

It can be stated that security threats from bioterrorism are indeed a current social problem which requires multifaceted scientific analysis. Based on the insight into scientific and expert literature, the theorists of substantive (and procedural) criminal law in most cases do not consider terrorism as a unique criminal law category, but it always includes several various crimes whose common content is that they are committed by violence or threat of violence (means), and for political reasons (motive) and that during their commitment there occurs or may occur general danger for people and property (consequence). (Milosevic 2002, p. 15)

Scientific research would contribute to better understanding and knowledge of as many facts as possible on the nature, characteristics and consequences which the use of certain biological weapon can cause. The knowledge of these problems is of great

importance for the development of strategies of prevention, suppression and management of security risks from bioterrorist attacks.

Since the consequences of bioterrorism are catastrophic (health-related, epidemiological, economic, social, political), the contemporary states should improve the mechanisms of *biosecurity of people* (protection of economy and health of people and other living beings from diseases, pests and bioterrorism), protection of the *environment* and specially *agricultural security* (protection of agricultural and food resources from agricultural terrorism and its harmful consequences).

Therefore, the states must have adequate normative-legal framework for institutionalization of national system for prevention and suppression of biological terrorism within which there would exist a specialized sub-system of opposition to bioterrorism. This should be a multi-sector body which would include specialized police units, specialized military units (CBRN defence units), intelligence services, ministry of health, sector for emergencies, sector for security of state border, inspections (veterinary, sanitary and phyto-sanitary) and scientific institutions for biological and chemical research. Furthermore, it is necessary to educate and equip such a system adequately, as well as to make it capable for early detection of a disease in plants and animals. Also, it is necessary to improve mechanisms of control of production and use of biological agents. In addition to this, it is necessary to improve health protection of the population, as well as their health culture so that they would timely report suspicious cases of diseases in plants and animals. Finally, it is necessary to improve the international cooperation in the field of monitoring, prevention and suppression of terrorism, particularly bioterrorism, agricultural terrorism, agricultural crime and agricultural diseases.

### References

1. Gaćinović, R. (2005). *Terorizam*, Beograd: Draslar
2. Jovanović, Đ., Mičević, M. (2005). *Biološki terorizam, preventivno delovanje i zaštita*, Beograd : Institut bezbednosti
3. Jović, R. (1999). *Osnove atomsko-hemijsko-biološke odbrane i zaštite*, Beograd : Fakultet odbrane i zaštite
4. Jović, R., Savić, A., (2004). *Bioterrorizam biološki rat, biološko oružje*, Beograd : Institut za političke studije
5. Milošević, M. (2002). *Terorizam i njegova inkriminacija u nacionalnom i međunarodnom pravu*. Beograd: Zbornik Fakulteta odbrane i zaštite



6. Norman, T (2010). *Risk Analysis and Security Countermeasure Selection*, Boca Raton: CRC Press.
7. Young, C. S. (2010). *Metrics and Methods for Security Risk Management*, Burlington, MA, Syngress-Elsevier



## THE CITIZENS' PERCEPTIONS ABOUT THE CONTRIBUTION OF THE POLICE TO THE FEELING OF SAFETY

Cane T. Mojanoski, *Faculty of Security - Skopje*  
*University St. Kliment Ohridski- Bitola*  
[cmojanoski@fb.uklo.edu.mk](mailto:cmojanoski@fb.uklo.edu.mk)

*Subjects of the analysis are the survey results about the feeling of safety in the Republic of Macedonia, obtained through the surveys conducted in from 2008-2015. The accent is on the contribution of the police for the feeling of safety among the citizens. The survey results show that the assessment of the contribution of the police for the feeling of safety differs each year. One of the research questions refers to the causes for these oscillations. Subjects of further analysis are the questions related to the general notion of the respondents' safety. This set of questions relate to the social relationships, especially to the general notion of the security environment and the possibility for individual progress within the community. We are interested about the attitudes related to (1) the living in the environment, (2) the functioning of the state bodies, (3) the ability for self-protection, (4) the way of living and the attitude to the norms, rules and standards, (5) practicing a coexistence in the country, (6) the employment and economic stability, (7) the attitude toward the legal system, (8) the revenue realization, (9) other indicators that are subjects of the analysis.*

**Key words:** safety, police, prevention, community policing, cooperation police-citizens

### Introduction

The feeling of safety is usually associated to the term threat, or 'insecurity'. By default this concept is negatively determined. Actually it is all about threat - i.e. a term that refers to a number of conditions and contents. The term 'insecurity' is also closely related to the concept of human security. This concept was introduced by the 1994 UN Human Development Report, which stated that 'the idea of human security, though simple, is likely to revolutionize society in the 21st century.' It also set a view that the term security was

defined too narrowly, and was concentrated on the threats to the states and national sovereignty; it concluded that there is a need to redefine security in order to include both the individual and the community.

In this context one can legitimately raise the following question: what makes the humans feel insecure (threatened) (Bellamy, A. J. and McDonald quoted by Winslow 2006, 16)? As an answer to that question the UN agency gives a list of sources of threats (insecurity):

1. The economic insecurity: dangers of unemployment, insecurity at the working place, bad conditions at work, inequality in terms of income, inflation, poorly developed social safety net and homelessness.
2. Food insecurity: problems relating to the physical and economic access to food.
3. Health insecurity: threats to health and life due to infectious and parasitic diseases, HIV and other viruses, diseases caused by air pollution or water, and inadequate access to the health services.
4. Environmental insecurity: degradation of local and global ecosystems, water scarcity, floods and other natural disasters, irrational deforestation and pollution of water, air and land.
5. Personal insecurity, threats of physical violence by the state and criminal organizations, or within the family, the workplace, as well as threats from industrial and traffic accidents.
6. Community insecurity: threats of ethnic tensions and violent clashes.
7. Political insecurity: threats of state repression and those who violate the human rights.

The human security concept is a rather vague one. Here we do not refer to the differences between the general and the specific threats to human security. The explanations move from the impact of such an approach to the policies and the behavior of the international community to certain issues, to giving means to the subjects included in prevention from challenges and threats. For example, after 9/11 terrorism has gained far greater significance at the expense of other pressing issues such as poverty, malnutrition and global warming and other pressing problems. Life in the big cities is endangered by a range of specific risks and security threats. Any organized society implements different strategies for crime and violence prevention, but also observes regularly delinquency trends and levels of feeling of insecurity, especially in the public spaces. Some researchers (Hristić – Danilović 2010) have concluded that in the big cities 'there is objective insecurity that

refers to the rational relationship between the feeling of fear among the citizens and the level of other exposure to any kind of violence in public space; on the other hand, there is subjective insecurity that refers to ungrounded fear from violence that do not correspond to the real state of affairs.

The phenomenon of the feeling of insecurity is cornerstone of any survey in which more emphasis is placed on the degree of violence and the feeling of vulnerability. James Wilson and George Kelling (1982) analyzed the accumulation of the "social" disorder (alcohol, gangs, violence on the streets, selling drugs etc.) and the "spatial" disorder (vandalism, abandoned buildings, trash, etc.) in some city neighborhoods in the US. According to them, these phenomena contributed to the increased sense of insecurity and produced shifts towards the mechanisms of informal control. Any similar situation affects, for instance, real estate market because life becomes uncertain and leads to desertification of the quarters engulfed by disorder and violence. The feeling of insecurity and fear have affected the media and expressed their interest and private security companies. Such is the case with the increased incidents among the high school students in Skopje in 2008-2010, which resulted in rapid engagement of private security companies and establishment of patrol officers (in the schools, some neighborhoods) by the state.

Numerous research projects come to the conclusion that there is a complex and dependent relationship between violence, fear, personal feeling of unsafety and the change of attitude among the subjects affected. From a point of view of the individual or the community, there is a fear for personal security and security of the family; under such circumstances personal mobility gets reduced, and there is no wish to leave the space which is believed to be safe (usually the house/apartment, the closest people, the neighborhood, the street, the part of the city).

One of the issues that get high interest in the academic circles relates to the definition of the terms security and security science/security studies. The term security is used under different terms in different language systems<sup>1</sup>. In the further discussion, in a form of hypothesis some of the debates about this term will be reviewed not in order to find 'final solutions', but rather to get impression about the complexity of the phenomenon and the methodological problems and dilemmas. According to Radoslav Gacinovic (2007, pp. 3-

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<sup>1</sup> English - security, Slovenian - varnost, French - sécurité, German - sicherheit, Spanish - seguridad, Russian - безопасность, Turkish - güvenlik, Ukrainian - безпека, Swedish - säkerhet, Bulgarian - сигурност, Albanian - siguri, sigurim, Serbian - безбедност, Croatian - sigurnost.

4), from an etymological point of view, the term originates from the Latin *securitas/atis* which means lack of danger, certainty, self-confidence, courage, and protection). The designated terminological expression served as a foundation in the study of complex theoretical problem of security (Mojanoski 2010, pp. 3-4). English language differentiates security and safety. The term security is commonly used to denote "national security". The term safety, in turn, means ability to act, to avoid undesirable situations or security implications. Security is a condition in which there are some legal entities involved, i.e. condition of relative presence or absence of danger and/or use of remedies by entities entitled by the state (Miletic 1997). Walter Lippmann argues that the nation is secure to the extent that it is not in danger of sacrificing its core values. Arnold Wolfers believes that only "in an objective sense the security is measured by the absence of threats to acquired values and subjective sense the absence of fear, therefore, that these values can be threatened (attacked)."

The security is a phenomenon, a process, a structure, a status and a subject studied by philosophy and science. It is also a matter of concern to other forms of knowledge, such as religious, common sense and artistic knowledge. It deals with finding answers about the nature of the destruction, the risks and terms of creating the conditions and environment in which the human life is created and enhanced. Its interests are the values: a) whether, how, what and why are they endangered; b) how to improve, enhance or eliminate their threat and by whom, with what measures and against whom to take these? (Spaseski 2010)

### ***Method and instruments***

The quest for answers about the starting assumptions is based on the findings of numerous surveys conducted at the Faculty of Security. Special emphasis is on the surveys (2008-2015) entitled 'The opinions of the citizens of Republic of Macedonia about the work of the police' realized in the period from December 2013 to January 2014. The research (field) activities were conducted every year in the period between 8-20 January. The number of respondents by year differed in the following way: in 2008 there were 1163 respondents, in 2009 there were 1318, in 2010 there were 1440, in 2011 there were 1240, in 2012 there were 1138, in 2014 there were 1167 and in 2015 there were 1016 respondents. Representativeness of the respondents by gender, ethnicity, and territorial distribution has been secured. The sample is multi-staged (Mojanoski 2013). It was done by selection from the population in municipalities by regions in which the survey will be conducted. Then it

was visited every fifth home, or every twentieth apartment in the buildings. In the selected family was interviewed the adult citizen who had the closest birthday to the date of the visit.

For the needs of the surveys the researchers made: a) Base for conversation: 'The opinions of the citizens from the Republic of Macedonia about the work of the police' and a questionnaire, analytic table for data processing, Codex of codes and a Manual about the use of the base for conversation and securing an interlocutor.

**The aim of the base for conversation** was questioning the citizens' attitudes. It is constructed for the needs of this survey in a form of socio-demographic questionnaire, designed and structured in a form of questionnaire including the demographic characteristics of the respondents and a certain number of battery questions through which the respondents should determine their feeling about if the police contributes, if they have had a contact with it and how they mark the contact with the policeman (Mojanoski 2012). The method of data collection is structured interview. Actually all the respondents are asked same questions formulated according to the need of the given situation. The structured interview attempts to create as much more objective conditions as possible: all the candidates are asked by the same criteria and they are all given equal time for presenting.

The form of the questions in basic refers to their explicit attitude about the feeling of safety.

### **Results and discussion**

The safety arises from the needs of the individual. It is an interest for keeping the personal and the collective goods, but also a warning about the possible damages of the adopted social values.

The subject of the further analysis are some of the data from the survey of the 'Citizens' opinion about the work of the police'. The results shown in Table 1 indicate that in the past eight years the positive answers are dominant. Namely, they vary from something more than a half in 2009, when 52,32% of the respondents gave a positive answer. Such tendency increases to more than three quarters or 76,26% in 2014.

**Table No 1 Do you feel safe in the environment where you live/work?**

	2008	2009	2010	2011	2012	2013	2014	2015
1 I don't feel safe	24,91	32,09	16,28	16,75	19,31	16,87	23,74	21,46
2 I feel safe	59,14	52,32	67,97	67,48	64,30	66,61	76,26	62,01
3 I cannot assess	15,95	15,59	15,75	15,77	16,40	16,52	0,00	16,54
<b>Total</b>	<b>100,0</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>

What is the dynamic of the answers by years like? Or, is it possible to be set specific tendencies and what are they result of?

**Table No 2 Do you feel safe in the environment where you live/work?-rates**

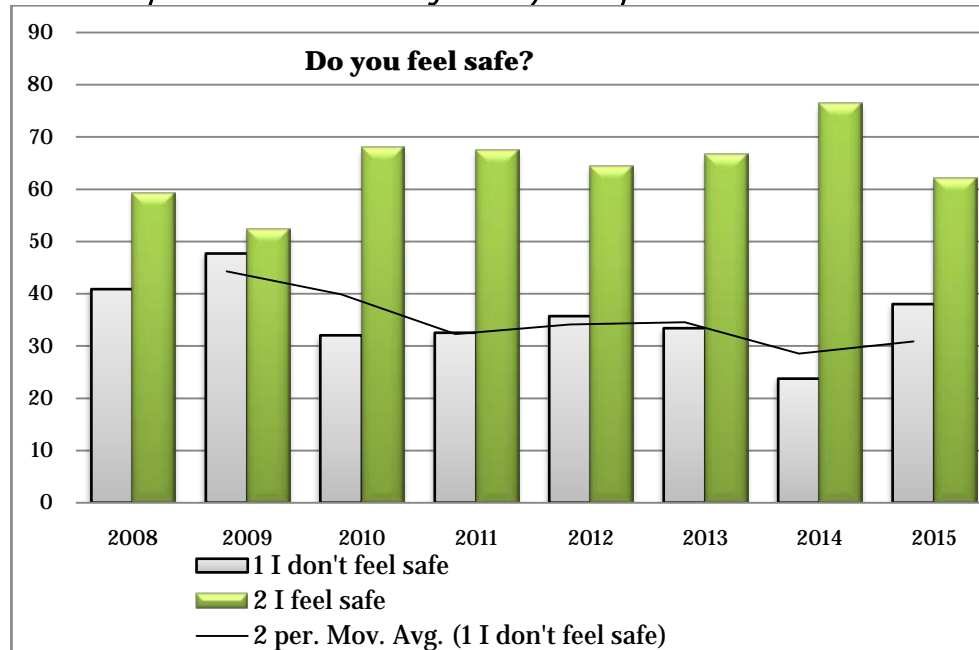
	2008	2009	2010	2011	2012	2013	2014	2015
1 I don't feel safe	-	32,28	-33,17	11,69	-5,56	-14,48	-26,72	39,35
2 I feel safe	-	0,29	29,22	9,22	-18,02	-5,28	18,04	-29,21

If we look at the dynamic of the feeling of threat we can conclude that in 2009 it is higher for 32,28% compared to the previous year 2008, but also that is lower for 33,197% compared to 2009. In 2015 that feeling was higher for 39,35% compared to 2014.

The feeling of safety is higher for less than one percent in 2009 compared to 2008, in 2010 for 29,22% compared to 2009, but it is lower in 2012,2013 and in 2015 for - 18,28% in 2012, -5,28% in 2013 and for -29,21% in 2015 compared to the previous year.



*Chart No 1 Respondents about the feeling of safety in the period from 2008 to 2015-*



From the table and the graphic display it can be concluded that there is a relative constant tendency of presence of the feeling of insecurity among the respondents, or among the citizens of the Republic of Macedonia. In 2008 15,95 % of the respondents have answered that they cannot decide if they feel safe, in 2009 that number is 15,59%, in 2010 15,75%, in 2011 15,77%, in 2012 16,40%, in 2013 16,52% and in 2015 that number is 16,54%. We can conclude that 15% of all the respondents cannot answer if they feel safe or unsafe.

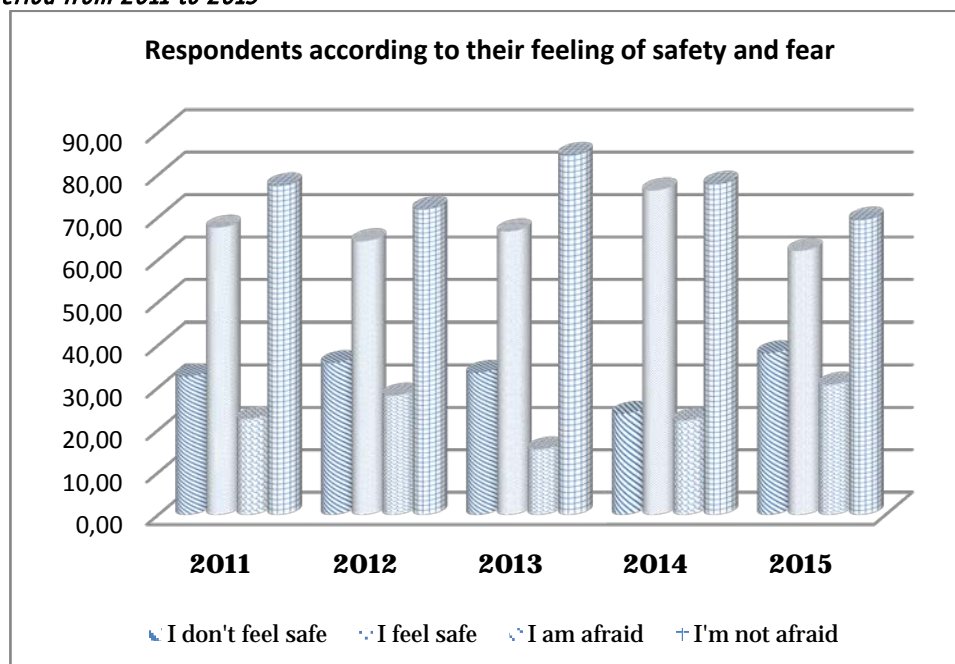
Such tendencies can be a consequence of multiple assumptions. For example, halls fear is one that affects the sense of vulnerability (insecurity). In the same survey, from 2011 onwards the question: Are you afraid? The answers are given in the following Table:

**Table No 3 Are you afraid?**

	2011	2012	2013	2014	2015
1 Yes	22,56	28,07	15,36	22,19	30,61
2 No	77,44	71,93	84,64	77,81	69,39
<b>Total</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>

The data refer that those who are afraid are more than a fifth in 2011, and one third in 2015. The exception from this tendency is 2013 when on that question positively answered only 15,36%.

**Chart No 2 Respondents according to their feeling of safety and their feeling of fear in the period from 2011 to 2015**



It can be seen that in 2011, 32.52% of respondents responded that they feel unsafe, of which 22.56% confirmed that are afraid. In 2012 this ratio shows that 35,71% are threatened, and 28.07% timid. More specifically was the situation in 2013 where the percentage of those who fear was 15.36%, and those who feel unsafe (endangered) 33.39%. In the next two years in 2014 and 2015 the proportion of those who fear and those who feel

is getting closer. The closest this proportion was in 2014 when 23.74% of respondents said they feel unsafe, and 22.19% confirmed that fear. Similar were the responses in 2015, when 38.00 of respondents say that they do not feel safe, or 30.61% are afraid.

Is there an intensity of the relation between the variables unsafe and scared and between the variables safe and I'm not scared. The best indicator for answering that question is  $\chi^2$  test of independent samples. The value of  $\chi^2 = 3,247$   $p=0,513$  and the coefficient of contingency  $C=0,107$ . The result show that the two variables are independent i.e. that it can't be said for sure that there is a connection between the feeling of threat and the feeling of fear. If the same procedure check whether there is a link between the intensity on paragraph feel safe and not afraid, or whether the sense of security is correlated with a sense of courage (not afraid), testing is performed with  $\chi^2$  test and determined the level o 0.05% and a degree of freedom (df) 4  $\chi^2 = 0,9301$   $p = 0,92$ . The coefficient of contingency of  $C = 0,036$ , or link between the two variables is 3.6%. And this test indicates that the two variables are independent and cannot determine the intensity of the connection between them. That sense of security and a sense of courage are a result of other variables.

The answers on the question: "Do you feel safe in the environment where you live and work, does the police contributes that feeling?" are presented in the following table:

**Table No 4 If you feel safe in the environment where you live and work, whether the police contributes that feeling?**

	2008	2009	2010	2011	2012	2013	2014	2015
1 Yes	48,54	48,69	42,58	42,56	43,66	44,57	57,41	35,64
2 No	22,39	25,94	25,98	26,14	25,52	28,05	40,53	30,06
3 I cannot assess	29,07	25,37	31,44	31,30	30,82	27,37	2,06	34,30
Total	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00

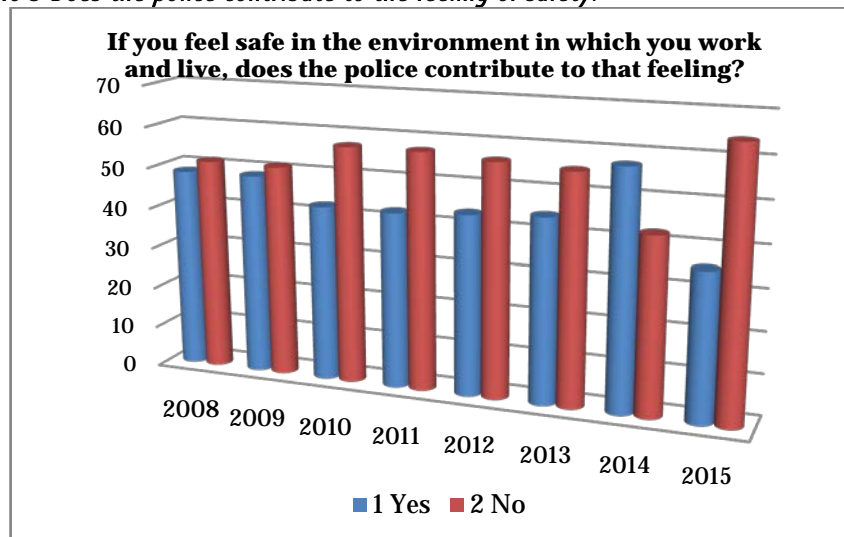
From this data it can be concluded that more than one third or two quarters except in the answers from 2015, of the respondents had a positive attitude.

*Table No 4 Have you ever had contact with the police?*

	2008	2009	2010	2011	2012	2013	2014	2015
1 Yes	76,22	58,27	61,73	64,76	61,91	64,32	69,58	61,54
2 No	23,78	41,73	38,27	35,24	38,09	35,68	30,42	38,46
Total	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00

The distribution indicates that half and most of the respondents had contact with police in the years of survey. This attitude should be taken with caution, because the notion of contact is insufficiently specified time frame, does not apply to any problem or solution. Also we need to have on mind that the survey was conducted by surveyors from the Faculty of Security, which is directed to the formation of personnel for the police and that part of the answer may have desirable response. This type of backup should always be kept in mind when you perform generalizations based on field surveys, the public that in the structure and level of knowledge is different, but when it comes to institutions such as the police, which the society has a specific role and has the powers and resources that are perceived differently among the citizens.

*Graph No 3 Does the police contribute to the feeling of safety?*



Does the police's attitude about the contribution of the feeling of safety is in correlation with the claim if you had contact to the police. The answer to that question we seek through the  $\chi^2$  test.

### **X<sup>2</sup>square test of independence of two variables**

**X<sub>0</sub>:** The variable in columns and the variable in rows are independent

**X<sub>1</sub>:** The variable in columns and the variable in rows are dependent

**Variables:** (By columns):

Yes – the police contributes and

Contact with the police-yes

#### **Results from the test**

Chi-squared statistics:  $0,15 + 0,5 + 0 + 0,06 + 0 + 0 + 0,11 + 0,35 + 0 + 0,04 + 0 + 0 = 1,2109$

**Number-degree of** 5

**freedom v:**

**Coefficient of** 0,043

**contingency C:**

**p-value** p-value = 0,944

**Conclusion:** **X<sub>0</sub> at level of 0,05 is not rejected. We conclude that the variables are INDEPENDENT.**

From the review we can conclude that despite the expressed positive views on the contribution of the police for the sense of security among the respondents is not a result or a resultant of the fact if they previously had contact with the police. The sense of security is based on the view that the organization and its presence on the ground, or cause actions taken or affecting the sense of security among the citizens of the Republic of Macedonia in the surveyed period 2008 - 2015 year. One of the issues causing concern is the measuring of safety, especially that of the individual. Probably, one of the answers is through a set of economic indicators, which more or less express his social standing and the ability to create and participate in the ways of creation of conditions. The second group of indicators refers to the general harmonization of social and material conditions expressed as a state and in that context, the general image or the impressions that the individual has on the status and its position.

The analysis of the survey results focuses on citizens' perception of security, monitored by the responses to the question about their attitude to the sense of security. In fact, the survey "Citizens safety and security threats to the Republic of Macedonia", conducted in early 2014, the question of whether respondents feel safe in 890 cases or 76.3% responded positively, and only 23.7% have a negative attitude. In that sense, the additional set of questions that is set to determine what performance is monitored for safety through rock five views, which one way or another express the distance between them deserves an attention. Namely, in the scale the respondent is offered to assess security related to him as an individual, the area (region) in which he lives and, of course, the state and its environment. The results are given in the following table:

***Table No 5 The respondents' attitudes about the perspective of the feeling of safety***

21. Please, assess in what measure you feel	Very unsafe	Mostly unsafe	I don't know	Mostly safe	Totally safe
	1	2	3	4	5
1) You, when it comes to your physical	4,37	13,88	7,28	54,67	19,79
2) In your house/apartment	2,49	9,43	4,20	48,07	35,82
3) In the area/the place where you live	4,63	10,97	8,48	53,64	22,28
4) In your country	8,65	23,22	16,02	43,02	9,08
5) In the regional surrounding of the Republic of Macedonia	7,20	24,34	22,54	37,70	8,23

From the offered set of questions it can be concluded that the sense of security is measured on the Likert's scale with five degrees. It can be determined that the respondents on 2.49% of the questions have said that they feel very safe in their own flat or house, and the highest frequency or 8.65% of them have responded that the environment around our country is not safe, then 7.20% of the respondents said that it is a safe environment of our country, and about 4% are those who believe that they do not feel very safe in the region in which they live, or they did not feel very safe only when it comes to the physical security.

If we group the responses, so the responses answered with highly and generally unsafe, and the answers do not know, I have no opinion as answers to their position that

they do not feel safe, then the distribution of responses is as follows: 54.07% did not feel safe in regional environment of the Republic of Macedonia 25.54% when questioned their physical safety, 24.08% of the area (region) in which respondent lives and 6,11% of the respondents assessed that the most unsafe are in their own house or apartment where they live.

We should have in mind that this distribution is affected by the answers given by the respondents such as "I do not know, I have no opinion." In fact, 22.54% of them had no opinion whether the regional environment of the Republic of Macedonia affects their attitude to security. The second group of responses of this type do not know or have no position with 16.02% refers to the question of the state in which he resides, with 8.48% of the area or place where he lives, with 7.28% of the situation threat to physical safety and ultimately indecisive attitude of 4.20% of the respondents have the security of their own apartment or house where they live.

Can we accept this claim as it is given and is the explanation enough? Probably, not. Therefore, in addition a subject of the further analysis is the battery issues related to the general notion of security of respondents. This set of questions is in a function of indicating some of the issues related to social relationships, especially the general notions about what the security environment is and the opportunity to advance to the individual in the community. Such performances can only indicate certain conditions, they did not reply to the actual conditions. We are interested in the views related to (1) the life in the environment, (2) the functioning of state bodies, (3) the ability of self-protection, (4) the manner of living and attitude to the norms, rules and standards, (5) the exercise of coexistence in the country, (6) the employment and economic stability, (7) attitude towards the legal system, (8) the realization of revenue and (9) other indicators that are not listed in the previous set of questions. The question: If you feel safe, what contributes most to that feeling? - The answers are given in the following table:

**Table No 6 If you feel safe what contributes the most to feel that way? Crosstab**

		pr13 10. <i>If you feel safe what contributes the most to feel that way?</i>										Total
			1	2	3	4	5	6	7	8	9	
Age (3 groups)	To 30 years	f	153	30	64	116	7	12	6	3	1	392
		%	40,4	26,3	45,7	36,8	46,7	36,4	27,3	16,7	33,3	37,7
	From 31 to 50	f	156	51	52	143	6	18	11	10	1	448
		%	41,2	44,7	37,1	45,4	40,0	54,5	50,0	55,6	33,3	43,1
	Over 51	f	70	33	24	56	2	3	5	5	1	199
		%	18,5	28,9	17,1	17,8	13,3	9,1	22,7	27,8	33,3	19,2
Total		f	379	114	140	315	15	33	22	18	3	1039
		%	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0

Legend: 1. I live in a good environment; 2. state authorities do their job well; 3. because I am able /to protect myself; 4. because I live normally and respect law and order; 5. because we have excellent co-existence in the country; 6. I work and am economically stable / a; 7. respect the Constitution and laws; 8. regularly receiving salary (salary); 9. something else

From the data we can determine that young people up to 30 years in a significant percentage of 46.7% claim that the coexistence in the country is the one that contributes their sense of security, then the conviction that they can self-protect is 45.7%, 40.4 % feel safe because they live in a good environment and 38.8% because they show a degree of adaptation to the norms and order and almost the same percentage 38.6% of the respondents have a sense of security because they have economic stability.

### Conclusion

As in the other sciences, the possibility for scientific research about the security is conditioned by the subject's characteristics, by the theoretical fund and the language of the security sciences. The possibility for surveying is conditioned by the total methodology of the security sciences, of the staff, of the general attitude toward the surveys, the means of surveys etc. Anyway, the surveys, especially the methods, primarily depend on the other constituents of the security sciences. The methodological theory insists on unity of the subject and the survey method. The epistemological characteristics of the subject define the method. That means that the method of the asphaliology (the security science) is



specific in terms of the method of the other sciences as the security appearances are specific as a subject of survey in terms of the reality that the other sciences survey. It is indisputable that the securities features appear to have same implications.

The results of the surveys point to a conclusion that the feeling of safety among the respondents in a certain measure is based on the police's contribution. The feeling of insecurity usually is connected to the fear of violence and to the changes in the behavior of the subjects. Also, the survey results point to the claim that 46,7 % of the people under the age of 30 say that the coexistence in the country is the main factor that makes them feel safe, then 45,7% say that that is the assurance that they can self-protect, 40,4% feel safe because they live in good surrounding and 38.8% because they show an adaptation to the norms and the order and 38.6% of the respondents feel safe because they are economically stable.

The asphaliology derives its scientific knowledge from the crowd acts, the actions, the processes, the relationships and from the development and the safeguarding of the security. The security is a subject of numerous studies and scientific disciplines that deal with different approaches to the study of security and are related to: a) values; b) threats of values; c) the methods and means to detect threats to the values; d) the measures, methods and tools used for preventing and suppressing threats; e) the right to security; f) the security policy; a) the person - delinquent; h) the security organizations and institutions; i) security relations. The survey results and the debate on them is just an attempt for developing a debate on security and the security situation. They neither can nor do they offer a universal answer.

### **Bibliography**

1. Baldwin, David: "*The Concept of Security*", *Review of International Studies*, Vol 23, No 1 1997, pp. 3-26
2. Cohen, Richard and Mihalka, Michael: *Cooperative Security: New Horizons for International Order*, George C. Marshall Center, 2005.
3. *Definicije ljudske bezbednosti*, <http://www.human-security.info/definicije.html> [accessed 9.12.2012];
4. Гачиновић, Р.: *Класификација безбедности*, НБП, бр.2/2007
5. Hristić, Danilović Nataša: *Bezbedni javni urbani prostori u procesu globalizacijewww.strand.rs/.../danilovic-hristic-bezbedno...* [accessed 6.09.2014];
6. Ilić, Predrag: *Bezbednosni izazovi, rizici i pretnje ili činioci ugrožavanja bezbednosti*, PRAVNE TEME, Godina 1, Broj 2, str. 52-61;

7. *Ljudska bezbednost* (ur. Dragana Dulić) Fond za otvoreno društvo, Beograd, 2006;
8. Pavlović, Gojko: "Razvoj ideje bezbjednost", *Sociološki diskurs*, godina 3, broj 5 / jun 2013. 51 – 66;
9. Tatalović, Siniša: „Koncepti sigurnosti na početku 21. stoljeća“, *Međunarodne studije*, god. 6, br. 1 (2006):60-80
10. UNHCR: *United Nations Development Programme, Human Development Report1994*. New York: Oxford University Press., 1994;
11. Winslow, J. Diana: *Ljudska bezbednost*, Zbornik tekstova: *Ljudska bezbednost*, Fond za otvoreno društvo, Beograd, 2006, str. 16;
12. Wolfers, Arnold: „National Security as an ambiguous symbol“, *Political Science Quarterly*, vol. 67, No. 4 (1952): 481-502
13. Драгишић, Зоран: *Систем националне безбедности – покушај дефинисања појма*, *Војно дело* бр. 2009; 162-176;
14. Мојаноски, Т. Цане: *Методологија на безбедносните науки - истражувачка постапка* Книга II; Факултет за безбедност, Скопје, 2012;
15. Мојаноски, Т. Цане: *Методологија на безбедносните науки - аналитички постапки*, *Книга III*, Скопје, 2013,
16. Мојаноски, Т. Цане: *Методологија на безбедносните науки - основи*, *Книга I* (2 изд.), Факултет за безбедност, 2015;
17. Мојаноски, Т. Цане, Злате Димовски, Марјан Ѓуровски и Ице Илијевски: *Граѓаните за безбедноста и безбедносните закани на Република Македонија – истражувачки извештај*, Факултет за безбедност, Скопје, 2015;
18. *Национална концепција за безбедност и одбрана*,  
[http://arhiva.vlada.mk/files/Vladina\\_koncepcija\\_za\\_bezbednost.pdf](http://arhiva.vlada.mk/files/Vladina_koncepcija_za_bezbednost.pdf)  
[accessed 31.01.2012]
19. Спасески Ј. *Човекот и безбедноста*, Годишник на Факултетот за безбедност, 2010

## **Crisis Management and Protection and Rescue Systems in Macedonia: Synergy or Rivalry?**

Marina Mitrevska

Institute for Security, Defense and Peace, Faculty of Philosophy, Skopje

### **Abstract**

*At the beginning of the 21st century, the security paradigm (challenges, threats, processes and institutions), compared to the past, has gained significant new features. Under these conditions, the significant objective factors that determine the reality of security (geostrategic, security, environmental, etc. . .) have basically changed. Obviously, the security environment has become unpredictable and uncertain, and the main feature of this environment is the complexity of the threats to security. In other words, the connection, interference and mutual effect of military and non-military threats to security are getting higher and higher. (e.g. ethnic conflicts, crime, natural and other disasters, terrorism, environmental threats, etc.). Thus, the text presents an analysis of the security paradigm and challenges in the view of the relationship between crisis management and system for protection and rescue in the Republic of Macedonia. The main focus of research is on this crucial relationship between two immensely important elements of the security system and to give an answer to the central question if there is synergy or rivalry between them.*

**Keywords:** security, system protection and rescue, crisis management, the Republic of Macedonia.

### **Introduction**

System of protection and rescue and crisis management in the Republic of Macedonia are distinctive organized elements of the national security system. These are two relatively independent sub-systems, with their own organization, activities, tasks and competences. The efficiency of the overall security system depends on the following questions: is there rivalry between them or their mutual relationship is based on synergy? What is the role of mutual coordination of activities and how tight should cooperation be in

order to contribute to the efficient and effective system of national security? This paper presents a quest for answers to these essential questions based on the findings of a recent survey<sup>1</sup> carried by the Protection and Rescue Directorate. Also this institution is being analyzed from perspective of its organization and functions as defined by legal regulations. Finally, the overall research endeavor is to detect any discrepancies within the wider national security system, and especially discrepancy between the concepts, legal framework and objective way of functioning.

### **Organization and Structure of the System for Protection and Rescue**

Protection and rescue represent a complex sub-system with numerous subjects, activities and missions. Its central goal is protection and rescue of people and material goods in case of need. Consequently, it is organized as a distinct system aimed at detection and prevention of certain threats and risks as well as at elimination of the consequences caused by natural disasters and similar events. The general mission has been accomplished through various activities, but one may point out at the following as the most important ones: monitoring, detection and analysis of the possible risks and dangers that may occur out of natural disasters and other *vis major* causes; mitigation and prevention; notification and warning; education and training; organization of protection and rescue forces and units; self-protection, self-help and mutual aid; mobilization and deployment of forces and equipment; selection of and implementation of the protective measures; rescue and assistance as well as receipt of foreign assistance (Mitrevska 2010, 261). The system for protection and rescue is expected to be fully operational in peace, during emergencies and/or war in case of any natural and other disaster. Its activities thus may contribute to strengthening general security in the country, and indirectly even in terms of state sovereignty and integrity. In the Republic of Macedonia it is organized as a single system to detect and prevent the occurrence of accidents and disasters and has a predominantly preventive character. In general, it follows the general standards that are set in the developed states. The protection and rescue in Macedonia is organized and carried out by a vast list of subjects such as: state bodies, state agencies, agencies of government authorities, public enterprises; public facilities and services; companies; associations of citizens; citizens; and the forces for protection and rescue (*ibid.* 260).

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<sup>1</sup> The survey was carried out within the Protection and Rescue Directorate by Robert Serafimov, postgraduate student under the supervision of the author of this text.

The whole system is organized around one central body i.e. Protection and Rescue Directorate (PRD). The Directorate has its own headquarter which manages all activities. There are also forces for protection and rescue that include: the rescue forces on the level of the Republic and territorial units for protection and rescue. State agents, in addition to the Directorate, include the following: the Parliament, the Government, various administrative bodies; the municipality councils and mayors; companies, enterprises, institutions and services; citizens and civil society organizations, humanitarian organizations and NGOs (Official Gazette of the RM 2012). At the proposal of the Government, the Parliament adopts National Strategy for Protection and Rescue; performs planning and preparation of activities for the implementation of measures for protection and rescue; the strategic and medium-term objectives for protection and rescue; adopts normative research and development projects etc. Furthermore, the Government enacts: decision for formation of protection and rescue forces established by the Republic of Macedonia; decision to provide material supplies for the needs of protection and rescue; a decision to send humanitarian aid for protection and rescue abroad, and to accept foreign humanitarian assistance; decision for sending abroad the forces for protection and rescue established by the Republic of Macedonia for the purpose of training and education, and humanitarian activities; decision on evacuation of citizens; and, decisions concerning instruction, training and practicing within the state administration bodies, local self-government, business companies, public companies and others.

### **1.1. Protection and Rescue Directorate**

The Protection and Rescue Directorate was founded according to the Law on Protection and Rescue, and started operating in 2005. It is an independent state agency that was established by merging the previous Department for Civil Protection in the Ministry of Defense and Inspectorate for fire protection by the Ministry of Internal Affairs. The Directorate bears responsibilities in terms of prevention, mitigation of consequences, operational activities and reconstruction, which are all segments in the system for protection and rescue (Protection and Rescue Directory 2012, 14). The preventive role is introduced through a legislation on physical planning, during construction of facilities and infrastructure in the designing documentation of the facilities and technological processes and supervision (*ibid.*, 15). Operational activities are accomplished by mobilizing troops and equipment; they involve the headquarters. Reconstruction goes through restoring, providing assistance, etc.

As a responsible authority in the field of protection and rescue, the Directorate is also coordinating body that takes care of all the activities of entities entitled to take part in the system for protection and rescue but it also participates in the system for crisis management. It is composed of 6 divisions with 19 departments, three independent departments and 35 regional departments for protection and rescue in accordance with the adopted changes of the structure of the Protection and Rescue Directorate.<sup>2</sup>

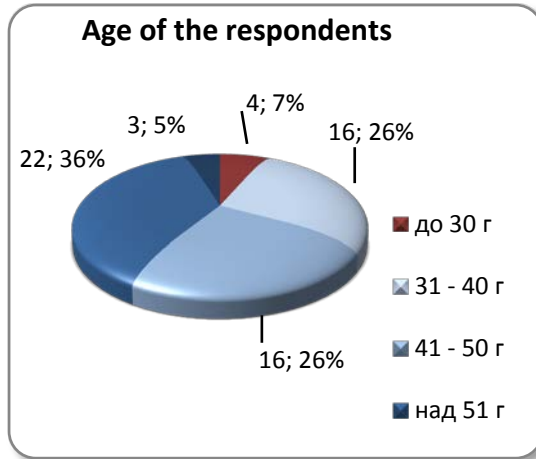
The Protection and Rescue Directorate has numerous competences, including the following: making plan for protection and rescue from natural disasters; assessment of the threats from natural disasters; organize and prepare the system for protection and rescue; proposes measures for equipment and system development; assures the functioning of the prevention and detection of occurrence and removal of consequences of natural and other disasters; provides timely deployment and efficient use of state forces for protection and rescue and rapid response teams; takes care of complete incorporation of measures for protection and rescue; provides implementation of strategic and medium-term objectives for protection and rescue; participates in completing and implementing the mobilization of state forces.

## **1.2. Interpretation and Analysis of the Survey Results**

The survey was conducted in the Directorate for Protection and Rescue, and the respondents included employees from various ranks. The choice was random. With respect to the gender of the respondents, out of the total 61 employees surveyed, 31% of them were female, 66% were men and 3% did not respond this question. In terms of education, there was not a single respondent with primary education, while 16% of the employees are with secondary education, 74% are with higher education, 3% of the employees hold master degrees, while 7% did not give any info about their education. From these data it can be concluded that majority employees in the Directorate hold university degree, which in turn provides a good ground for successful institutional development. In this context, the age of the respondents is also of significance.

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<sup>2</sup> The number of sections and departments in the Protection and Rescue does not match the number given to the web site of the Protection and Rescue Directorate, because the data have not been updated. The data were obtained in consultation with experts from the Directorate.

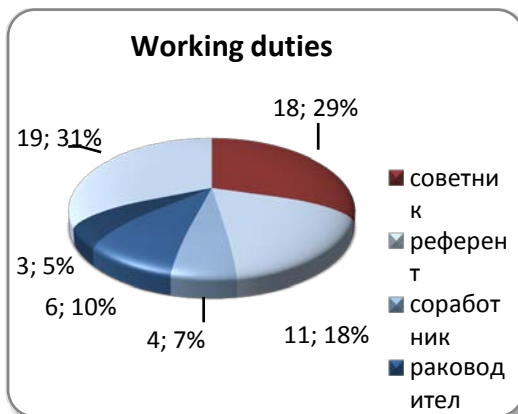


Graph 1

up to 30 years	4
31 - 40 years	16
41 - 50 years	16
over 51 years	22
N/A	3

Table 1

As presented in graph 1, only 7% of employees are at the age below 30, 26% are at the age of 31-40, the same percent (26%) are those at age of 41-50, 36% are at the age over 51, 5% did not respond. Obviously the majority of the Directorate's employees are with solid experience, which is a factor that contributes to the efficiency and the development of protection and rescue. With respect to the work duties, the percentage of advisors reaches 29%, officers are 18%, associates make 7%, there are 10% managers, supervisors are just 5% and as many as 31% did not respond to this question. The data are shown in Graph 2 and Table 2.

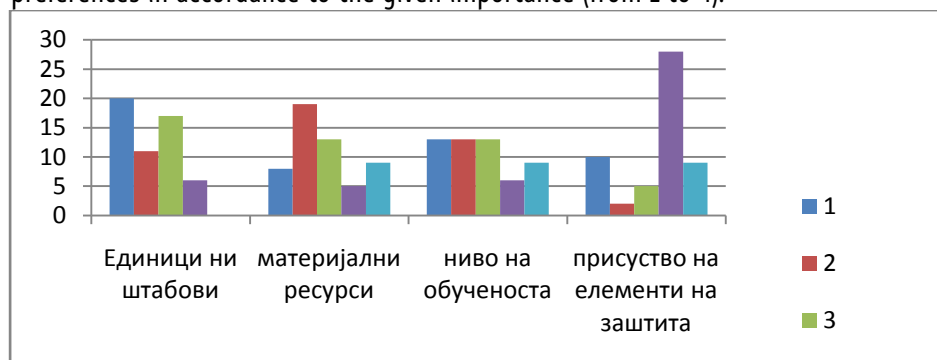


Graph.2

Working duties	Respondents
Advisor	18
Officer	11
Associate	4
Manager	6
Supervisor	3
N/A	19

Table.2

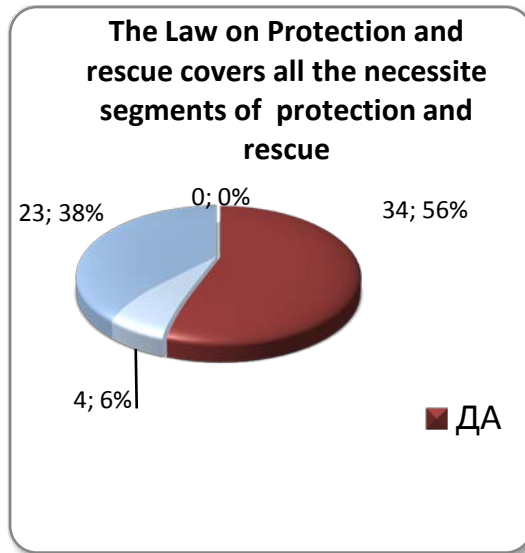
In order to get adequate information and findings with regard to the problem that is researched in this paper, a questionnaire was designed - it contained 31 questions/items. Out of many insights, in this context we highlight certain questions/answers that directly refer to the essence of the researched problem. For instance, the item No. 1 read: "The principles of effective protection and rescue include the units and headquarters, material resources, level of training and/or the presence of elements of protection". It was responded by 54 out of the total 61 respondents. The respondents were asked to arrange their preferences in accordance to the given importance (from 1 to 4).



Graph 3

Analysis shows that most of the respondents believe that the units and headquarters are the most important principle of protection and rescue system. The second most important principle is material resources, while the presence of elements of protection and rescue and their operation (self-protection measures, activities and forces) take the last place. Regarding the question that referred to the importance of the training level, participants split their preferences in the first three levels of importance. Approximately equitable distribution of the level of training of the first three places of the scale leads to the conclusion that for the respondents the meaning of training ranges from necessity to doubt about the quality of the actual training.





Graph.4

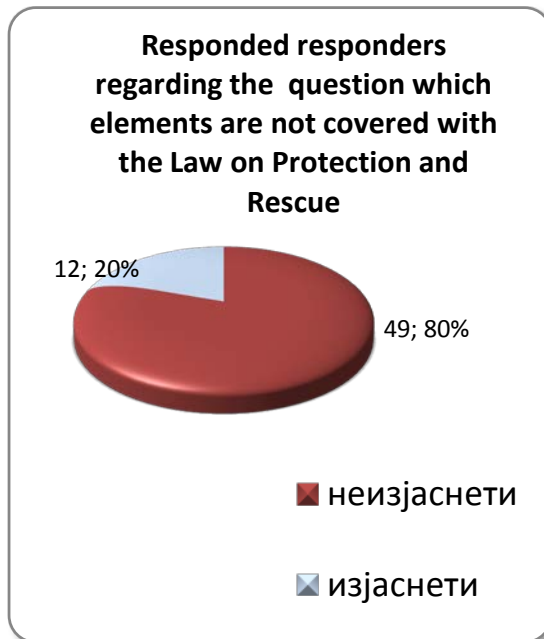
ANSWER	RESPONDENTS
YES	34
NO	4
PARTIALLY	23
DON'T KNOW	0

Table 4

The next question read: "Do you think that the Law on Protection and Rescue regulates all necessary segments of protection and rescue?"

From the results presented in Table 4 and Graph 4, one may see that the percentage of those who answered affirmatively is 56 %, only 6 % answered "no", while 38 % of them answered "partially". Therefore, we can conclude that all respondents, without any hesitation, showed knowledge of the Law on Protection and Rescue, as well as of the segments that cover the protection and rescue. Also, it can be concluded that the high percentage of respondents that opted for "partially" (38%) leaves space for further improvement of the current Law. It could be easily done in consultation with experts from the field but also through consultation with those segments of society that under certain circumstances would suffer the biggest consequences (municipalities, citizens associations and NGOs).

3. If you think that the Law on Protection and Rescue does not cover all elements of protection and rescue, please add the missing elements according to your own opinion?



Graph.5

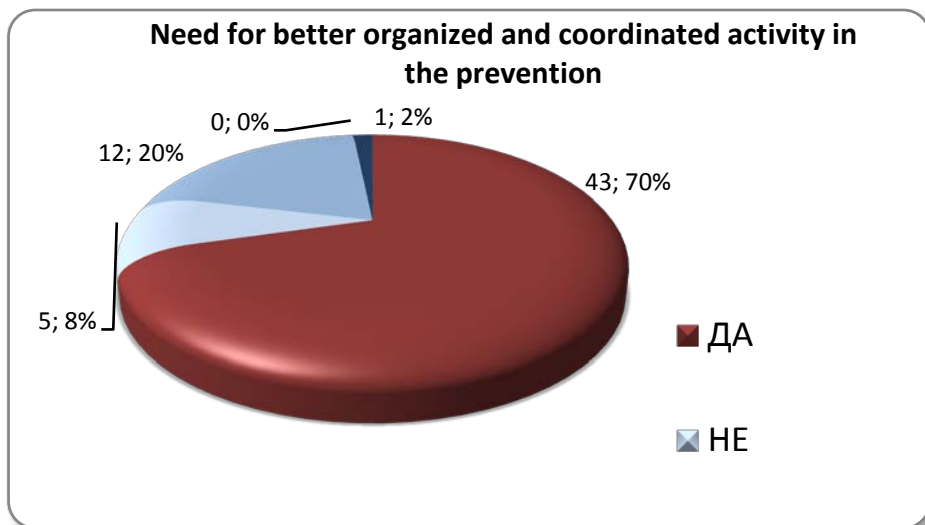
category	respondents
N/A	49
responded	12

Table 5

Obviously, quite a small number of respondents shared their views and opinions on necessary items missing in the Law on Protection and Rescue (presented on Table 5 and Graph 5). However, the views of the other 20% respondents are quite interesting because they point out the legal insufficiencies and weaknesses. They also argue that there is a need for further clarification of the respective Law. The specific proposals and criticism include the following items: lack of attention with regard to the consequences of terrorism, cyber-terrorism and climate change; the issue on reanimation of the area hit by natural disaster and catastrophes is not being treated; amendments and supplements to the Law regarding the stuffing of protection and rescue forces; regulations of the police forces duties in case of protection and rescue in accordance with the EU standards; providing material assets

and technical means for the needs of the forces and for the purpose of SDR<sup>3</sup> standardization, as well as providing assistance according to the EU standards; purchase of transportation motor vehicles to be prescribed by law and to get priority in planning, training and cooperation; the legal provisions still contain elements from the old system, especially in the part that refers to the mass participation, which in present circumstances is outdated and unnecessary; the law includes all protection and rescue elements, but on the ground the units should be equipped also for some other activities; they also need specific cadres such as fireworks technicians; the staff needs special insurance and early retirement benefits; the law should cover the issues on rescuing in the mountains; there is a need of harmonization of the law on protection and rescue with the other laws, such as the law on water resources.

4. The question read: is there any need for better organized and well-coordinated activity in the prevention and management of natural disasters and catastrophes in future?



Graph 6

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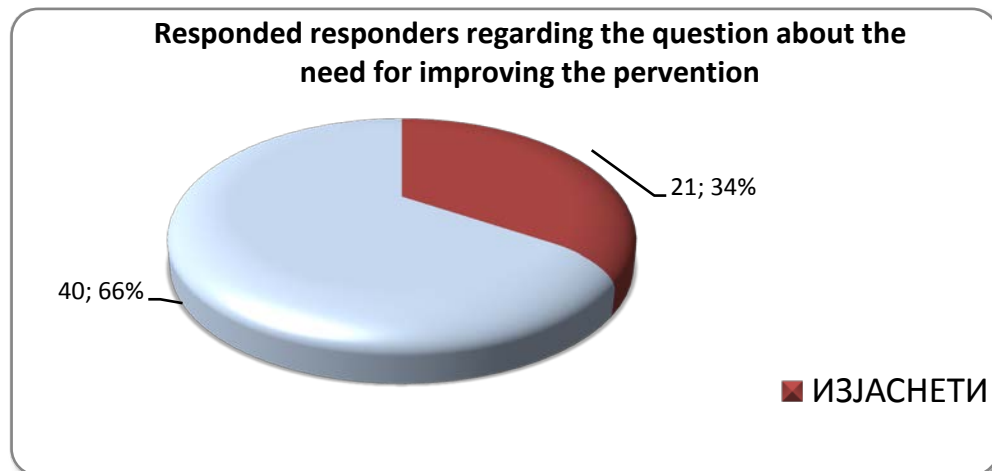
<sup>3</sup> The acronym stands for Strategic Defense Review, Strategiski odbranben pregled.

Need for better coordination	respondents
YES	43
NO	5
MAYBE	12
DON'T KNOW	0
N/A	1

Table 6

As many as 70% of respondents said that there is a need of better organization and coordinated activities in the prevention against accidents and disasters; 8% of respondents said there is no such need, while 20% of the respondents thought that perhaps there is a need for better organization. Only 1% of the respondents did not give any reply. The survey results indicate a need for revision of the activities related to prevention.

- Question read: "What is your opinion on the necessity of better organized and coordinated activities of the authorities responsible for prevention and managing of natural disasters and catastrophes?"



Graph 7

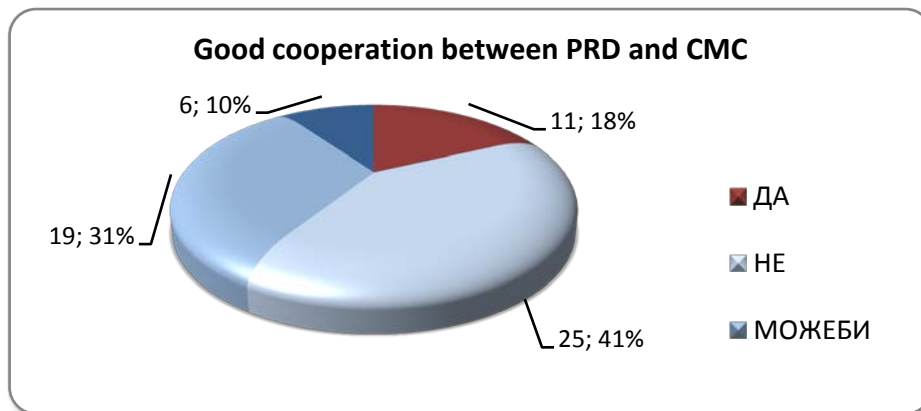
CATEGORY	RESPONDERS
RESPONDED	21
NON RESPONDED	40

Table.7

Compared to the other questions that required personal opinion, interestingly this question was responded by quite a small number of respondents: i.e. only 34% did respond, while 66% did not. The opinions of those who decided to respond include the following: local authorities are not sufficiently involved and they usually do not pay much attention to the protection and rescue from disasters and catastrophes; there should be a clear distinction of the competences, and simplification of the procedures; local authorities should invest more in the protection and rescue; the involved subjects should be acquainted with their competences in a way to avoid overlapping of the responsibilities; risk assessments and analyses should be under the competence of the Protection and Rescue Directorate; the units should be better equipped; there is need to adhere to the subsidiarity principle (i.e. the decisions should be made at the lowest level possible), the system of command and coordination in case of incidents should be regulated through amendments to the Law on Protection and Rescue; the entitled subjects should carry out their activities in mutual agreement and in a coordinated manner; the Protection and Rescue Directorate should establish better relations and communication with all stake holders for the purpose of better education, exercise and prevention; more emphasis on preventive measures for protection and rescue from natural disasters and other accidents should be given by all relevant subjects; undertaking measures for protection and rescue from natural disasters and other accidents in due time and in accordance with SDR; in order to get better organization of the services full adherence to the legislative by all factors is necessary; strengthening of the municipalities' capacities and permanent investment in education, training and equipment; Protection and Rescue Directorate is the only body competent to coordinate and manage all the activities related to natural disasters and other accidents; exercising of all SDR within the institutions both on horizontal and vertical level as well as among the institutions; the method of coordination of the subjects should be prescribed by separate legal act. The following response deserves special attention: *"there is no need for both Crisis Management Center (CMC) and Protection and Rescue Directorate (PRD) to exist, or more precisely there should be just one institution entitled to manage protection*

*and rescue; more financial means to be invested in providing adequate equipment; the institutions should be informed about their mutual competences, while the Centre for Crisis Management should be directed towards the original purpose at the time when the Information and Alert Centre (IAC) had been established; it should be merged with Protection and Rescue Directorate for the sake of better data collection and communication.”*

6. The question read: “Do you think that the cooperation with the Crisis Management Center (CMC) is good?”



Graph.8

COOPERATION BETWEEN PRD AND CMC	RESPONDENTS
YES	11
NO	25
MAYBE	19
DON'T KNOW	6

Table 8

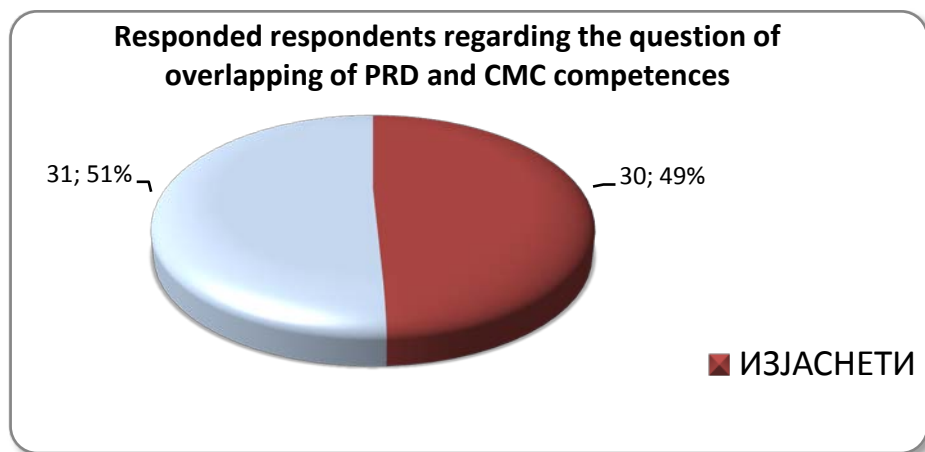
The response of the 18% of the respondents was that there is good cooperation between PRD and CMC, but 41% gave opposite answer i.e. that the cooperation is not good at all. One third of the respondents however see this cooperation as limited, while 10% said that they did not know. The high percentage of the respondents that answered negatively (including the ones that did not know) speaks of their perception on these two institutions.

They are perceived as “competitors” that lack cooperation or keep it on an insufficient level. Some notice overlapping of competences, no distinction among the local units, and even competition over the distribution of the resources.

7. Question read: “Do you think that there is an overlapping of PRD and CMC competences? If yes, please specify why.”

CATEGORY	RESPONDENTS
RESPONDED	30
N/A	31

Табела 6p.9



Graph 9

Compared to the other questions that required individual responds, even 51% of the respondents did not answer the question. The opinions stated by those who responded include the following:

- The competences of PRD and CMC overlap and there is need for more clear-cut differentiation between the competences of these two institutions;
- CMC is not a successor of the former Civil Protection, but rather of the Information and Alert Centre. CMC lacks capacities necessary for dealing and managing natural disasters and other accidents: it neither has enough forces nor formal competences to do so. There is interference in the competences and the whole process becomes even complex. PRD is ready to respond to all types of disasters and catastrophes;

- The overlapping is in a form of positive conflict of competences at times when crisis is not formally declared. PRD deviates from the concept for crises management as accepted by the EU and NATO, so the protection and rescue is its only point of interest;
- CMC perceives its competences with regard to PRD in an inappropriate manner. In order to overcome any misunderstandings these two institutions should be integrated;
- CMC is a permanent institution and is seen as identical with the Managing Committee that brings together ministers of the Government, representatives of the President's Office and of other state services, who then play as if they are all ministers and generals. They form a headquarter (which by definition is an operative professional body) but have no units under their command, neither resources and equipment nor any legal bases for engagement of the business companies; hence they only create confusion; the public services and institutions do not know with whom to cooperate with, since they are not familiar with the competences of these two competing institutions;
- There is overlapping of competences in the part of management and coordination; there is interference in the activities for protection and rescue, so different information circulate to the media as well as to the other relevant authorities;
- The competences of PRD overlap with those of CMC, or more precisely CMC undertakes PRD's competences especially in the sphere of planning and establishing headquarters;
- The competences do not overlap and in accordance with the law they are clearly distinguished; however there are indications of CMC's interference in the competences of PRD;
- There is no overlapping or only partial overlapping, CMC undertakes measures that are not within its competence;
- CMC should be part of PRD as liaison office;
- CMC does not have human resources, forces and Transport Motor Vehicle but behaves as bearer of activities managed by PRD;
- Some members of the Protection and rescue headquarter are at the same time members of the crisis management headquarter of CMC;
- There should be a distinction in leading any activities in state of peace-PRD, state of emergency – CMC, and war –Ministry of Defense (MD);



- There is no overlapping with the competences of CMC but CMC uses some weak segments of PTD in order to interfere in some of PRD competences. (Serafimov 2015, 80-87)

### **Conclusion**

Since 2005 the Protection and Rescue Directorate has created a solid ground for further improvement and development of protection and rescue system in accordance to modern trends in the region and in the world. These goals directly depend on the economic development and on the assets allocated for the system needs on annual basis. In addition to the large number of regulations and other by-laws, the survey shows that there are opinions that it is necessary to reconsider and revise the Law on Protection and Rescue, especially the provisions included in articles 34, 44, 55, 58 and 120. As an example, pursuant to the Law on Protection and Rescue, the citizens are to be informed about the protection and rescue through a unique system of informing. However, formally this issue is under the competence of the Crises Management Centre, i.e. according to the respective law it is supposed to alert the citizens. On the other hand, the Law on Protection and Rescue cannot be completely implemented in practice especially in terms of operationalization of the protection and rescue from the point of view of transparency, mobilization of the citizens and the relevant institutions through acceptance of their responsibilities. There is an impression that the citizens are not well acquainted with their obligations but also with their rights when it comes to protection and rescue. The role of local self-government, professional staff and the mass media are not sufficiently understood and implemented (Serafimov 2015).

During its short history the Protection and Rescue System has gained rich practical experiences. It also gives an insight into a series of weaknesses, such as: overlapping of competences with other participants in the protection and rescue system as well as in the crises management system; there is lack of sophisticated equipment and technical means; there is need for continuous development of human resources through training and education; operative procedures for efficient engagement of the resources in managing the crisis are insufficiently developed; insufficiently developed operative procedures for efficient receipt or providing assistance to other countries through international institutions and especially through the institutions within the Euro-Atlantic organizations; insufficient

transparency; lack of unique assessment of the risks and threats for the security of the Republic of Macedonia.

The conclusion is that the Protection and Rescue Directorate and the Crises Management Centre are not the same. There is no need for rivalry - yet their competences should be distinguished and clarified through adequate legislative.

### **Bibliography**

1. Митревска М., *Гравилна одбрана*, Филозофски факултет, Скопје, 2010.
2. Серафимов Р., *Перспективи и предизвици на системот за заштита и спасување во Република Македонија*, одбранет магистерски труд на Филозофски факултет, Скопје.
3. Дирекција за Заштита и спасување, (2012), *Осврт на должностите и активностите на дирекцијата за заштита и спасување*, Скопје
4. Службен весник на РМ, бр.93 од 24.7.2012 година, Закон за заштита и спасување.

## EU Perspective of the Western Balkans Countries: Why and How Can Croatia Help?

Lidija Čehulić Vukadinović,  
Faculty of Political Sciences, University of Zagreb

### Abstract

*Croatia's neighbors, as well as other Western Balkans countries, are striving to join the EU at the time when the Union's internal crisis has still not been completely overcome. It is not quite sure when the EU is going to open its door to new members again. Of all new post-socialist member states, within the EU, Croatia is the first post-conflict country accepted to the membership. Not all of the Western Balkans countries were involved in the wars and the armed conflicts after the dissolution of former Yugoslavia. However, their overall social development is taking place in times when many issues in the region remain unresolved (security, political, economic, ethnic) but at the same time the new challenges have emerged (energy supply, radicalization of Islam, illegal migrations, Ukraine, ISIS). Additional criteria and conditions that EU will eventually impose on the Western Balkan countries will be either as difficult as those that had to be met by Croatia or even more complex. With its negotiating experience Croatia could and should unselfishly assist the countries in the region. On the other hand, based on many social indicators Croatia is still among relatively weak EU members. Being a peripheral member, any new destabilization of the neighboring region is not in Croatia's national interest, same as it is not in the EU's interest. Integration of the Western Balkans region into the EU would enable Croatia not only to strengthen the perception of its security, but would also create a much more compatible area for its economic activities within the Union. Croatia has declared the support to the Union's further enlargement to other Western Balkans countries as its goal within the EU. Having in mind Croatia's declared readiness for further enhancement of good neighboring relations and functional regional cooperation in the Western Balkans, Zagreb should position itself as a stable, consistent and recognizable leader of a coalition within the EU that will permanently advocate for its further enlargement.*

**Keywords:** Croatia, EU Integration, Western Balkans, enlargement, assistance

## **1. The Western Balkans after Croatian Accession into the EU**

After the more than eight years of accession process (the longest one in comparison with all other post-socialistic countries which entered the European Union), Croatia became the 28<sup>th</sup> member-state of the European Union (2013) during the financial crisis. That first EU enlargement since Euro crisis will, for sure, also be the last in this decade. Under the most positive scenario, the EU membership even for the most credible aspirant from the region of Western Balkans (Montenegro) technically is not realistic before 2020. Due to EU's own internal political, fiscal and social crisis, which was resulted with a huge enlargement skepticism inside the EU, the accession process has become more difficult and rigorous. The old EU members now have much more opportunities to block the process. Contrary, more optimistic observers claim that the accession process of the Western Balkans is steadily moving ahead, albeit at a slower pace. The Western Balkans (political term introduced during the 2000 EU summit in Zagreb) embraces Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia. Till now, only Croatia is full-fledged member of EU but all other countries are either candidate or aspirants for membership. Croatia, as a border country of the European Union, together with Bulgaria and Romania are still relatively weak countries inside the EU and as a neighborhood countries are exposed and suffering from all instabilities and weaknesses in the Western Balkans. Unfortunately, the overall situation in that part of the Europe is much worse than two years ago when Croatia joined the EU.

### **a) Economic stagnation**

According to the analysis of the World Bank economist, Branko Milanovic, who has reviewed the experience of twenty five years of transition in post-socialist Europe, based on criteria of progress in political democratization, growth in income per head and trends in income inequality, no country from the Western Balkans is successful. Instead of consolidating post-socialistic economic reforms, integrating into the European and world economy, attracting foreign investment and reorienting trade to the West, the overall economic transition of the Western Balkans has stalled.<sup>1</sup> Growth in the area is weak and fragile. The Western Balkans suffers from low investment, emigration rate is very high and

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<sup>1</sup> <http://country.eiu.com/article.aspx?articleid=1473010731&Country=Croatia&topic=Economy&subtopic=Regional+developments&subsubtopic=Economic+growth>, detached July 10, 2015.

average unemployment is around 1/4 of the adult population. Serbia has an unemployment rate above 25 percent, Macedonia over 30 percent and Kosovo over 40 percent. In 2014 the real GDP in the Western Balkans was still almost ten percent below its 1989 level. GDP per capita was only 27 percent of the average level of the EU members, and roughly half the average level in the 2004-2007 joiners. The average ratio of public capital spending in GDP in 2013 was only 5.4 percent, mainly investments in motorways (*The Economist*, March 24 2015). The economic forecasts indicate that there will be little change in economic performance in the next five years. That will increase the gap between the Western Balkans countries and the EU members.

According to the IMF report *The Western Balkans: 15 Years of Economic Transition*, the priority reform areas in the Western Balkans are: quality of governance, efficiency of goods markets, labor market, human capital, and financial system. All of that is a long term task and majority of Western Balkans countries have lost the so-called reform momentum in the beginning of 90-ies. Due to the bloody disintegration of Yugoslavia the economic transition has had three main phases. The first one was the lost one; the decade immediately after the dissolution of former Yugoslavia, characterized by the wars (1989-1995) and hesitation of political elites to perform the structural economic reforms (1995-2000). The Yugoslav market was destroyed, international community imposed economic sanctions upon some of the newly established countries. The GDP in the region in 1994 was 60 percent, and in the 2000s - 40 percent below its 1989 level.

The second phase of economic transition to market economy system took place from 2001 till the 2008 crisis. The economic boom of that period was based on an unsustainable pattern of increased consumption linked to fast credit growth. The countries of the Western Balkans underwent a major economic transformation, starting rebuilding their war-torn economies and moving forward to market-based system. They opened up to the global trade, became increasingly export-oriented, dismantled some regulations that stifled business development, expanded the role of the private sector, banking systems were built up with the aid of foreign capitals and know how. The results of these reforms have been a significant rise of living standards and incomes of local people, robust economic growth that enhanced macro-economic stability (Murgasova and an IMF Staff Team, 2015). That gave the Western Balkans countries the illusion, albeit temporarily, that the fast economic growth was possible without completing the reforms and transformation process.

During and after the economic crisis (the third phase) the Western Balkan countries, including Croatia, have faced economic stagnation. According to the World Bank,

no other region in Europe has experiencing greater shock from the fiscal and economic crisis and it has projected a further drop of GDP in all countries in the region (*The World Bank Report*, 2012). No country is a functioning market economy yet. All of them have to create and implement specific national economic strategy to achieve sustainable growth and to improve their competitiveness.

In terms of structural reforms the region lags well behind the other post-socialistic countries of Ccentral and Eastern Europe. Western Balkans was slower because the structural reforms proceeded more slowly. All countries are facing high fiscal deficits and public debt, many inefficient state-owned enterprise remain to be privatized, the new jobs have to be generated and, what is equally important, the way of governance has to be improved (Murgasova and an IMF Staff Team, 2015)

The process of accession to EU membership was the main catalyst of reforms. Now with the enlargement fatigue within the EUe and many reforms left incomplete, the faster stabile economic growth remains an illusion. Trade plays an important role in the EU's efforts not only to achieve the economic prosperity in the Western Balkans, but to promote peace, freedom and stability in that region. The EU is the Western Balkan's largest trading partner, accounting for over 75 percent of the regional total trade. On the other side, the total share of all Western Balkans countries was 1.1 percent of total EU's trade in 2014. Individual countries shares were very low: Serbia 0.50 percent, Bosnia and Herzegovina 0.20 percent, Macedonia 0.20 percent, Albania 0.10 percent, Montenegro 0.10 percent. In 2014 the EU import and export from Western Balkans was mainly machinery and transport equipment (26,5 percent and 27,0 percent).<sup>2</sup> The EU was and still is the largest donor to the region, thus strongly supporting the membership of the Western Balkans countries to the WTO.

In comparison with other newcomers from East and Central Europe, the specific path of Western Balkans countries has been created by some factors with undermining effect on the reforms. According to the IMF these factors include: inexperienced bureaucracies, history of unrest, ethnic and border disputes, high unemployment, non-consolidated democracies, very high level of popular dissatisfaction with politicians. Majority of them are connected with the lack of overall democratization.

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<sup>2</sup> <http://ec.europa.eu/trade/policy/countries-and-regions/regions/western-balkans/>, detached July 15 2015

**b) Political stagnation**

The Western Balkans faces risk of permanent marginalization on the periphery of the Old Continent. The EU membership however is not the panacea for all problems. At the 2003 Thessaloniki summit the EU granted the region a clear perspective of membership, subject to fulfillment of the necessary conditions. But the rule of law is now at the heart of the enlargement process. In 2011 a new approach was adopted: candidate countries have to tackle issues such as the fight against organized crime, corruption and the judicial system reform early in the negotiation process. Strengthening the rule of law, independence of judiciary and further progress in the fight against corruption and organized crime are important for strengthening citizens trust in state and public institutions (Borzel 2011). This approach is a key element of the negotiating framework with Montenegro and will definitely be used for the other countries.

Regional cooperation and good neighborhood relations are crucial to overcome the legacy of the past (Sefearj 2015). Still issues related to the recent wars and conflicts, including border disputes, missing persons, return of all expelled people, refugees and their private properties, prosecuting of war crimes have to be addressed. Treatment of minorities and ensuring equal rights for all citizens remain key challenges to stability in the Western Balkans (Veljanoska, Andonov and Shibakovski, 2014). Open bilateral issues between the countries should not hold up the accession process. Some EU countries use these unresolved issues to further postpone the enlargement process. The countries should make efforts to put their bilateral disputes on the table and try to solve them in good faith. Croatia should offer political support and facilitation to all countries concerned to find solution to bilateral issues as early as possible. In order to promote all kind of regional and cross-border cooperation, Croatia should fully support the work of the Regional Cooperation Council, Regional 2020 Strategy and the South-East Cooperation Process.

Enlargement process depends on the support of the citizens of the EU as well as these from the aspirant countries. Besides the formal institutions dealing with the enlargement, the strong public support is also needed. NGOs are needed for providing citizens with information and education about the costs and benefits of the integration process on all levels: political, economic, social, security. Croatian experts, NGOs, people from academia can help by sharing experience and knowledge with the civil societies of the Western Balkans countries. The *International summer school* on island Šipan, organized for fourteen years by the Croatian's NGOs: The Atlantic Council of Croatia and Centre for

International Relations is one positive and very educative example of spreading the European and Euro-Atlantic ideas among the young people from the region. *Yearbook Šipan* has been published as a collection of the presentations in the *International summer school* for thirteen years, covering the topics connected with the Western Balkans and European and Euro-Atlantic integrations.

**c) New security challenges and risk**

The regional security has been endangered by activities of internal and external actors. The recent history was dominated by armed conflicts, crises and disputes among the Western Balkans countries. Foreign forces are still present in Bosnia and Herzegovina and Kosovo. (Croatia is contributing to KFOR). Although the possibility of new military conflicts cannot be absolutely excluded, the main security challenges are connected with the asymmetric threats. They are much higher predictable and of changeable intensity.

With the economic and financial crisis, the social problems have increased, especially in the rural and underdeveloped regions, while the position of all kind of marginalized groups in these countries (sex, ethnic, religious....) is becoming increasingly harder. This is an important factor which has influenced an increase in criminal activities and illegal migrations. (Božić 2011, 61).

The Western Balkans again becomes an area where different kinds of organized crimes and high level of corruption are present. Further strengthening of cooperation amongst the police, judiciary, customs and other institutions, training of law enforcement personnel are very much needed. Regional cooperation is of particular importance as well as cooperation with the EU special agencies and institutions. Enhancing cooperation can improve the security in the region and beyond. Still the fight against corruption and organized crime depends mainly upon the request from the EU or other foreign institutions. There is less proactive action of domestic institutions and not enough exchange of information between the countries about the criminal activities in the region. All relevant institutions: EUROPOL, European Police College, Secretariat of Police Cooperation, Convention for Southeast Europe, Southeast Police Chiefs Association and Southeast European Prosecutors Advisory Group see the Western Balkans not only as an area of origin, but an area of transit routes and an area suitable for organizing training camps for different criminal and terrorist activities (Annual Report on Regional Cooperation in South East Europe 2014-2015,, 24-26).



Migration is a matter of critical importance for the region, particularly in view of the liberalized visa regime (all countries except Kosovo). When Hungary is going to protect/close its border with Serbia (building the 175 kilometers long wall), the other countries (Montenegro, Bosnia and Herzegovina, Croatia) will face much higher number of people trying illegally enter the EU. Migration and border management issues are addressed both within the Stabilization and Association Agreements, and Chapter 24 of the negotiations with the accession countries. The Migration, Asylum and Refugees Regional Initiative is the only common existing coordination mechanism that should provide strategic direction in migration management. To prevent illegal migration and related organized and cross-border crimes, promoting networking between EU and Western Balkans countries as well as specialized agencies and institutions is needed. As was written in one policy paper of Central European Policy Institute, there is a silent pact between the enlargement-fatigued and crisis-hit EU member states and rent-seeking Balkan elites who do not mind slowing the pace of reform with a fire-brigade approach to periodic crises and outbursts of violence in the Western Balkans (*The Visegrad Group* 2015, 2). Due to the high level of corruption and weakness of states institutions the Western Balkans becomes heaven for money laundering, smuggling of drugs, arms and humans.

In such poor socio-economic environment the separatist ideas and aspirations, religious extremism, ethnical disputes and hard nationalists are in rise (Bugajski 2014). Some extreme radical groups possess hidden arms and they have started to organize trainings for people (local and coming from abroad) who are going to join ISIL. Recently, some terrorist attacks were conducted in the area of the Western Balkans (Zvornik, Kumanovo).

In the times of resettling US-Russian relations, geostrategic position of the Western Balkans countries (especially those with traditionally good relations with Russia) can serve as a transitional corridor for the protecting energy supply of wider Europe. Although the overall destabilization of the Western Balkans poses far less of a threat to EU than the Ukraine crisis, Middle East or ISIS's barbarism, it is far less difficult challenge to overcome. In the Western Balkans there are no nuclear weapons and till now, terrorist attacks are rare (Joseph 2015). Even the most problematic countries are striving to join EU. But with no meaningful policy of *carrots and sticks* the EU has left responsibility to the region's leaders and paid a sporadic attention to the security and stability of the region.

## 2. Weak and Unstable Western Balkans Does Matter to Croatia

As the first post-socialist and post-conflict country that joined EU (Čehulić Vukadinović 2013), Croatia observes more attention within the Western Balkans as well as within the European Union members. In comparison with other countries from Central and Eastern Europe who joined the EU in 2004/2007, Croatia is the only country with war legacy. To qualify for membership Croatia has not only fulfilled the Copenhagen criteria but more importantly has radically changed its political culture. It stopped disrupting state building in Bosnia and Herzegovina, allowed return of Serb refugees, engaged Serb minority party into a government coalition and completed the extradition of all indicated by the Hague Tribunal (Knaus and Bender 2012). Fight against corruption and human trafficking, as well as strengthening structural economic reforms are the main tasks that EU is still strongly looking for. But the transformation of Croatia would not have been possible without the negotiation process that started in 2005. Concerning major socio-economic factors, Croatia is still relatively weak and poor member (SGI Survey 2015). Croatia's failure will definitely slow down the further enlargement especially in the light of the Greek crisis.

On the other hand, aspirants for membership pay great attention on Croatia too. Coming from the same geopolitical, economic, historical and cultural region with the common recent past, they are interested to see the benefits Croatia will gain. During the negotiation process Croatia was dealing with the Western Balkans because of the necessity of normalization of neighborly relations. Joining the EU had great psychological significance for Croatia. It was a sort of escape from the Balkans. But as a second-class member within the EU, due to its internal weaknesses and unfinished reforms, Croatia has recognized that it cannot escape from the region. Through adjustment of its economic policy and diplomacy, Croatia tries to reinforce ties with the countries in the region, even with former enemies. New developments in the EU and very complicated international situation, particularly in the Mediterranean region, Croatia has recognized that it is in her best interest to help the other countries from this fragile corner of Europe to join the EU as soon as possible.

Concerning further EU enlargement, Montenegro has the greatest chances of entry. It has opened the negotiation talks in 2012 and closed two chapters. Public administration reform is a priority to ensure capacity to apply the *acquis*. Montenegro is the test case of the new EU approach to the accession process, with more emphasis on the chapters 23 and 24. With its negotiation experience and know how Croatia should help Montenegro on its reforms. But what Montenegro is waiting for, concerning integration

process, is the call for the full membership to NATO. If NATO is not going to extend it till the end of 2015, probably all other reforms will be postponed or even stopped. One can expect new social upheaval.

Macedonia depends on solving the name issue with Greece. Lack of a credible Euro-Atlantic and EU perspective put at risk the sustainability of the all reform efforts. Overall political, economic and especially security situation is much worse than it was in 2008 when Greece blocked the Macedonians entry to NATO. Macedonia was the first state in the region to establish institutional ties with both NATO and EU. It did very well in the framework of NATO's programs PfP and Membership Action Plan as well as in the framework of EU's Stabilization and Association Agreement. Macedonia has participated in the EU peace operations in the framework of the Common Security and Defense Policy (Xhaferi 2015). That Euro-Atlantic and European integration has been part of the formula which has saved Macedonia from the brink of the civil war. The Ohrid Agreement and Roma Strategy, as a foundation for inter-ethnic relations, have started to implement (Mitrevska 2014). Greece will be persistent in its blocking Macedonia on its path to NATO and EU. In order to prevent destabilization of Macedonia (terrorist attacks included), Brussels should be involved and put some political pressure on both sides (Athens, Skopje) in order to find solution for the name issue.

Serbia is the key country in the region due to its size, central location and influence it might have on several neighboring states (Kosovo, Bosnia and Herzegovina-Republic of Srpska, Montenegro). EU is not very satisfied with the Serbian pro-Russia orientation in key aspects (political relations, energy supply, enhanced economic and military cooperation). Current government in Belgrade does not care very much for EU's calls for strategic choice between EU and Russia. Serbia has to find a way for normal coexistence with Kosovo even if Kosovo is not fully recognized as an independent state from five EU countries (Cyprus, Greece, Romania, Slovakia, Spain). When Serbia has started to work actively and constructively toward a visible and sustainable improvement of its relations with Kosovo, EU has granted it with the Stabilization and Association Agreement, candidate status and now Brussels is ready to open the accession negotiations. Unfortunately Serbia's institutional progress is not a result of implemented reforms. It is a gift of EU based on its stick and carrot policy with regard to the Serbia/Kosovo dispute.

The same goes to Kosovo. As a result of Prishtina/Belgrade negotiations, EU has started with the Stabilization and Association Agreement. Now Kosovo has to focus on the implementation of the reforms to meet its obligations under that Agreement. The political

deal within the EU was met: the five countries which do not recognize Kosovo independence will not block its path to EU. But the international forces (EULEX, KFOR) are still present and the youngest country in the region is far away from functioning as an independent state.

Despite unfinished reforms, in comparison with the other Western Balkans countries, Albania is much more stabile one. As a NATO member (2009) Albania has achieved solid level of democratization. Due to its geostrategic position it is a gateway for trafficking people, drugs, money laundering and due to the lack of rule of law, still high level of corruption and insufficient border control lots of organized crime are taking place in Albania and in its neighborhood. The Albanian government has made some progress that was awarded with candidate status.

Bosnia and Herzegovina is at standstill. Together with Kosovo it takes lowest position on the EU's list; yet it is in worse position than Kosovo. The Stabilization and Association Agreement came into force but without consensus among ethnic elites of all three ethnic groups. Their ability to work together puts at risk the pre-accession EU assistance (Šolaja 2015). The country needs to implement the Sejdic-Finci judgment of the European Court of Human Rights, create a real single political and economic, but more importantly, the politicians have to create common state structures. Today the country is a case of dysfunctional political structure composed of fourteen governments and countless bureaucracies for a population of less than four million people (Anastasakis 2008, 371).

### **3. Foreign actors in the region**

The US has been pretty involved in stabilizing the region after the dissolution of Yugoslavia. Nowadays the US diplomacy and military forces are not directly involved in the hot spots of the region but through its new approach of *leading from behind* they can help immensely. The US and EU presence is even more important in times when many other foreign actors are present; politically, financially, economically, via tourism, in the sphere of energy security, building infrastructures and so on. Struggling with economic recession, the Western Balkans countries, including Croatia, are searching for new sources for investment far from EU. For the period 2013-2014 the European Bank for Reconstruction and Development, the European Investment Bank and the World Bank together were funding cross-regional infrastructure projects worth 30 billion EUR. Yet, Turkey, Russia, China, Azerbaijan, some Arab states are major investors in the Western Balkans. They have

invested a lot in energy sector trying to become major energy suppliers of some countries (Đorđević 2014). With good infrastructure network and with the construction of the new pipeline via Western Balkans, they can easily reach the wider European market. Such diversification of investment partnerships across the Balkans reflects the global shift in the world economy. One can expect more foreign actors to come. If such trends continue, the West is not going to be the dominant player. But only the US and EU impose demands on each country to fulfill Western democratic standards. That is exactly what the region is still missing. The Balkan countries have to do their homework while EU, despite its own problems, have to keep its vision of free, democratic and united Europe. Stating that the door is open is not enough. Croatia has strongly to advocate for a such policy within the members of EU.

### Conclusion

The EU-Western Balkans relations are governed by the Stabilization and Association Process. But the integration into the EU faces difficult times. Recent events, ranging from Ukraine to Greece, the Middle East and North Africa with a new surge in refugees trying to cross the Mediterranean Sea is pushing the Western Balkans into the background of European Neighborhood attention (Svoboda 2015). Instead of furthering enlargement policy there are new ideas of *multi-speed, dual-track or two-speed Europe* (Piris 2012). Others see it as downgrading of EU values because EU may then consist of countries that are in the centre and those who are in its periphery. The Western Balkans region will be the *periphery of the periphery* – countries that have an important stake in the current debates about the future contours of Europe, but no real voice (Bechev 2013).

The enlargement process is at crossroad (Vukadinović and Čehulić Vukadinović 2011). It has happened before in international relations so it is nothing dramatically new. History shows that every time when the process of integration stopped (by any reason) a period of wars or disorder followed. The European integration has provided a period of relative stability, peace and prosperity. If EU postpone or stop this process, probably there will be a new wave of bloody wars like the ones twenty five years ago. The Western Balkans countries are now the only ones with a real prospect of membership. It is not sure if and when the EU is going to put the halted mission of enlargement again on its agenda. Judy Dempsey (2015) argues: "The EU is not quite sleeping, but it is watching the Western Balkans as it was not affected by events there. Worse the European Union does not have the right tools to

address the challenges emanating from the region... The EU should consider a Copernican revolution for its enlargement policy”.

Concerning contemporary international politics, the traditional Euro-Atlantic partnership has split. The US is focused on Asia and on other global challenges (China, Iran, Syria, ISIL), while Europeans are more concerned with their periphery (Ukraine, Greece, Turkey). The Western Balkans is in vacuum. The EU has strategic responsibility to fill that vacuum - otherwise it will be filled by other non-European competitors. Croatia should be reminder how crucial the role of the EU membership prospect was in the transformation of a society. Without continuous EU involvement, the Western Balkans will remain what it is now – fragmented, unstable, undeveloped, with political elites more reluctant to implement reforms and for a long time a trouble spot of Europe.

Croatia is engaged in the region bilaterally, regionally and within the European institutions. Integration of the Western Balkans into NATO and European Union is one of the main Croatia’s interests. For that reason Croatia strongly supports the open door policy. As a border country Croatia needs stabile, predictable and peaceful neighborhood. Croatia has multi faceted engagement with the region. Yet there is still space for more cooperation.

### References

1. Anastasakis Othon. 2008, “The EU’s political conditionality in Western Balkans: towards a more pragmatic approach”, *Southeast European and Black Sea Studies*, 8(4):365-377.
2. Annual Report of the Secretary General of the Regional Cooperation Council on Regional Cooperation in South East Europe 2014-2015, available at: <http://www.rcc.int/pages/75/annual-report-on-regional-cooperation-in-south-east-europe-2014-20145> approached July 19, 2015.
3. Bechev, Dimitar. 2012 “The periphery of the periphery: The Western Balkans and the Euro crisis”, European Council of Foreign Relations, August 2012, available at <http://ecfr.eu/page/-/ecfr60/western/balkans/brief/aw.pdf>, approached July 11, 2015.
4. Borzel, Tanja. 2011, When Europeanization Hits Limited Statehood. The Western Balkans as a Test Case for the Transformative Power of Europe, KFG Working Paper, No. 30. September 2011, Berlin, Frele Universitat,

5. Božić, Nikola. 2011, "The South-East European regional security and the significance of intelligence and security services' cooperation in countering threats" in *Regional security and Intelligence Cooperation in the Western Balkans and Global Asymmetric Threats*, edited by Rienzo Stephen, Črnec Damir, Brožić Liliana. 59-67, Ljubljana, Demat.
6. Bugajski, Janusz. 2014. *Conflict Zones. North Caucasus and Western Balkans Compared*, Washington D. C., The Jamestown Foundation.
7. Vukadinović Čehulić, Lidija. 2013. "Croatia's entry into the European Union and perspectives of further EU enlargement to the Western Balkans", *Megatrend Review*, 10(3).3:31-48.
8. Dempsey, J. 2015. "Is the EU Sleeping on the Western Balkans", available at: <http://canagieurope.eu/strategieurope/?fa=60069>, approach May 13, 2015.
9. Đorđević, Vladimir. 2014. "Business Deals and Western Fears (Russian challenge in the Western Balkans)" available at <http://www.cepolicy.org/westernbalkans>, approached 25 April 2015
10. Joseph, P. Edward. 2015. "The Balkans, Interrupted. The Protests in Macedonia are Only the Beginning" available at <http://www.foreignaffairs.com/articles/southeastern-europe/2015-05-10/balkans-interrupted>, approached June 7, 2015.
11. Knaus, Gerald., Bender, Kristof. 2012. "Why Croatia's EU accession will strengthen the EU", Rumeli Observer blog, 19 October 2012, available at <http://www.esiweb.org/rumeliobserver/2012/10/19/whycroatias-eu-accession-will-not-weaken-the-eu-in-english/>, approached July 10, 2015
12. Mitrevska, Marina. 2014 "Implementation of the Ohrid Framework Agreement in the Army of the Republic of Macedonia", *Sovremena Makedonska Odbrana*, 14(26): 23-36.
13. Murgasova Zuzana., Ilahi, Nadeem, Miniane Jacques. and an IMF Staff Team. 2015. *The Western Balkans: 15 Years of Economic Transition*, Regional Economic Issues Special Report, International Monetary Fund, Washington, D. C., International Monetary Fund.
14. Nić, Milan. 2013. "The EU's role in the Western Balkans after Croatian's accession", Policy brief, April 17, 2013, Central European Policy Institute, available at: <http://www.cepolicy.org/publications/eus-role-western-balkans-after-croatian-accession>, approached July 15, 2015

15. Piris, Jaun-Claude. 2012. *The Future of Europe. Towards a Two-Speed Europe?*, Cambridge. Cambridge University Press.
16. Policy Advisory Group-Balkans in Europe. 2014. *The Unfulfilled Promise: Completing the Balkan Enlargement* Graz, Centre for Southeast European Studies, European Fund for the Balkans, May 2014.
17. Xhaferi, Talat 2015. *Implementation of the Strategic commitments of the Republic of Macedonia to the Common Foreign and Security Policy of the European Union*, Skopje, Institute for Political and International Studies
18. Sefearj, Klodjan 2015. "Expanded EU in the Western Balkans: Challenges to the Good Neighborhood Relations". In *Euro Regions. Integrating Societies, Generation Growth, Caring Resources* edited by Sela, Ylber 39-52. Skopje, Institute for Political and International Studies.
19. Sustainable Governance Indicators Survey 2015, Bertelsman Foundation, available at: <http://www.sgi-network.org/2015/Croatia>, approached July 9, 2015.
20. Svoboda Hannes .2015 "Western Balkans: new Hope coming from Berlin, Vienna and Paris", available at: <http://www.ifimes.org/ba/9000#sthash.ffhp1ng9.dpuf>, approached July 2, 2015.
21. Šolaja, Miloš. 2015. "De Facto States and Regional Security Balancing." In *Yearbook Šipan 2014.*, edited by Čehulić Vukadinović, Lidija., 77-88. Zagreb. The Atlantic Council of Croatia, Centre for international studies.
22. The Visegrad Group: Exploring New Agenda for the Western Balkans
23. CEPI-Central European Policy Institute, available at: <http://www.cepolicy.org/publications/visegrad-group-exploring-new-agenda-western-balkansPI>, approached June 11, 2015
24. Veljanoska Katarina, Andonov Oliver and Shibakovski Goran. 2014 "The Democratization Process in the Western Balkans in the Last 20 Years: Interethnic Relations and Security Implications", *Romanian Journal of European Affairs*, 14(2):29-41.
25. Vukadinović, Radovan., Čehulić Vukadinović, Lidija.. 2011. *Politika europskih integracija*, Zagreb, Ljevak,
26. Żornaczuk, Tomasz. 2013. *The Prospect of the EU Enlargement to the Western Balkans*, Bulletin, No.24, March 8, 2013, Warsaw, PISM.



## EU Perspective of Western Balkan Countries: The Case of Albania

Entela Kaleshi

Institute for Change and Leadership in Albania

[entela.kaleshi@icla.co](mailto:entela.kaleshi@icla.co)

### Abstract

*The European Union has tried to widen and deepen in the same time, expanding the East borders and integrating its interior politics since its foundation. In the last ten years the number of EU Member States has been doubled. After the accession of Croatia in 2013, the EU does not seem to be suitable for another round of enlargement. The next on the queue, the Western Balkan countries are making a steady progress in their way toward EU membership, but they need to make much more advancement in the economic sector and in the areas of civil rights, rule of law, corruption and implementation of reforms. Despite the measures that EU has taken to prepare the accession of these countries there is still not a clear picture of when and how this process will conclude. What is obvious and clearly articulated is the willing of the citizens and whole specter of politics in these countries to be part of EU and the uncertainty of EU and their citizens about their membership. Jean Claude Juncker campaign assurance for the European election in May 2014 was that there will be no further EU enlargement for at least the next five years, but he added that during this period the Western Balkans will need to keep a European perspective. Albania gained its candidate status on 2014 after many years as a potential candidate country. The country has made efforts in all fields recommended, but it still needs to make progress on the implementation of reforms for the improvement of rule of law, corruption, democracy, minorities and property issues. This paper analyzes some aspects of enlargement of EU and the efforts of Albania to be part of the European Union.*

**Keywords:** enlargement; the Western Balkans; the European Union; rule of law, Albania

### **Introduction: the EU Enlargement Policy**

The enlargement of the European Union (EU) is a key political process of the Union since its foundation. It is a very important process laid in two main perspectives, influencing the EU interior organization and determining its international relations in general and specifically with regard to the countries that aspire to join it. Enlargement is one of the EU's most powerful policy tools. It has helped transformation of Central and Eastern European states from communist regimes to democracies and free market economies. The enlargement policy is defined in the Articles 6 and 49 of the Treaty on European Union (COM OJC 191 1992), which state that any European State which respects the EU's fundamental democratic principles may apply to become a member of the Union. The EU has set political and economic criteria for membership, as well as criteria related to the obligations of membership and the administrative capacity to implement and enforce the EU's laws and policies. The conclusions of the European Council at Copenhagen in 1993 and Madrid in 1995 state that there are three basic principles of the EU's approach to enlargement: consolidation, conditionality and communication.

The present enlargement agenda includes Turkey and the Western Balkan countries. The Western Balkans is a particular challenge for the EU as the enlargement process is being implemented in a region composed of weak and problematic states with non-homogenous societies suffering from poor economic conditions and from ethnic conflicts, while Turkey has a long-standing application to join the EU and it will continue to be longer as the negotiations are expected to continue until at least 2023. What is common of both parties, the EU and Western Balkans countries, is that the future of the Western Balkans is the accession into the EU, not only due to their geographic position which compared to Turkey is within the European continent, but also because all these countries see themselves as Europeans, belonging to the European culture and European heritage.

The EU is dealing with great challenges of the enlargement process, going from 15 to 25 and 28 member states, bringing together old and new members and stabilizing the economic dimensions. During the last ten years the number of states is doubled, but in the meantime the EU is facing serious problems of its inner functioning especially regarding Eurozone financial crisis.

During the last years the Western Balkan countries have tried hard to progress from a stabilization and reconstruction period toward sustainable development, association and integration into European structures. There are signed Stabilization and Association

Agreements (SAAs) with the EU Member States that serve as contractual relationship to reach the aims set out at the European Council meeting in Thessaloniki in 2003. The criteria that EU considers for their membership application are SAAs implementations and fulfillment of the signed obligations.

## **1. Methodology**

This paper is written reviewing and analyzing reports, articles and books that are related to the EU enlargement policies and processes in general, the EU perspectives of Western Balkans and specifically the situation with regard to Albania. In the latter case, Albania's official data and recent country reports are reviewed, analyzed and results are presented.

Regarding the theoretical approach, the paper describes the enlargement process taking into consideration the viewpoints of two authors, Schimmelfennig and Sedelmeier. In a 2002 article about EU enlargement they define enlargement as a process of gradual and formal horizontal institutionalization of organizational rules and norms (Schimmelfennig and Sedelmeier 2002), where:

- (1) Institutionalization means the process by which the actions and inter-actions of social actors come to be normatively patterned
- (2) The difference between 'horizontal' and 'vertical' institutionalization corresponds to the common usage of 'widening' and 'deepening'. Horizontal institutionalization takes place when institutions spread beyond the incumbent actors, that is, when the group of actors whose actions and relations are governed by the organization's norms becomes larger.
- (3) Organizational membership and organizational norms are formally defined, (association agreements / accession treaties).
- (4) Horizontal institutionalization is a matter of degree, and enlargement is best conceptualized as a gradual process that begins before, and continues after, the admission of new members to the organization. Even in the absence of full membership, outside actors might follow certain organizational norms and rules.

## 2. Enlargement Theoretical Approaches

Schimmelfennig and Sedelmeier discuss two main theories that drive enlargement and future of the EU, i.e. the rationalist theory and constructivist theory. According to them, the enlargement of the EU has suffered from a theoretical neglect in studies of European integration. Main focus of the research has been oriented to single cases and these authors try to structure the emerging debate in order to generate more general and cumulative insights. They identify and analyze the key dependent variables of enlargement, proposing comparative research strategies and based on this they draw two basic approaches to the analysis of international organizations – rationalist and sociological or constructivist institutionalism – to derive core hypotheses on the conditions of enlargement.

In the rationalist institutionalism, the causal status of institutions generally remains secondary to that of individual and material interests. Institutions are treated as intervening variables between the material interests and the material environment of the actors in one side the collective outcomes in the other side. Rationalist explanations of enlargement involve two steps: firstly the explanation of applicant and Member State enlargement preferences and secondly the explanation of organizational collective enlargement decisions at the macro and policy levels.

Sociological explanations of enlargement (constructivist institutionalism) are in contrast with the rationalist hypotheses. They start at the systemic, 'organizational' level and according to constructivist institutionalism, the enlargement politics will generally be shaped by ideational and cultural factors. The most relevant of these factors is 'community' or 'cultural match', that is the degree to which the actors inside and outside the organization share a collective identity and fundamental beliefs (Checkel 1999) and (Cortell and Davis Jr. 2000). The study of enlargement in a constructivist perspective primarily consists in the analysis of social identities, values, and norms. It does not take into consideration the material consequences of enlargement for individual actors.

These authors suggest that, rather than striving for some kind of 'enlargement theory', it is more fruitful to link up the study of enlargement (as institutionalization) with the study of institutions in international relations and European integration studies.

Two other authors (Arvanitopoulos and Tzifakis 2009) propose that enlargement is a form of governance influencing not only the immediate policies of third countries, but also their long-term attitudes. The authors claim that enlargement has nevertheless become the

victim of its own success. The EU even when it was EEC (European Economic Community) had accession negotiations with candidate states long before it even considered the possibility of developing policies and instruments towards a common foreign policy. Enlargement began to be viewed as an external-relations instrument only after the EU commenced shaping a community foreign policy, rather than the other way around.

Another author, Sjursen states that enlargement puts the EU in a position to shape large parts of the policies of applicant states in a way that seems to set aside traditional principles of non-interference in other states' domestic affairs (Sjursen 1998) and according to Dimitrova, another scholar that has published several works about EU and enlargement, the enlargement governance is an 'asymmetrical process' that puts the candidate countries in the position of adopting rules that have been determined by the EU (Dimitrova 2002).

### **3. Enlargement phases**

The EU is an economic and political partnership between 28 countries that together cover the biggest part of the European continent. It was created in the aftermath of the Second World War to foster economic cooperation between six countries that in 1951 founded the European Coal and Steel Community, and later in 1957, the European Economic Community and the European Atomic Energy Community. After that in a period of more than 50 years, 22 other countries have joined the EU during a long process realized in five enlargement phases and seven others countries (Turkey and six Western Balkan states) are nowadays (2015) in negotiations to join the EU.

These phases have refined the process of accession and several criteria, instruments and agreements are now guiding the path that the remained countries have to follow until they finally became EU Member States. A detailed list of criteria and rules for potential states to decide if they are eligible to join and to gain a full membership in the EU was presented with the "Copenhagen Criteria". These criteria imply that every country who aspires to join EU should have a system that:

Politically – It should have a stable and functioning democracy and a society founded on the rule of law that respects human rights and guarantees protection of minorities.

Economically – It should have a functioning market economy, which has the capacity of handling the competition in the EU's common market.

Legally/Administratively – It should have an infrastructure with authorities that can apply and supervise EU law.

Aside from the Copenhagen criteria, other conditions are set between the EU and the applying country in the form of a contractual agreement that has to be realized. In the effort to bring the countries of the Western Balkans closer to the EU and to support their adjustment to the requirements of EU membership, a Stabilization and Association Process is established with all of them. The Stabilization and Association Process (SAP) is an essential EU-policy for the Western Balkans and the process is guided by a Stabilization and Association Agreement, which represents a contractual relationship between the EU and each Western Balkan country, entailing mutual rights and obligations.

Applying countries are conditioned to be part of these agreements before the accession process begins and for each candidate country a negotiating framework is settled where are stated the general guidelines for the accession negotiations. The reforms that the candidate country must undertake in order to join the European Union are identified and designed using this instrument of Accession Partnerships.

These instruments were presented in Thessaloniki Summit of 2003 for the Western Balkans countries. The Thessaloniki Summit affirmed in a clear manner the European perspective of the region and at this meeting there were approved the necessary instruments for integration of the Western Balkan countries in the EU. The Summit Declaration (C/03/163 PRESS 2003) used the previous experience of Central and Eastern European countries and in this text Member States agreed on:

- \* Confirmation of the Stabilization and Association Process as the enlargement-oriented framework of the Western Balkan countries,
- \* Adoption of the European Partnership, which contains the priorities of the process tailored to the specific needs of each country.
- \* A financial assistance of the Pre-Accession process to be distributed in accordance with the priorities listed in the European Partnership.
- \* Yearly EC Progress Reports to monitor the implementation of priorities and evaluate the political and economic performance of each country.
- \* Strengthening of political co-operation in the area of Common Foreign and Security Policy, which consists in the formalization of a high level multilateral political forum between the EU and countries of the region.
- \* Western Balkan countries would associate themselves with certain EU declarations and common positions in the framework of the Common Foreign and Security Policy.

- \* Enhanced support for institution building through Twinning Programmes and TAIEX, participation in the community programmes of scientific research and education as well as increased EU financial support for the region.
- \* Commitment for the liberalization of the visa regime of the EU for citizens of the Western Balkan countries, upon completion of the reforms for strengthening of the rule of law, reliable identification documents, border control, fight against organized crime, corruption and illegal migration.

The Thessaloniki Summit conveyed the message that progress of these countries towards European integration would be dependent on the merits of each country in fulfilling the Copenhagen criteria. The results of the Summit were positive and after that meeting the Stabilization & Association process was accompanied with elements and indicators that provided a coherent framework for the EU enlargement, similar to the framework which was used for the ten countries of Central and Eastern Europe.

A High-Level Meeting for EU & Western Balkans held in Sarajevo on 2 June 2010 only reconfirmed the “European perspective” of Western Balkan countries, but Sarajevo Declaration did not provide any indicative timeline for accession into the EU (Sarajevo Declaration 2010). More than ten years after the Thessaloniki Summit, with the exception of Croatia, the accession of the Western Balkan countries in the EU does not seem very close.

#### **4. Albania EU Perspective**

Albania has a population of 2.8 million inhabitants (INSTAT, Census 2011), a surface area of 28.750 km<sup>2</sup> and a coast line of 362 km. It borders Greece, the Republic of Macedonia, Kosovo, Montenegro and Italy by Adriatic Sea. Albania is a parliamentary democracy and since the fall of communist system in 1991 the country has gradually developed its constitutional and legislative framework which is largely in line with European core principles and standards.

The economy of Albania has maintained a limited, but positive growth during the recent global financial and economic crisis. Gross Domestic Product (GDP) growth decreased from 3.3% in 2009 to 1.45 % in 2014, compared with an average annual growth of over 6% in the period 2003-2008. The public debt/GDP ratio was 64% in 2012 and exceeded 70 % at the end of 2014, which is among the highest in the region (INSTAT, Quaterly Economic Growth 2015). According to the 2013, data main contributors to GDP are services that represent the main share in the economy, by 44.6 % of GDP, followed by Industry and

Construction 23.0 % and Agriculture, hunting and forestry with 19.6 %. (INSTAT, Gross Domestic Product Semifinal 2013, 2015).

The Stabilisation and Association Agreement between Albania and the EU came into force in April 2009. Albania government presented the application for membership to the European Union on 28 April 2009. Following a request by the Council, the Commission submitted its Opinion on Albania's application in November 2010. In December 2010, the Council noted that to open the accession negotiations would be considered after the Commission concludes that the country has achieved the necessary degree of compliance with the membership criteria and in particular it has met the key priorities set out in the Commission's Opinion.

Based on the progress made, the Commission recommended on October 2013 to grant the candidate status to Albania on the understanding that the country continues to take actions in the fight against organized crime and corruption. In December, the Council stated that it would decide on whether to grant candidate status in June 2014, in the light of a report by the Commission focusing on Albania's implementation of its judicial reform strategy and on the fight against organized crime and corruption.

The country situation was assessed in the response to the Council Conclusions of 17 December 2013, (COM331 2014) about the progress of Albania in the Fight against Corruption and Organized Crime and about Judicial Reform. The Commission examined the country situation and it discussed the recent country developments and further measures to be taken by Albanian Government. This paper highlights the progress made during the last year in these fields:

- ✓ Albanian government has shown concrete action and continued political will in the area of EU-related reform, covering a broad range of issues.
- ✓ The new approved Civil Service Law and its secondary legislation shows the commitment of the government about the reform of public administration.
- ✓ The government has continued the economic reforms with the aim to enhance the economic governance, to re-launch growth and increase competitiveness.
- ✓ Albanian authorities have further strengthened the legal and institutional anti-corruption framework.
- ✓ The fight against money laundering, organized crimes, economic crime, fight against drugs and human trafficking are focus of the government and parliament.



- ✓ Measures of judicial reform were announced to enhance the effectiveness of the judicial system.

In this report of the Commission there are identified a number of key challenges essential for Albania in its EU-integration path:

- *Fight against corruption* – Albania would need to focus on the enforcement of legislation regarding asset declarations and conflict of interest, increase investigations of corruption cases and introduce further measures to make investigations more efficient. A deep judicial reform should be implemented as very decisive in the fight against corruption.

- *Fight against organized crime* – Albania would need to increase inter-agency cooperation, enhance efficiency of proactive investigations and systematic use of financial investigations, strengthening its international and regional cooperation and intensify efforts in tackling all forms of organized crime.

- *Judicial system reform* – Albania would need to rigorously pursue judicial reform through continued engagement with the Venice Commission, the adoption of significant additional provisions to strengthen notably independence and accountability – in line with the roadmap for the reform of the justice system – as well as adequate implementation of adopted measures.

- *Political Dialogue* – A consolidated political dialogue between government and opposition. Compromise-based and constructive work in parliament is essential for the sustainability of reforms, and the establishment of a National Council for EU-integration, uniting all stakeholders, is the key for consensus across Albanian society.

- *Property issues* – Albanian government should resolve the pending issues with the properties and their owners.

The EU has supported Albania through different programs of financial and technical assistance. This assistance with Progress report of 2014 (COM 2014) is channeled through the program of IPA II and Albania will benefit from EU assistance for 2014-2020, a total indicative allocation of € 640 million. There is drafted country strategy 2014 – 2020 in partnership with the Albanian government and in consultation with relevant stakeholders which was adopted by the Commission in August. During this period 2014 – 2020 program IPA II will address fundamental issues in the areas of rule of law, democracy, economic governance and public

finances with the aim to support the reforms and investments needed for the integration process.

Albania is also a beneficiary country of IPA multi-country programs and it will participate in cross-border cooperation programs with Western Balkan countries and Member States and in trans-national cooperation programs under the European Regional Development Fund. Albania participates in the following EU programs: Horizon 2020, the Competitiveness and Innovation Framework Program, Lifelong Learning, Europe for Citizens, Culture, Erasmus Plus, etc and the Albanian government is recently in the process of concluding new agreements for a number of other programs.

EU and Albanian government are making enormous efforts to give to Albania the status of Member State and this is also the opinion and the vision of the general public in Albania. The fall of communist regime started with the protests that had as the main slogan *"We want Albania to be like all the Europe"*. Although there are passed nearly 25 years the thoughts of the Albanian citizens remain the same.

A recent study was realized in Albania in 2014 by Open Society Foundations Albania (OSFA 2014). The study is about the perceptions and expectations of citizens towards a potential EU membership of Albania. It presents also the level of knowledge and understanding of the European Union and the main findings of the report are:

- # 96% of Albanians do trust the EU and 49% do trust the Albanian government,
- # 77% of Albanians are of the opinion that the EU integration of Albania is very important,
- # 18% think it is important but not a priority and only 4% express that it is not important at all,
- # 87% of Albanians think that the EU membership of Albania would be a good thing and
- # 92% think that Albania would benefit from being a member of the EU.

This study shows that main sectors that will benefit and are expected to improve more along with EU accession of Albania are:

- a. The education system,
- b. The Albanian economy and
- c. Environment protection in the country

Key questions about EU membership were:

*Is the country is ready to join EU?*

- # 53% of Albanians think the country is ready to join the EU,
- # 43% think it is not and
- # 4% do not know

*Should EU accept Albania as a member even if it is not ready yet?*

- # 69 % participants in this study think that the EU should accept the country as a member even if Albania is not ready yet,
- # 27% think the EU should not, and
- # 4% do not know.

*If a referendum for the EU membership of Albania would take place tomorrow:*

- # 91% of Albanians would vote for the membership,
- # 5% would vote against it,
- # 3% would not cast a ballot at all and
- # 1% does not know.

What is clearly seen in this report is that Albanian citizens are willing and eager to be part of European Union. The report data goes in line with the enlargement perspectives of the EU and measures and efforts of Albanian governments to be part of EU. All these three perspectives will meet in the future at the point when Albania will become an EU Member State and when Albanian citizens, the Government of Albania and EU will have tackled all the internal and external problems.

## **5. Conclusions**

Western Balkan countries should make further progress with regard to the impact of the crisis on their European perspective (Jeleva 2012) and regarding Albania this author suggests these measures to reduce the crisis consequences and keep the EU accession objectives:

- # decrease the relatively high foreign debt,
- # tackle inflation and further balance the budget deficit,

- # tackle the imbalances of the labor market and the external account of Albania and introduce structural reforms such as bolstering economic governance,
- # enhancing labor market performance and protecting property rights.

Jeleva states that this is a twofold process, advancing the European enlargement approach and the European perspective of the Western Balkans and EU institutions should be positively publicizing the EU enlargement process. The role of the EU institutions, and especially that of the European Commission, is essential in this respect. The EU enlargement process needs to gain in visibility in both the Western Balkan countries and the EU Member States.

A long-term strategy about Western Balkans should be developed on how to think from a European perspective about the Balkans as a whole and lots of efforts should make this perspective a visible horizon. All European citizens will benefit from having neighbors that are stable democracies and prosperous market economies. In addition the EU needs to ensure that its institutions and decision-making processes remain effective and accountable; it needs to be in a position, as it enlarges, to continue developing and implementing common policies in all areas; and it needs to be in a position to continue financing its policies in a sustainable manner.

The accession appears to have been both a blessing and a curse for countries aspiring to become members of the EU. The implementation of the *acquis* supports their transformation from authoritarian regimes with state-controlled economies into liberal democracies with market economies and on the other side accession countries face great difficulties in restructuring their economic and political institutions in order to meet the conditions for EU membership. A gradual and carefully managed enlargement of the Western Balkan countries is in the interest of the EU. The enlargement of the European Union with the accession of the Western Balkan countries will contribute to strengthening stability, freedom and prosperity in Europe. EU enlargement toward East will be a completion, not only in geographical terms of the Union, but it will strengthen its borders in Southeast Europe. It would complete the European single market with territory and population in which European values are widespread and strongly supported.

Albania with no exception should deal with its national issues taking into consideration the inspiration to join EU. It should provide more security and better living

conditions for Albanian citizens and must show greater effectiveness in the fight against organized crime and corruption.

### **Bibliography**

1. Arvanitopoulos, Costantine, and Nikolaos Tzifakis. "Enlargement Governance and the Union's Integration Capacity." In *Turkey's Accession to the European Union - An unusual candidacy*, by Costantine Arvanitopoulos, 9-20. Springer- Verlag Berlin Heidelberg, 2009.
2. C/03/163 PRESS. "-Western Balkans Summit Thessaloniki, 21 June 2003 Declaration." 2003.
3. Checkel, Jeffrey T. "Norms, institutions, and national identity in contemporary Europe." *International Studies Quarterly* 1, no. 43 (1999): 83-114.
4. COM 0561 Final. *2005 Enlargement Strategy Paper*. Brussels: European Commission, 2005.
5. COM. *Albanian 2014 Progress Report*. COM (2014) 700 final, Brussels: European Commission, 2014.
6. COM OJC 191. "Treaty on European Union." *Official Gazzete of Commission* (European Commission), July 1992.
7. COM331. *Report from the Commission to the Council and the European Parliament on Albania's Progress in the Fight Against Corruption and Organised Crime and in the Judicial Reform*. COM(2014) 331 final from 04.06.2014., Brussels: European Commission, 2014.
8. Cortell, Andrew P, and James T. Davis Jr. "Understanding the domestic impact of international norms: a research agenda." *International Studies Review* 1, no. 2 (2000): 65-87.
9. Dimitrova, Antoaneta. "Dimitrova, Enlargement, institution-building and the EU's administrative capacity requirement." *West European Politics* 4, no. 25 (2002): 171 - 190.
10. INSTAT. *Census*. Tirana: Instat, 2011.
11. INSTAT. *Gross Domestic Product Semifinal 2013*. Tirana: Institute of Statistics of Albania, 2015.
12. INSTAT. *Quarterly Economic Growth*. Tirana: Instat, 2015.
13. Jeleva, Rumiana. *The impact of the crisis on EU prespective of Western Balkans*. Center for European Studies, 2012.

14. OSFA. *National survey on perceptions & expectations towards a potential EU membership of Albania*. Final report, Tirana: Open Society Foundation Albania, 2014.
15. Sarajevo Declaration. "Statement by the Chair of the High Level Meeting on the Western Balkans." Statement , Sarajevo, 2010.
16. Schimmelfennig, Frank, and Ulrich Sedelmeier. "Theorizing EU enlargement: research focus, hypotheses, and the state of research." *Journal of European Public Policy* 9:4 (August 2002): 500 - 528.
17. Sjursen, H. *Enlargement and the common foreign and security policy: Transforming the EU's external policy?* Working Paper 18, University of Oslo, ARENA – Centre for European Studies, 1998.

## Macedonia and NATO: Uneasy Path to Membership

Lidija Georgieva,

Institute for Security, Defence and Peace, Faculty of Philosophy, Skopje  
georgieva@fzf.ukim.edu.mk

### Abstract

*At the beginning of 1990's the public opinion in Macedonia was overly in favour of the European integrations seen both as a priority and an instrument for achieving national political goals. Ever since the process of Euro-Atlantic integration has been perceived both as platform for dialogue and tool for achieving national unity among the domestic political actors usually divided over numerous ideological and ethnic priorities. It was expected that European and Euro-Atlantic integrations, perceived as a common political goal, would facilitate the internal dialogue and raise the level of trust into national political institutions. This paper deals with the longest part of the SSR process a part of Macedonian transitional and integrative agenda. It particularly focuses on periods that have begun since 2005 (when Macedonia has gained candidate status for EU membership) and 2008 (when NATO issued invitation). The research focus is post-Bucharest dilemmas regarding its security policy and defence reforms in Macedonia.*

### Introduction

In 1990-ies Macedonia entered process of democratic transition and institution-building. The process was influenced by the variety of internal and regional factors, especially in the period of violent conflicts in the region and their aftermath. This turbulent process and the regional environment created perception that Macedonia was a part of the Balkan in-security community and that it shared its common dilemmas and perspectives (Schnabel 2001). The primary goal of the Macedonian foreign and security policy from the early 90's has been avoidance of the consequences and contagious effects of the regional violent conflicts, and sustaining the internal stability. NATO membership (Euro-Atlantic integration) was considered an opportunity and essential strategic instrument that would preserve the political will alive and would also facilitate painful reforms. More clear political perspective of NATO membership appeared shortly after independence, once the

Macedonian Parliament issued a Declaration for joining the Alliance in 1993. It confirmed the political determination to join the Alliance through a steady process of cooperation up to the full membership. From this moment the relations between NATO and the Republic of Macedonia have undergone different phases and intensity of cooperation.

The initial phase lasted from 1994 when Macedonia joined PfP Program up to 1999 when the first MAP was launched. The timeframe of 2000-2004 encompasses implementation of NATO and EU political and military instruments for peace-building following the 2001 conflict (Georgieva 2005). The most intensive and crucial phase started in 2004 with the presentation and implementation of the Strategic Defence Review i.e. the core political document on defence reforms with specific tasks and goals that had to be completed by the end of 2007, eventually leading to an invitation for membership.

The 2008 Bucharest Summit of NATO was expected to confirm the overall progress by issuing official invitation for membership. However, it turned into a major disappointment: the name issue dispute prevailed over the formal NATO criteria in determining the final decision. The Macedonian authorities as well as the public, with the exception of few independent experts, expressed huge discontent because the decision was made based on an additional precondition (i.e. settlement of the name issue) rather than on the ground of the merits. The governing coalition announced early elections in order to accommodate political pressure. The country went through the most controversial elections with numerous irregularities and even election violence. Such electoral outcome influenced the report of the European Commission on the progress of the country. In general, the Bucharest decision to separate Macedonia from the other two candidate countries, also members of the Adriatic Charter, had a direct impact on the political processes and at first glance increased divisions over future commitment and position towards the negotiation process over the name issue under the UN auspices. Predictions that the failure in Bucharest would hinder future progress slow down the reforms and decrease the public support turned out only partially correct. Right after the elections the government announced its commitment for the security sector reforms and strategic goals. Truly, the public had never had any critical and/or objective stance over cost-benefit aspects of Macedonian membership to NATO; nevertheless, now it divided internally over another question: whether the name/identity should be traded for membership in NATO and/or EU.



### Security Policy and the Need for Reforms

Since in 1991, the Republic of Macedonia has been perceived as a country that fairly successfully managed to evade contagious effects of ethno-political and nationalistic climate that dashed through the region. Even more as a newly emerged would-be democracy, Macedonia acknowledged its Euro-Atlantic integration as a way out of transitional traps and challenges. At the same time, integrations and active security policy were considered a core managing and accommodating tool of uneasy interethnic substance. Overall, the reforms and integrations were weighed up to be magic political words that have been offered as a substitute for shortcomings within the political management process. Furthermore, side effects of the transitional reforms were very often justified as necessary and inevitable. What have really happened during this decade was estimated as a slow and difficult reform process overburdened with internal and external challenges.

Macedonia has officially started its cooperation with NATO in 1994 by joining PfP. The cooperation with EU started even later by signing the SAA in 2001. Still, after years of cooperation, the country was not even close to any prospect for membership. On the contrary, the mix of factors compounded of accumulated vulnerability and regional conflict spillover effects have contributed to the creation of internal conflict potential. Before the crises in 2001 was triggered, it had become evident that much of the structural factors such as economic underdevelopment, social security challenges, high unemployment, weak institutions, and high centralization had created conflict potential when mixed with the effects of the Kosovo conflict. As a result, the securitization of the ethnicity, especially educational and human rights dimensions, overshadowed policy dialogue among ethnic elites.

It was evident that the political and economic weakness and restricted institutional efficiency were limiting factors for effective reforms. Instead, there was a perception that *ad hoc* decisions dominated the processes. Finally, the internationally negotiated Ohrid Framework Agreement (OFA) that ended the seven months' crisis shaped the scope of peace-building process and also influenced the process of SSRs. According to the agreement provisions, the reconstruction of the multiethnic democracy needs to be accompanied by serious reforms of the security sector while significant international support has been provided as a back-up for the implementation phase.

Within such context, the security sector faced serious difficulties. Public expectations for safety and security vis-à-vis the complexity of the regional threats and

challenges were growing. At the same time, it was expected that the security and defense policy would serve as a key instrument to facilitate integration into NATO and EU. The process of the security sector formation in the early 90-ies was actually guided by the wish to establish self-sustainable defense model based on the balanced military and police sector. In addition, an effective support from collective security mechanisms was expected to be the third pillar of the defense system. Due to the regional circumstances created by the Bosnian and Kosovo crises, and especially by 1999 NATO intervention, the academic community concluded that national and regional security depend on a number of frozen conflicts.

Since then, logical dilemmas appeared with regard to the security relations among the countries in the region and notably NATO and EU security policy towards the Western Balkans (WB). The expectations obviously differed. The desire for integration of the WB has been growing together with the fear from uncertainty. The expectations were that the prospects for integration would become realistic through the process of gradual and effective fulfillment of membership criteria. Also, it was expected that the process of democratization and norms transfer will decrease the prospects for violent behavior or military resolution of frozen conflicts could be avoided.

From the theoretical perspective, the expectations could be pulled together in the possibility of initiating security behavior among states in the region distinctive for the security community, aiming to create stable security relations and therefore conducive to permanent peace. *Väyrynen (2000)* summarized theoretical recommendations for achieving a model of security community, thus referring to security as a low probability of using serious coercive force (both military and economic) between or within nations. The security community is described as a collective arrangement in which its members have a reason to believe that the use of military or economic coercion in their mutual relations is unrealistic. Consequently, the dilemma about security relations in the region is whether and under what conditions stable security relations among countries are possible. The goal of achieving full membership into NATO and EU was estimated (at least from experts perspective) as an opportunity and as powerful policy instrument for initiating constructive security relations.

Along these lines, Macedonia continued with the implementation of a twofold model of security policy. That is a true investment in political and economic stability and development of multiethnic democracy through NATO and EU membership, and through institutionalization of OFA mechanisms. As a candidate country for EU membership, the country keeps on strengthening its capacity for democratic and institutional management

of political and interethnic differences. It is evident that integrations and successful improvement of interethnic relations are mutually reinforcing factors. Politically guided from the imperative for NATO and EU membership, SSR has become cornerstone of a successful and democratic transition. This process in Macedonia seemed more or less specific because of two reasons at least: SSRs had to comply with the core guiding principles of the concept and to accommodate the Macedonian security and defense needs. The SSR reached crucial priority especially after 2001. It was described as a crowded security sector. Up to 2001, this formal force bearing security sector actors were the most obvious and exposed parts of the sector. However, after 2001, the need for reforms and better shaping of the security sector, following the principles of civilian and democratic control over military, transparency and accountability, seemed even more obvious.

### **Normative Issues of the Defense and Security System and Policy**

The 1991 Constitution of the Republic of Macedonia introduced parliamentary democracy. In accordance to the separation of power principle, the Constitution determines the position of the Parliament to be a core institution in the legislative branch and even strengthened because only the Parliament holds the power for self-dissolving. With respect to the executive branch, the Constitution divides the executive power between the Government and the President of the Republic. According to the experts the relations between legislative and executive branch, or even within each of them, are dependent on the current political situation rather than on the constitutional model. In practice relations between the executive and legislative branch are vague and competing in the process of policy and decision-making. Such situations are possible due to the vague constitutional relations between the Government and the President, but also when the relations between the President and the Parliament are in question.

The President holds significant competences and its position is not only titular unless strictly determined by the Constitution (Articles 79-87). His/her position in the defense sphere is also significant as he/she is supreme commander of the armed forces both in peace and war time. The competences during war or emergency are even more important because he/she is in a position to appoint or discharge the Government and the officials. With respect to the question of how this is to be transferred to a practical procedure, the Constitution is delegating to the Defense Law the obligation to determine the position of the President, Ministry of Defense and the General Staff. The President also

appoints and dismisses generals and the Chiefs of Staff of the ARM (Army of the Republic of Macedonia).

The Constitution determines the role of the Government. Yet there are no specific provisions on democratic control of the armed forces. Regular functions of the Government apply to the defense sector too, and the Defense Law should specify the relations among the executive, the President and the Government. This was the contesting question because, according to the Defense Law, the President holds a more powerful position. In practice, the cooperation and coordination between the two was necessary, especially in regard to the defense plan or the defense strategy. Another sensitive issue was the position of the General Staff. The Chief of Staff appointed by the President is accountable both to him/her and to the Government.

The Ministers of Defense and the Minister of Interior have to be civilians for at least three years before taking the position. The Constitution secures civilian and democratic control over both ministries and makes them accountable in front of the Government. Ministries are responsible for implementation of the national security policy and are accountable to the Government while the Government is collectively and individually accountable to the Parliament.

The issue of legal ambiguity reflects on the security and the defense sphere. This situation should be overcome by defining more specific and clearer relations among the security sector actors in laws on specific spheres. Once the Constitution defines the core Parliamentary actors it hands over the security and defense issues to be resolved by the Defense Law and the Law on Police. The 2001 Defense Law was expected to provide more clarity on the institutional relations among security sector actors and also to strengthen civilian supremacy over military.<sup>1</sup>

The SSRs were substantially reassessed after Macedonia started accomplishing its core security policy priority - inclusion into the NATO. The Parliament reconfirmed commitment to NATO membership again in 2004 and 2007. At the same time, Macedonia continued to be captured within a regional conflict complexity. In the period to come, the

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<sup>1</sup> The Defense Law of May 2001 intentionally defined more specifically the role of the Defense Ministry, the mission of the Armed Forces and the role of the General Staff. While it appeared that civil military relations and civilian control and supremacy over military has been accepted as primary principle other issues questioning the role of the executive branch, especially the Parliament in practicing democratic control over security sector, its active role in creating national security policy, or question of accountability and transparency were kept silent.

process of reforms was frequently imposed to various crisis situations (regional and internal). Essentially, it was recognized predominantly as a matter of the military and defence sector.<sup>2</sup> The reforms of the military preceded the reforms of the police and other constituents of the sector. The newly established military (ARM was officially established in 1995) initiated the process of composition of the security sector. The police and other reforms came into the process later on. Under specific regional and internal circumstances (overburdened by ethno-political rivalries) this process was observed closer to the concept of security sector formation than security sector reform. Despite all odds, public expectations regarding the SSRs as a precondition for NATO and EU membership remained high.

Signing the Stabilization and Association agreement (SAA) in 2001 gave new impetus for more comprehensive reforms. In fact, the complexity of the reform process was additionally shaped and specified by the provisions of the Framework Agreement (OFA), an act that formally put an end to the seven months' confrontations and crisis in Macedonia. It introduced specific post-conflict peace building policy aimed at rebuilding security and interethnic confidence and stability, destroyed during the conflict. Both SAA and OFA became a guiding instruments and framework for the reforms primarily in the sphere of the rule of law, independence of the judiciary, anti-corruption measures, police reform, and the border security management.<sup>3</sup> They became essential framework that supported and strengthened the process of institution and capacity building, democratic reforms, strengthening the rule of law and economic recovery.<sup>4</sup> The application for EU membership

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<sup>2</sup> The way out of the position of complete recipient of international institutions security mechanisms during the violent dissolution of former Yugoslavia Macedonia tracked through PfP and participating in other NATO programs that were developed towards the countries of Central and Southeast Europe. Starting as a beneficiary of PfP function of inclusive system of confidence-building, mutual understanding, consultation, and communication and information exchange; in order to provide transparency in security and defence affairs, Macedonia continuously maintained its active security and defence policy through instruments of PARP, IPP, MAP.

<sup>3</sup> See regional Strategy paper 2002-2006, European Commission, External Relations Directorate General, Directorate Western Balkans

<sup>4</sup> Under the CARDS programme a significant number of projects in the field of Home and Justice Affairs were developed in Justice and Home Affairs, Economic and Social Development, Democratic Stabilization, Environment and Natural Resources and Administrative Capacity Building. The sector of JHA was aiming at support reforms in the legal system and judiciary, police reforms, integrated

overcame in a way the psychological obstacles perceived by the broader public, that reforms are an everlasting and endless process and the progress is hardly measurable.

The historical background of the Macedonian security affairs and implicit political and overall public consensus for EU and NATO membership were the two general factors influencing the process of reforms. The advancement of the reforms in the security and defense sector was perceived as a positive move towards functional and more effective democracy. This is a core motive that influenced and contributed to a high public support for defense and other reforms in circumstances when most of the citizens were concerned about a high unemployment rate and a social insecurity. Since the reforms in the defense sector started as early as the Macedonian participation in NATO programs, and reached some positive effects up to 2001, it became more obvious after the NATO summit in Prague, that there are commitments to be completed if perspective for membership is to remain open. In a way, the Prague Summit of NATO put new emphasis on internal reform process but also on regional aspects of cooperation.

Subsequently, the new framework for continuing defense and wider reforms and for introducing the IBM strategy appeared as the National Security and Defense Concept (NSDC) was adopted. It was the first broader concept related to the security and defense policy adopted by the Government and the Parliament in February 2003.<sup>5</sup> The NSDC was the basic document that regulated and guided national security policy in general and the security policy in particular. It was more specific regarding internal security policy as directed to protection and improvement of the national interests, resolution of risks and threats directed to democratic order, and the human rights and freedoms. Identifying terrorism, organized crime, illegal migration and illegal trade of drugs, weapons, trafficking in people and strategic material as an essentially complex task, the objective of the security policy is to organize efficient border police and to develop joint operational procedures with

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border management, capacity in dealing with organized crime and human trafficking, development of asylum and migration policies, development of legislation and proper law enforcement.

<sup>5</sup> Although during the procedure of drafting the document and later in public debates divergent opinions about the National Security and Defence concept were presented, especially on the issue of the conceptual understanding of the key categories, about basic interests and security risks and threats, it was evident that the political and expert communities stick on different opinions on certain topics of the document.

the armed forces, especially to fight terrorism and maintain border security.<sup>6</sup> In addition, the Parliament adopted Law on Crisis Management that clarified certain aspects of cooperation and coordination among the executive institutions, particularly between the police and the army in the case of emergency and crisis situations.

The adoption of the 2004 Strategic Defense Review was another impulse for the reforms. The document represented policy guidance for defense and other sectors that should act in harmonized manner to meet the NATO criteria. In addition to the PfP program and MAP, it created basis for transformation of the defense system from a based on conscription and territorial defense to a one that would be fully professionalized by 2008. According to the provisions of the SDR the Macedonian Army should respect the principle of de-politicization, to approach restructuring and downsizing with targeted strength of 8460 individuals planed for 2007, ensure appropriate representation of all ethnic communities (25% of all positions within the ARM, goal projected for 2013), modernization of equipment, and transfer duties for border protection to Border police. Such a complex and demanding reform agenda was divided and pursued through MAP and ANP's on preparation for membership, instruments to guarantee that the country meets the requirements for full NATO membership.

The regular PARP process enabled enhancement of interoperability between Macedonia and NATO in the areas of peacekeeping and humanitarian mission. The 2007 PARP process was the last assessment of the Macedonian efforts before Bucharest Summit in completing defense reforms and fulfillment of criteria for membership. It identified several positive issues such as: maintaining high priority for NATO and EU membership; achievements in regional cooperation through the SEDM process and Macedonian chairmanship from mid 2007 to mid 2009; cooperation and partnership within the framework of Adriatic Charter; development of a new National Security Strategy and updating Defense Strategy; coordination through the Committee for NATO integration and substantial level of political leadership; commitment and contribution to NATO and EU lead operations; established full operational capacity as Host Nation Support Coordination Centre for KFOR support tasks since 2007; introduction of Ministerial Guidance for Development of Long-Term Plan for Defense (2008-2017) and improvement of equitable representation of ethnic communities. However, some open issues were identified in regard

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<sup>6</sup> See National Security and Defence Concept of the Republic of Macedonia; available at: [www.http://vlada.gov.mk](http://vlada.gov.mk).

to modernization programs and equipment as well as the issue of air surveillance and connectivity with NATINADS. There is also a question of adjusting the legislative i.e. Defense Law for having Macedonian forces participate into collective defense and/or entry of the Allied forces for the same purpose.

### **Post Bucharest Dilemmas: Prospects and Conclusions**

Bucharest Summit final Communiqué pronounced that Macedonia had fulfilled the criteria for membership. Yet it did not get an official invitation. It related to the so-called "name issue" and good neighborhood relations thus specifically providing one of its members with additional tool for practicing power policy in the UN process of negotiation that lasts over fifteen years. The decision initiated public dissatisfaction for it was perceived as unjust. The pressure and demonstration of political power only reinforced public perceptions that there is imbalance of power and this is an asymmetric conflict. In such circumstances, the name issue becomes a securitized one, as both sides perceived it as a matter of survival and focal point for maintaining its contemporary identity. From this viewpoint, the solution is no longer situated only in a compromised – mutually acceptable decision. It should also include guaranties for uncontested identity, mutual respect and sound political and overall cooperation.

The Bucharest Summit obviously determined the future Macedonia-NATO relations within the framework of the previous institutional context: MAP and ANP for membership. Initially it seemed that disappointment would prevail over pragmatism but it was not the case. In September 2008, Macedonia submitted the Annual NAP, and in January 2009 - the fourteenth IPP 2009-2010. At the beginning of 2008, Macedonia started a new process of defense reforms and transformation of the ARM. The goal was to establish a small and professional army with higher operational capabilities and deployable capacities for international missions, mobility and effectiveness. In addition, forty-four partnership goals were accepted (21 new ones) in order to improve capabilities and to complete the equipment and modernization plan for 2008. The financial support was provided as 20% of the defense budget is allocated for modernization and equipment thus meaning that on long-term basis i.e. for a 10 years' period, 392 million euro will be provided.

National Security strategy and Defense Strategy were prepared in 2008. It is expected that the new strategic framework would determine future development of security and defense system based on a long-term Plan for developing defense. According to ANP



2008-2009, NATO membership remained a strategic priority for the country based on: implementation of the responsibilities according to ANP 2008-2009; Contribution to regional and international peace and security through participation in current and future missions led by NATO and other peace support missions; Continuous participation in international activities on fight against terrorism, non-proliferation of weapons for mass destruction, as well as dealing with other contemporary threats for peace and security; Continuous cooperation within PfP and EAPC; Strengthening bilateral relations with NATO member states and partners; Capacity building for the Mission of the Republic of Macedonia in NATO Training and education and Completing the project for restructuring and strengthening bridges.

As part of its regional security policy, Macedonia continue closer subregional cooperation among A-3 countries initiated during the Prague Summit. It was believed that joint activities of three countries would speed the reform processes. In May 2003 the three countries and the US signed the Charter based on principles of partnership: full Euro-Atlantic integration as a common goal; democratic reforms, human rights, economic reforms and cooperation, and regional stability. Since the Bucharest Summit, the cooperation among the three countries has been intensified, resulting with an introduction of joint activities that contributed to confidence building. Regular annual meetings on both political and level of military representatives, have created a network for institutionalized policy and security cooperation related to: consultations on security and defense policy, military education, military-technical cooperation, consultations on control of armament; cooperation in peace support and peacekeeping missions; border control and exchange of information; fighting terrorism; media support for defense reforms and annual trilateral meetings on level of MoD. Institutionalization of defense cooperation among A3 countries was in addition strengthened through an implementation of annual partnership plans (Partnership plan for the implementation of USA-Adriatic Charter) based on the specific initiatives of the partner countries following their needs and interests. Continuous trilateral consultations and cooperation also confirmed the need for intensified and broader regional cooperation that will facilitate security relations among the countries. Since it becomes obvious that open or latent challenges are still part of regional security and defence agenda, there is a need for continuous and close cooperation and inclusion of new partners within A3 framework. At the beginning of 2009, a new Partnership plan for implementation of USA-Adriatic Charter was accommodated among partners in Tirana.

The contribution of Macedonia to international peacekeeping and humanitarian mission is also estimated as a positive experience. Since 2003, 3.200 personnel were deployed to NATO, EU and other operations. Macedonia contributes 11 troops to the EUFOR ALTHEA mission. Macedonia has declared forces for 2014 for the European union Battle Groups - EuBG 2014-2, contributing 130-150 troops as part of the force protection company, as well as staff officers and a national support element. Guided by the general goal of continual development of the military capacities and capabilities required for accomplishment of strategic defense missions, in January 2014 the Government adopted the 2014-2023 Long-term development Plan of the Army. The 2014 budget revision was adopted in September, 2014. Upon the revision, the budget was decreased by MKD 324 million. The revised budget amounts to MKD 5,742,745.000 (about Euro 94 million) i.e. 1.15% of the GDP. The 2015 draft budget of the MoD is set to MKD 5,852,066.000 (about Euro 96 million) or 1.12% of the GDP. Taking into account previous experience and lessons learned, the projection is to have 250 personnel by 2018 and to increase this capability to 8% of overall land forces strength. To some extent, this could be considered as an ambitious commitment having in mind its political and financial aspects.

This is in close connection with another important question: public support for the SSRs and for NATO membership. Until the Bucharest Summit, the high percentage of public support (between 80 - 90%) was explained in two ways: the public is not properly informed about positive or negative consequences of the membership or, that uncertainty and insecurity, which Macedonian citizens did perceive, contributed to such high support. After Bucharest, public support for NATO slightly decreased but remained high. According to a 2008 survey, 50% of respondents believe the membership is most important, while another 38 % believe it is important but not a priority. On the question how one will vote on a referendum for NATO membership, 85% will vote in favor of membership because they expect more stability and economic development. The respondents split the answers and 50% believe that NATO did not change its relations with Macedonia after Bucharest Summit but 69.9 % answered that they are against change of the name of the country on the expense of NATO membership.

## Conclusion

The processes of security cooperation and integration into NATO and EU have been the core issues in providing country and its security and defense institutions with support and experiences in accomplishing SSR's. The 2005 European Council decision to grant Macedonia candidate status has invoked a new pace of reforms thus guiding processes of transformation, democratization and decentralization as a basis for promoting an effective multiethnic democracy.

The SSR is considered a principal reform process that succeeded in creating space and favorable conditions for political and other institutional reforms. The overall expectations are that after pursuing of the 9th circle of MAP and ANP 2007-8, the country will complete and reform goals will result in issuing invitation for NATO membership. Instead of joining other two countries from A-3 into finalization of membership procedure, after Bucharest Summit the country has had to overcome challenges regarding its security policy and NATO integration vs. name issue but also to relax public disappointment.

The Bucharest Summit decision, alongside the conclusion that the country fulfilled membership criteria, obviously has directed the future of Macedonia-NATO relations within the framework of previous institutional context: MAP and ANP for membership. The forthcoming period could be probably an extraordinary test about how the partnership and cooperation between Macedonia and NATO will proceed given the fact that Macedonia is still facing the challenges on the way to preserve and to sustain as unique and successful multiethnic democracy.

Having into consideration that SSRs are long term and cyclical process one of the core priorities for Macedonia is to keep both political and financial capacity and public support for reforms. On the first place it means to maintain clear political vision and to pursue effective security policy on country's integration into NATO and EU. On the second place this means continuous and effective implementation of SSRs.

Finally, the key issue for Macedonia is to reach and maintain its capacity of credible and reliable security partner of NATO, its members or with other partner countries. According to numerous analyses Macedonia has gained significant capacity it should be expected that the country would go one with its policy of strengthening security cooperation thus contributing to peace and security of the country and of the region.

### Bibliography

1. Adriatic Charter – 2003  
<http://www.adriaticcharter.gov.mk/thecharter.htm>.
2. Annual National Program (NATO MAP),  
[www.morm.gov.mk/english/annualnational.htm](http://www.morm.gov.mk/english/annualnational.htm).
3. "Aspects of National Security of the Republic of Macedonia", Skopje: Institute for Sociological Legal and Political Research, 2001
4. Bohnet H.: "NATO after Bucharest", *Political Thought*, no. 22, June 2008
5. Georgieva L., "Macedonia vs. Integrations: From Pperational Prevention towards Conflict Transformation". In "Macedonia and the Region towards EU and NATO" Proceedings from the Regional conference, FES, 2005
6. Defense Law. <http://www.morm.gov.mk/english/defencelaw.htm>
7. Dimitrov, N.: "Macedonia and NATO: Evolving Partnership The Macedonian Foreign Policy", *Crossroads*, 01/2006, available at: [www.ceeol.com](http://www.ceeol.com).
8. Ebnöther Anja H., Philipp H. Fluri, Predrag Jurekovic (eds.) *Security Sector Governance in the Western Balkans: Self-Assessment Studies on Defence, Intelligence, Police and Border Management Reform*, Vienna and Geneva, 2007
9. Milososki A., "Macedonian Perspectives and Challenges", *Political Thought*, no. 22, June 2008
10. National Security and Defence Concept of the Republic of Macedonia –2003.  
<http://www.morm.gov.mk/english/nationalconcept.htm>.
11. Pack D., "Macedonian and the Western Balkan European Perspective", *Political Thought*, no. 22, june 2008
12. Pietz T.: *Defence Reform and Conversion in Albania, Macedonia and Croatia*, Bonn International Centre for Conversion, 2006, Brief 34, BICC, Bonn
13. Schnabel A.: *Southeast European Security: Threats, Responses and Challenges*, NOVA, 2001
14. Strategy for the transformation of the Defense and the Army of the Republic of Macedonia – 2004.  
<http://www.morm.gov.mk/assets/transformation.doc>
15. Strategic Defence Review – 2003  
<http://www.morm.gov.mk/english/strategicdefencereview.htm>.

16. Väyrynen, Raimo (2000), ["Stable Peace Through Security Communities? Steps Towards Theory-Building"](#), Occasional Paper, *The Joan B. Kroc Institute For International Peace Studies*
17. White Paper on Defense – 1998  
<http://www.morm.gov.mk/english/Assets/whitebook.pdf>.



## The Second Global Bipolarity or Bi-Multipolarity

Rina Kirkova

Institute for Security, Defense and Peace Studies

[rinakirkova@hotmail.com](mailto:rinakirkova@hotmail.com)

### Abstract

The purpose of this work is to identify the system of international relations that have taken place since Russia's role in international political relations got more influential. Many scholars argue in favor of multipolarity, others support the idea of alleged rebirth of bipolarity. There is also a group of scholars who seek arguments in favor of the concept of uni-multipolarity. The basic premise of this paper is that the analysis of the main features of the listed systems does not provide solid ground for understanding the current IR. Thus the paper is an effort in finding an answer about the concept and form of the current system of IR and its stability. It is done through analysis of the current system of international relations through the lenses of hybrid uni-multipolar system. Consequently, this paper is trying to propose a theoretical basis of a new hybrid system i.e. bi-multipolarity as the best way in which the new international relationships could be understood and explained.

**Key words:** bipolarity, multipolarity, bi-multipolarity, systems of IR

### Introduction

Scholars from all over the world have been debating and searching for answers about the system of international relations (IR) that follows the end of bipolarity. It seems that the vast majority of authors argue in favor of a raising multipolar world. Some scholars suggest that it is time to prepare for an universal world without dominations (Fukuyama), others were have been more realistic describing an unipolar world with only one superpower -the US (Huntington 1999). A group of scholars speak about variations of the already known systems of international relations, such as uni-multipolarity (Buzan and Weaver 2003). Despite the differences, in the focus of all debates is the quest for such a type of polarity

that would be most peaceful, stable and durable. In this paper the first thesis is about the system of IR. The theoretical debate will be focused on the systems of IR and will give argument in favor of the bi-multipolarity, not only as a continuation of the post-Cold War period but also as a system that is stable.

The idea is not to analyze the entire post-Cold War period. The reason lies in the fact that during the first ten years (1990-1999), the US were victorious especially in ideological terms, and had predominant influence all over the world. That was the logical consequence after the end of bipolarity. The collapse of one element of the equation of the international balance meant end of bipolarity. The survivor was just one superpower and what followed was a wave of ideological domination, in terms of democratization and free market economy as expected and predictable. But since 1999 when the international law was overtly breached in case of Kosovo, the US was no longer seen as redeemer or liberator of the world (Friedman 2013). That was the first turning point in the post-Cold war period that showed that universalism without domination of a hegemon was just a theoretical perspective with no sound empirical ground. The second period that had started with the NATO military intervention in the FR Yugoslavia over Kosovo ended in 2013. It was a period when most of the scholars from the field of IR started thinking about uni-multipolarism (Nye, Buzan, Weaver). The current system was not stable. The lonely superpower (USA) took every chance or opportunity that arose to protect its interests. The military interventions in Afghanistan and then in Iraq proved that this was poor strategy of the US. They failed to impose a world order they desired, and the conclusion was that they were not as dominant as they thought they were.

The third (and current) period has begun with the end of the intervention in Libya which seems to have established a new structure of international relations. It was the first instance since the collapse of the bipolar system that Russia overtly opposed the US and its allies. It was clear that in any future case of breach of international law by the Western allies, especially if the Russian interests are affected, it will not pass as easy as the Libya intervention. This thesis was practically confirmed after the US unilateral action against the regime in Syria in September 2013. The US referred to the doctrine responsibility to protect in order to claim that in a case of humanitarian catastrophe the Security Council's permission is not necessary and also demonstrated its will to lead an operation for regime change in Syria. But this time Russia was resolute and did not remain a passive observer of the developments. Accompanied by China, Russia stood in defense of state sovereignty. Putin's statement was clear: military attack against Syria will be considered as military



attack against Russia and China (Standford 2013). It was a clear demonstration of intention to protect not only sovereignty of Syria but also of the Westphalian foundations of the international order against the post-Westphalian ideas (such as responsibility to protect doctrine).

This event has become a significant turning point that indicated the end of the unipolar domination of the US. Hence on the international political arena two new great powers have raised. However it has not become quite clear if the unipolar system would be transformed into multipolarity or something else. Bipolarity assumes existence of two great powers that are prepared to compete over the leading role in international politics. Having three great powers on the top (USA, Russia and China) as well as several big powers in-between (Germany, Britain and France) is a perfect explanation of multipolarity. And pessimists have seen a new multipolar world that would lead to the Third World War due to the lack of balance of power. Actually it is not the case. The polarity is not only a matter of distribution of power, but is also a matter of the interests of the states in power distribution (Kegley and Blanton 2012).

The Ukraine crisis shows that the biggest US concern is not China but Russia. The Ukrainian scenario was activated just couple of months after the failed campaign against Syrian regime. In addition to Ukraine and Syria (the two important geostrategic points for Russia) another issue has appeared in meantime - control of the Arctic. In every single political concern of the White House administration Russia was depicted as a violator of the international law and a potential enemy (*Washington Times* 16 February 2015). Between 2013-2015 the US administration has strained its relations with Russia, and at the same time, it demanded from its partners to follow the US politics against Russia. One would notice they are policies that resemble the ones employed during the Cold War. Finally the two titans openly took the opposite sides at the UN General Assembly at the occasion of the 70th anniversary of the Organization (Putin 2015; Obama 2015). Apparently the world has got two old/new rivals; at the same time, the discussions about the world stability and the international system have got momentum.

Indeed, the features that may be used to describe the current structure of international relations fluctuate between multipolarity and bipolarity. However one must bear in mind that the ideal types of systems of distribution of power do not provide a comprehensive platform for analysis of the international relations after the rise of Russia. Although there are two major powers with tendency to compete for the leading role, there are still other important actors such as China, the EU member-states, India, Brazil, Iran and

others smaller actors that show great interest in proactive participation in big games. Given this constellation, it is my belief that the most adequate description of the new structure of IR would be reflected via a model of a hybrid system of IR named bi-multipolarity.

### **Understanding Bi-Multipolarity**

The post-Cold War international system has been explained from three standpoints. The first one is based on the idea of the new world order. According to this notion, power does not play significant role any longer, and while the role of state is declining, international organizations and economic corporations are gaining great significance in the international arena. These ideas could be found mostly in the works of neoliberals (Kegley 1993, Fukuyama 1992, Nye 1988). The second standpoint focuses on multipolarity. Supporters of this idea argue that since the Soviet collapse, Japan and the EU have become powerful actors in international affairs; furthermore, there are few other states that could be considered as big powers (Dowd 1992). Mearsheimer (2001) agrees with the thesis of raising multipolarity in the post-Cold War period, but he warned of its disastrous consequences for global peace. The third thesis has purported the idea of unipolarity in the post-Cold War period drawing conclusions on the ground of quantitative data. As the Soviet Union collapsed, there was only one superpower remaining – the US. Mathematically speaking, this would be a correct conclusion. But authors differ when it comes to the issue of the lasting of this system. Muravick (1991) and Vukadinovic (2004) identified Pax Americana, while others talk about American Hegemony (Layne and Benjamine 1993, 7). Yet Krauthammer (1990), in the article “Unipolar moment” exposes a vision of a short decade of American domination that would be transformed into unstable multipolar world.

However, all these discussions refer to the three core systems of IR systems. Besides that, a significant and vivid argumentation was going on in favor of a hybrid system called uni-multipolarizam. First theoretical explanation for this system is given in Samuel Huntington’s paper “Lonely Superpower” (1999). His theses are very well advanced and convincingly supported by Josphe Nye (2002) and Buzan and Weaver (2003). In this hybrid system, the US is considered superpower but there are also other big powers that are strong enough not to let the only superpower impose itself as hegemon. Thus, the uni-multipolar system is a system with global domination of one super power that does not have corresponding global balancer; however, the power of the other regional hegemon can prevent the superpower from imposing its policies or interests on a global level. The regional centers of power are more than two, which gives the system a dimension of

multipolarism. In such a system, balancing against the unipolar leader is possible, but it does not operate according to the rules of the game that apply when there are more than three big powers (Brooks and Wohlforth 2005). Balancing can be achieved through accelerated economic growth to support eventual rearmament (internal balancing) or by formation of international organization (external balancing), but there are no serious powers that can balance in every term of power (Cranmer 2005). Internal balancing is not a viable option against the unipolar leader because no increase in standing military forces or economic strength by just one state is adequate to the task. In the view of the external balancing, the other centers of power are not certain of the quantity of power that the others can pose and which of them would have the biggest potential to rise as second hegemon so they again fail to find solid foundation for cooperation in the joint attempt to balance the hegemony of the superpower (Pape 2005). Actually, there is one shared feeling of insecurity among the other regional powers, and this uncertainty makes them subalterns in relation to the only superpower. Therefore, they do not risk violating the relations with the only global power in order to establish global balance.

However, after the rise of Russia starting with the Georgia conflict from 2008 through the Syrian conflict in 2013, this thesis became not workable as it did not give ground for understanding the structure of the newly established international relations. In this new context, in addition to the US as superpower, Russia also has raised as a new power, independently opposing the superpower policy. Hence, the immediate question has been posed if this new situation could be interpreted as a bipolar system alike the one from the Cold War period (especially because the two main actors are the same) or maybe a new hybrid system of bi-multipolarism has been taking shape.

Looking into the logics of the uni-multipolarism hybrid, the bi-multipolarism would represent a system in which there are two big centers of power or two centers that are in open confrontation. Each party is aware that the other one is the key security problem for its national security. They carefully observe each other and their policy moves have direct impact on the global IR. The concentration of military, economic, technological domination and most recently – domination in media, is in the hands of the two rival powers; however, in this system, there are also other centers of power that could play crucial role in establishing balance of power or shaping the global IR. Unlike the pure bipolarity, in this hybrid system –even though the global policy is led by the two leading powers - the other centers of power are not firmly tied to either of the leaders and have freedom of choice on whether or not to follow them. Actually, their right to choose comes from their real power,

expressed through all three components (economic, military, technological), their ideology (neoliberal capitalism *vis a vi* state capitalism), political system and the geostrategic position. These are the four main factors that influence the choice that regional centers of power would make in the bi-multipolar system. As in bipolarism, in bi-multipolarism there are alliances or blocks for establishing closer cooperation and partnership, but in bi-multipolarism the membership in one organization does not exclude the freedom of choice in deciding to join an organization from the opposite flank. As in the bipolarism from the Cold War, in bi-multipolarism the proxy wars between the two powers are among the typical features; but in today's situation the other strong regional powers could play specific roles regardless whether it is all about following the policy of the leader from the own flank of about meeting one's own national interests. In certain instances, depending on their national interests, the regional powers can shift sides and support the superpower. In bi-multipolarity balancing is all about equalizing the odds in a contest between the stronger and the weaker superpowers.

### **Arguments in Favour of Bi-multipolarism**

Many eminent IR scholars cited above have made valuable theoretical contributions about the period of the US domination. However, the domination started to regress somewhat around 2008 with the global financial crisis (Nye 2010). The last instance of the US military domination was the regime change operation in Libya. This operations was led by NATO members France, Britain and Italy but gain huge support by US. Russia did not object the interpretation of the contested Resolution 1973 that was used as a legal ground on which the intervention was conducted and Gaddafi was toppled; however it did object firmly the US plan for military aggression of Syria and toppling the Basher al Assad regime. The moment Russia have stood in favor of Assad, the deeply altered constellation of the IR system has become obvious: the only superpower has got its rival in the face of Russia. One could guess that the 2014 Ukrainian conflict probably meant involvement of Russia in a direct military conflict with the Ukrainian forces or even with NATO, thus showing the world that the Putin's politic is not different than the SSSR politics from the time of the Cold War. But Putin managed to deter the anger of the international public very skillfully and succeeded to include Crimea without getting in to war with Ukraine or with the Western allies. Indeed economic sanctions were imposed but no one could afford a military confrontation with Russia. So what have actually changed so that today we speak about bi-multipolarity?

The two superpowers occupy the opposite sides of the earth (East and West). Those two nations have never been economically dependent on each other in any critical way. The US has no imports of goods from Russia that cannot be replaced from elsewhere. Russia, on the other hand is in somewhat more dependent position in terms of food and technologies, but it is not that crucial to put it in subordinate position. Therefore, Russia has not made itself dependant on the US. In the past several years Russia strengthened its relationships with the US potential partners and potential enemies, thus entering into economic war with US. Several grand projects related to the Euro-Asian region were developed with Russia acting as driving or uniting force in all of them. Such are the Eurasian Economic Union and the Shanghai Cooperation Organization where in addition to the member-states of the Organization for Cooperation and China, also India and Pakistan are included, while Iran, Afghanistan, Mongolia and Belarus have applied for membership. Russia has acted in capacity of uniting factor also during the establishment of the new financial structures of BRICS, which although not related to the Eurasian region still represents counterbalance to the Bretton Woods organizations where the US has the dominant role. In addition to the multilateral projects in which Russia has a leading role, she has also joined several bilateral treaties with China, Iran and Turkey, primarily in the domain of trade and economic cooperation, but also on trading in domestic currencies. Each of the above Russian projects is aimed at weakening the US economy and the US petrodollar and to strengthen its own global position. The trade in domestic currency and the renouncing of the US petrodollar as international currency means launch of economic war from a point of view of the US. The Russian policy has also been followed by Iran that started selling oil for gold. Hence, the growth of the new block of states, linked to the Eurasian soil and the appearance of Russia as uniting factor of many regional powerful states, leads to the conclusion that the idea for Grand Europe in which Russia was supposed to be its eastern flank is falling apart and new project of Grand Eurasia, from Shanghai to Minsk, is taking shape, instead.

At the same time, the US has not remained indifferent to this economic war. Their friendly states from the OPEC countries have decreased the oil price in order to preserve the value of the dollar, and at the same time, to devastate the Russian economy that mostly profits on sales of energy sources. Additional hit Russia will probably face after the lift of the sanctions against Iran and the permission to export Iranian oil in Europe to follow, which will additionally impact the drop in oil prices.

Concurrently with the economic war, the two rival powers have launched serious media war. If only until recently Russia did not understand the meaning of the international

public opinion and the propaganda war, launching of the Russia Today in English language means that Russia has decided to lead its own propaganda as opposed to the CNN and BBC propaganda. And, so far, it is succeeding. Mark Galeoty (2015) described the western concern with words "The west is getting too paranoid about Russia's information war".

The armament and technological war seem to be in the same rise they were during the Cold War. Both superpowers constantly increase the percentages within their budgets for the military industry and the new military technology. They constantly use the media support to promote their newest military-technological achievements. In the past years, Russia in continuity has increased the military budget and the projections for 2016 say it will reach around 98 billion dollars (RT 5 Feb. 2014; HIS 4 Feb, 2014), as opposed to the 585 billion dollars the US will allocate (Breaking Defense 11 April 2015; HIS 4 Feb. 2014). Although in terms of money the difference is huge, according to the US generals, the US is not in such a lead ahead of Russia to be able to defeat it militarily. However, both states remain the biggest nuclear powers. The arms race always leads inevitably to military conflicts. In this case, such two military clashes already take place on territories outside Russia and the US -such as Ukraine and Syria -under no justification, and with no UN consent. The proxy wars in which the two rivals are also the main actors is actually one of the main characteristics of bi-multipolarism. So far, in both cases, the US partners have defended the US policies and they act in opposition to Russia, while the Russian partners justify Russian policies. Along with Ukraine and Syria, the two rival powers have severely opposed geostrategic interests in relation to the Arctic, as well. The area concerned represents territory of around 1.2 million square meters with around 5 billion tons of gas. In addition to Russia and US, this territory is subject to interest of three other states – Denmark, Norway and Canada which have opposed interests with Russia but, in this case, also with the US.

Hence, it is beyond any doubt that according to the dynamics and the activities undertaken by the two super powers, as well as the activities of the other great powers, a system is being developed which cannot be placed in the frames of any of the already theoretically explained three main systems and the hybrid called uni-multipolarism. It is rather a system that is hybrid and fluctuates between bipolar and multipolar. In other words, it is a system with two opposed super powers and several great powers that impact the formation of the IR. The policies and activities undertaken by the great powers can partially influence also the policies conducted by the two super powers, especially if in certain situations they refuse to follow the policy imposed by their leader – alternative,

which in this system they can opt for. It is a possibility that leaves space for maneuver that makes this system more stable than the bipolar system that with the downfall of one super power leads to unipolarity; but also more stable than the pure multipolar world where general insecurity and ambiguity prevail in achieving the balance. In this bi-multipolar system the open animosity is concentrated between the two rival super powers. The great powers have the opportunity to balance in the moments when one of the two powers is ready to break the world peace or impose hegemonic policy.

### **Conclusions**

The paper's aim has been to address the type of IR system with two dominant actors i.e. super powers that take active part in the creation of the global international relations, but in which along with them there are some other big actors, which even though without big global impact, do play significant role in shaping the international relations. From the presented argumentation, it can be concluded that since the main systems and the unipolarism as hybrid that were set so far, do not provide solid foundation to define it, the system in question is a new hybrid system of bi-multipolarism. The concept for bi-multipolarism is only initially elaborated and set as topic for reflection and further development.

Concurrently setting the foundations of the hybrid bi-multipolarism opens the question also for its stability i.e. whether this system is more or less stable as compared to the basic systems of bipolarism and multipolarism. So far, it is too early to answer this question given the short time span since the appearance of this system. Analyses on the future of the strained relations mostly refer to the eventual fall of one of the poles, i.e. flanks. Some predict bankruptcy of the US and thus the beginning of the historical era of domination of the Eurasian actors, while others forecast financial collapse of Russia and the return of the US to the throne and re-establishment of the uni-multipolarism.

### **References**

1. Brooks Stephen G. and William C. Wohlforth, "International Relations Theory and Case against Unilateralism", September 2005, accessed September 2008 [http://www.dartmouth.edu/~govt/docs/brooks&wohlforth\\_perspective.pdf](http://www.dartmouth.edu/~govt/docs/brooks&wohlforth_perspective.pdf), , p.512
2. Buzan Barry and Weaver Ole, *Regions and Powers: The Structure of International Security*, Cambridge University Press, 2003

3. Cranmer Skyler J., *Ode to Unipolarity*, 2005, Accessed 20 December 2014 <http://people.iq.harvard.edu/~scanmer/files/unipolarity.pdf>
4. Galeotti Mark, "The west is getting too paranoid about Russia's information war", *The Guardian*, 07 July 2015, Accessed 30 September 2015, <http://www.theguardian.com/world/2015/jul/07/russia-propaganda-europe-america>
5. Friedman George, "Syria, America and Putin's Bluff", *Geopolitical weekly*, 10 September 2013, Accessed 20 november 2015, <https://www.stratfor.com/weekly/syria-america-and-putins-bluff>
6. Hantington P. Samuel, "The Lonely Superpower", *Foreign Affairs*, March/April 1999, Accessed 15 September 2015, <https://www.foreignaffairs.com/articles/united-states/1999-03-01/lonely-superpower>
7. HIS report, *Global Defence Budgets Overall to Rise for First Time in Five Years*, 04 February 2014, accessed 30 September 2015 <http://press.ihs.com/press-release/aerospace-defense-terrorism/global-defence-budgets-overall-rise-first-time-five-years>
8. Kegley Charls and Blanton Shannon, *World Politics: Trend and Transformation, 2012 - 2013 edition*, Cengage Learning Press, 2012
9. Krauthammer Charles, "Unipolar Moment", *America and The World*, *Foreign Affairs* 1990 issue, Accsesed 17 July 2015, <https://www.foreignaffairs.com/articles /1991-02-01/unipolar-moment>
10. Layne Christopher & Schwartz Benjamin, "American Hegemony-Without an Enemy" *Foreign Policy*, #92, fall 1993, 5-23 p, Accessed 10 September 2015, <http://www.u.arizona.edu/~volgy/LayneSchwarzAmericanHegemony.html>
11. Mearsheimer J. John, *The tragedy of Great Power Politics*, New York: Norton, 2001
12. Nye Joseph, *The paradox of the American Power: Why the world's superpower can't go it alone*, Oxford university press 2002
13. Nye Joseph, "The Future of American Power: Pominance and Decline in perspective", *Foreign affairs* November/December 2010, Accessed 10 September 2010, <https://www.foreignaffairs.com/articles/2010-11-01/future-american-power>
14. Obama Barak, obama address UNGA 28 September 2015, assessed 30 September 2015, [https://www.youtube.com/watch?v=x6oxByE\\_IEU](https://www.youtube.com/watch?v=x6oxByE_IEU)
15. Pape Nuechterlein Donald, *Defiant Superpower*, Potomac Books 2005



16. Putin Vladimir, Address UNGA 28 September 2015, assessed 30 September 2015, <https://www.youtube.com/watch?v=q13yzl6k6w0>
17. Standford Daniel, "Russia's President Putin warns US over Syria action", BBC news, 04/09.2013, Accessed 20 November 2015, <http://www.bbc.com/news/world-europe-23955655>
18. Vukadinovic Radovan, *Medjunarodni politichki odnosi*, Zagreb: Politicka kultura, 2004
19. Waltz Kenneth, "The stability of Bipolar World", *International Political Analysis*, Accessed 30 September 2015, [http://faculty.washington.edu/caporaso/courses/203/readings/waltz\\_\\_Stability\\_of\\_a\\_Bipol.pdf](http://faculty.washington.edu/caporaso/courses/203/readings/waltz__Stability_of_a_Bipol.pdf)



## **The Reminiscence of the Cold War: A contemporary perspective on security issues in Europe and relations between the West and Russia**

Besfort T. Rrecaj<sup>1</sup>

### **Abstract**

As the relations between the West and Russia seem to spill-over into worst, a dilemma comes into one's mind: is the world facing resurgence of the Cold War? The fear has become realistic since the annexation of Crimea by Russia in 2014 and worsening of the situation in east Ukraine. The article analyzes the European security and its prospects in the light of the growing tensions between the West and Russia. Particular emphasis is given to the key international treaties such that the Conventional Forces Treaty and Intermediate Range Ballistic Missile Treaty. The author argues that although the relations between the West and Russia are to its lowest point and possibly heading for worse, one can hardly talk about a new Cold War. There is military buildup, and strong rhetoric accompanied by some measures towards condemnation of another party's moves - yet there is still certain level of communication and consent over some issues such as the Iranian nuclear program or fight against terrorism. For a New Cold War to resurge it would be necessary to see the adversaries more or less on equal footing, which does not seem to be the case. The West (NATO) has enlarged since the end of the Cold War but also has become stronger, while Russia does not even remotely resemble the USSR, and its alternatives in Asia cannot compensate for it.

**Keywords:** New Cold War; Security in Europe; Ukraine; Crimea; West-East Relations

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<sup>1</sup> Professor of International Law and Relations at the Department of International Law, Faculty of Law, University of Prishtina "Hasan Prishtina". Contact: [besfort.rrecaj@uni-pr.edu](mailto:besfort.rrecaj@uni-pr.edu).

## **1. An overview of relations between the West and Russia after the end of Cold War**

The spiraling deterioration of the mutual relations between the West and Russia has started as soon as Putin took over the power from his predecessor Boris Yeltsin in 2000 (Shevtsova 2005). After the dissolution of the USSR (Kenez 2006), the world saw a much restrained Russia. It was a state more willing to cooperate at political, security and economic level, mainly with the Western countries.<sup>2</sup>

During 1990s Russia was undergoing a huge social and political transition followed with internal turmoil which influenced its standing at international level (Ahdieh 1997). It had difficulties to maintain its internal stability due to the financial and economic crisis; and it needed the money from the West in order to overcome the hardships of transition (Dabrowski 1995). Particularly grave concern was the safety of the nuclear weapons and materials, which were managed safely with the help of the US (Mirsky 1996; Kraska 2005).<sup>3</sup> The new global environment incited cooperation at different levels under more relaxing climate. Russia refrained from strong reaction against NATO expansion in the East, so the former Warsaw Pact countries eventually have become fully fledged NATO members. Cooperation went even further when NATO and Russia established a cooperation council as a mechanism for consultation, consensus-building, cooperation, joint decision and joint action (Ponsard 2007), in which the individual NATO member states and Russia work as equal partners on a wide spectrum of security issues of common interest.<sup>4</sup>

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<sup>2</sup> The best example of this cooperation was the unanimous decision of the Security Council (SC) to approve collective measures against Iraq following annexation of Kuwait in 1991. This was the first time in its history that the SC approved collective action under Chapter VII of the UN Charter.

<sup>3</sup> The US designed specific programs to protect nuclear materials during 1990s in Russia which continued its work well in the new millennium. These programs include Nuclear Threat Initiative; Global Threat Reduction Initiative; and Defense Threat Reduction Agency. See Nuclear Threat Initiative, accessed 10 October 2015, <http://www.nti.org/threats/nuclear/>; Global Threat Reduction Initiative, accessed 10 October 2015, <http://nnsa.energy.gov/aboutus/ourprograms/dnn/gtri>; and Defense Threat Reduction Agency, accessed 10 October 2015, <http://www.dtra.mil/> among others.

<sup>4</sup> On 27 May 1997 Russia and NATO signed the Founding Act on Mutual Relations, Cooperation and Security which established the NATO-Russia Joint Permanent Council. In 2002 the parties in the Summit of Europe established the NATO Russia Council. For more see "NATO-Russia Council" last modified 10 November 2015, <http://www.nato-russia-council.info/en/>.

As Yeltsin was becoming unable to lead the country mainly due to his health issues, he resigned and appointed Vladimir Putin as his successor (Brown and Shevtsova 2001). A former KGB agent, Putin came with the specific intention to take out Russia of its international standing and restore its pride. He saw military and security forces at the center of his policies of restoring the pride that Russia once had (Gomart 2008, p. 22-23). At the beginning of the Putin era, Russia continued to cooperate with the West and NATO. For instance, she helped NATO and the US by allowing limited use of her territory to the purpose of fighting the Taliban regime after the 9/11 (Roy 2013, p. 85-86; Baker 2009).<sup>5</sup> Russia became a member of WTO in 2011. NATO-Russian relations continued in the format of NATO-Russian Council. The biggest one time NATO enlargement towards the East took place in 2004.

However, while Putin was harvesting on its relations with the West, he pursued steadily his agenda to reestablish Russia in international scene. In order to establish his authority, Putin determinatively acted with military force in Chechnya which enabled him full control over it by May 2000 (Oliker 2001; Evangelista 2002).<sup>6</sup> In 2008, Russia entered into war with Georgia in backing up two separatist movements there in Abkhazia and South Ossetia with the West merely condemning the move but unable to take a more decisive action (Asmus 2010). In 2014 Russia annexed Crimea<sup>7</sup> which was seen in the West as

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<sup>5</sup> With security concerns over its convoys using Pakistani territory to supply NATO troops in Afghanistan, Russia agreed to allow its territory to be used for this purpose for non-lethal supplies first and later in 2009 Russia agreed to allow even weapons and troops to fly over Russian territory. [http://www.nytimes.com/2009/07/04/world/europe/04russia.html?\\_r=0](http://www.nytimes.com/2009/07/04/world/europe/04russia.html?_r=0).

<sup>6</sup> After the elections, President Dzhokar Dudayev declared the independence of the Chechen Republic of Ichkeria in 1993. The move was condemned by Russia. The First Chechen War was fought between 1994-1996 between the Chechen guerillas and Russian military. In 1996, after it failed to win militarily over Chechnya, Russia agreed to sign a Peace Agreement with the Chechen leadership.

<sup>7</sup> On 18 March 2014 Putin signed the bill on ratification of the treaty "On the Admission of the Republic of Crimea into the Russian Federation and creation of new sub-federal entities", which three days later on 21 March 2014 was ratified by the Russian Federation Council which represents the upper house of the Russian parliament. See "Putin signs laws on reunification of Republic of Crimea and Sevastopol with Russia", *TASS Russian News Agency*, 18 march 2014, accessed 10 October 2015, <http://en.itar-tass.com/russia/724785> and "Russian Federation Council ratifies treaty on Crimea's entry to Russia", *TASS Russian News Agency*, 21 March 2014, accessed 10 October 2015, <http://en.itar-tass.com/russia/724749>.

violation of the international law. Also it is believed that she backs separatist forces in east Ukraine.<sup>8</sup>

Gradually Russia started to complain about political and military moves coming from the West. Of particular concern from the Russian perspective is NATO expansion in Eastern Europe and its open door policy. The US missile shield program in Poland and the Czech Republic adds to the frustration of Russia (Futter 2013). Since NATO expansion in 2004, Russia has toughened its stance toward this process particularly in the case of Ukraine and Georgia. In December 2014, Russia adopted its new military doctrine where NATO-related issues stand on top of the table including NATO enlargement, its improved capabilities and global reach (Trenin 2014). Russia's new military doctrine refers to the US Ballistic Missile Shield program as one of the most important threats against Russian national security.<sup>9</sup>

From a legal point of view, attention is drawn on two important treaties which are considered the main pillars of security architecture in Europe i.e. Treaty on Conventional Armed Forces in Europe (CFE) which entered into force on 17 July 1992<sup>10</sup> and The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the

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<sup>8</sup> Russia's support for separatists in Eastern Ukraine sparked western condemnation. See "NATO Wales Summit Declaration", NATO, accessed 10 June 2015, [http://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](http://www.nato.int/cps/en/natohq/official_texts_112964.htm). The declaration in paragraph 1 stated that "Russia's aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free and at peace." See also "Kerry: Russia must withdraw support for pro-Russia separatists in Ukraine", *the Guardian*, 3 May 2014, accessed 23 October 2015, <http://www.theguardian.com/world/2014/may/03/john-kerry-sergei-lavrov-ukraine-crisis-russia-separatists>.

<sup>9</sup> However, the US under Obama Administration might have changed its plans regarding missile shield in Europe program after recent review of its program. This move would follow recent Iranian nuclear deal and to please Russia which strongly opposes installing this missile shield program. See also "Is Obama Throwing Eastern Europe Under the Bus", *Center for Strategic and International Studies*, 6 August 2015.

<sup>10</sup> Text of the treaty available at "Treaty on Conventional Armed Forces in Europe" United Nations Office for Disarmament Affairs, accessed 2 October 2015, <http://disarmament.un.org/treaties/t/cfe>. CFE States-Parties: Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Spain, Turkey, Ukraine, the United Kingdom, and the United States.

Elimination of Their Intermediate-Range and Shorter-Range Missiles, known as the Intermediate-Range Nuclear Forces Treaty (INF) which entered into force on 1 June 1988 (Samuels 2005, p. 356-357).

The CFE Treaty is a complex instrument which establishes a military balance between the two groups of States by providing equal ceilings for major weapons and equipment systems, namely for each group in the whole area from the Atlantic to the Urals.<sup>11</sup> It also establishes within the Treaty area several sub regions where both groups would be allowed to keep equal numbers of the mentioned weapons systems, with further provisions on how many items could be kept in active units. Furthermore, the Treaty limits the proportion of armaments to be held by a single country to one third of the total numbers, the so-called "sufficiency rule".<sup>12</sup> The INF Treaty is the first nuclear arms control agreement to actually reduce nuclear arms, rather than establish ceilings that could not be exceeded. Altogether, it resulted in the elimination by May 1991 of 846 longer-and shorter-range U.S. INF missile systems and 1846 Soviet INF missile systems, including the

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<sup>11</sup> The agreement limited NATO and the Warsaw Pact each to 20,000 tanks, 30,000 armored combat vehicles, 20,000 artillery pieces, 6,800 combat aircraft, and 2,000 attack helicopters. However, the treaty did not address naval forces. For more see the "Conventional Armed Forces Treaty in Europe (CFE) and the Adapted CFE Treaty at a Glance", *Arms Control Association*, August 2012, accessed 15 September 2015, <http://www.armscontrol.org/factsheet/cfe>.

<sup>12</sup> The Treaty stipulates that arms or equipment beyond the agreed limits have to be destroyed so that within 40 months from entering into force the limits will have been reached. It also includes a thorough notification and verification regime of on-site inspections for the notified holdings, challenge inspections, and the monitoring of destruction of treaty-limited items. The Treaty established a body composed of all Treaty members in Vienna, the Joint Consultative Group (JCG), as a forum for further consultations. The Treaty limits the number of heavy conventional weapon systems (tanks, armored combat vehicles, artillery systems, combat aircraft and attack helicopters). It also fosters mutual trust by having states notify one another in detail of their relevant holdings and host on-site inspections so that notifications can be verified. By the mid-nineties, the reductions required by the Treaty had resulted in the destruction of some 60,000 heavy weapons systems. Greater transparency and enhanced cooperation between the armed forces also increased mutual trust. See "Treaty on Conventional Armed Forces in Europe", *Federation of American Scientists*, accessed 15 September 2015, <http://fas.org/nuke/control/cfe/index.html>.

modernized U.S. Pershing II and Soviet SS-20 missiles (Arnold and Wiener 2012; Hoffman 2009).<sup>13</sup>

Putin issued a decree expressing Russia intent to suspend the observance of the CFE treaty and its additional documents in 2007 due to “extraordinary circumstances”, in accordance with Art. XIX para 2 of the treaty.<sup>14</sup> Putin justified it with the US plans to build its missile shield, although they repeatedly assured Russia that its purpose is not directed against Russia but against other states, potentially Iran. Among other things, Putin justified this act as NATO expansion in the east and its reinvented interest in Georgia and Moldova at the time (Witkowsky 2010). With regard to her obligations stipulated in the INF Treaty, Russia recently moved to test its new ballistic missiles capable of carrying nuclear heads which was considered by the west as being clear violation with the treaty (Gordon 2014).

The question naturally arises as what possible options remain for other contracting parties of the two treaties. From a legal point of view, the Vienna Convention on the Law of Treaties (VCLT) may give some answers. The VCLT with regards to multilateral treaties foresees that a “...a multilateral treaty does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entrance into force” (Art. 55 of the Vienna Convention on the Law of Treaties). Accordingly, the CFE Treaty may still be in force except for Russia. However, the position of Russia is so important to the treaty that its makes it meaningless and defunct without it. With regards to the INF Treaty, Russia did not denounce it formally, however its actions with testing of the ballistic missiles was regarded by the West as violation of the treaty. If so, it would pose a serious material violation of the treaty according to Art. 60 of the VCLT<sup>15</sup>, which gives the other parties the

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<sup>13</sup> “Intermediate-Range Nuclear Force (INF)”, *American Federation of Scientists*, accessed 10 September 2015, <http://fas.org/nuke/control/inf/>. At the height of the Cold War in the late 1970 the US and USSR alone had more than 70,000 nuclear weapons including tactical and strategic ones.

<sup>14</sup> See supra note 27, Art. XIX para 2 of the Treaty, “Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. A State Party intending to withdraw shall give notice of its decision to do so to the Depositary and to all other States Parties. Such notice shall be given at least 150 days prior to the intended withdrawal from this Treaty. It shall include a statement of the extraordinary events the State Party regards as having jeopardized its supreme interests.”

<sup>15</sup> See Supra note 45 Art. 60 para. 1 “A material breach of bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in



right to decide to remain within the treaty or to leave it, because of the position Russia has *vis à vis* other contracting parties.<sup>16</sup> The INF Treaty expressly states cruise missiles to fall under the term of Ground Launched Cruise Missile (GLCM) as a weapons delivery vehicle<sup>17</sup> for which parties took obligations to eliminate within three year of entry into force of the treaty and that no such weapons shall be possessed in the future by state parties.<sup>18</sup>

## **2. Russia's quest for alliances to re-establish its political and military influence in the world**

Under Yeltsin Administration, Russia had incited signing of bilateral Collective Security Treaties with states formerly belonging to USSR and the creation of the Shanghai Cooperation Organization with Asian states in a bid to bring in together states under Russian influence and create military cooperation which some see it as potentially future military organizations, reflecting Warsaw pact in countering NATO expansion and force (Frost 2009). However, Russia quest for military partnerships in the form of Collective Security Treaty Organization (CSTO) and Shanghai Cooperation Council Organization (SCCO) may not be well founded to counterbalance the West.

The CSTO founded on the grounds of Collective Security Treaties, which was signed between Russia and some states from the territory of former USSR contains vague language in its main collective defense provisions *"In case of a threat to security, territorial*

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*whole or in part"* and para. 3 (b) *"the violation of a provision essential to the accomplishment of the object or purpose of the treaty."*

<sup>16</sup> *Id* Art.60, para. 2. "A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either: (i) in the relations between themselves and the defaulting State, or (ii) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State".

<sup>17</sup> *Supra* note 38 Art. II para. 2.

<sup>18</sup> *Id*, Art. IV para 1. "Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party".

*integrity and sovereignty of one or several Member States or a threat to international peace and security Member States will immediately put into action the mechanism of joined consultations with the aim to coordinate their positions and take measures to eliminate the threat that has emerged.” Further it states that “In case an act of aggression is committed against any of the Member States all other Member States will provide it with necessary assistance, including military one...”<sup>20</sup> Compare it with a strong language used by the North Atlantic Treaty where Art. 5 states that an “armed attack against one or more of them in Europe or North America shall be considered an attack against them all.” In the former case the language is vague, while NATO uses a very clear language which does not leave much room for interpretation: attack on one state is regarded as an “attack against them all”. On the other hand, the SCCO seems to employ even more vague language revolving around some basic goals and principles to guide their relationship such as “to strengthen mutual trust, friendship and good neighborliness between the member States”.*

At the Wales Summit NATO has revived its original *raison d’être* that can be seen through the creation of the Rapid Reaction Force (Spearhead).<sup>20</sup> Among other things, the West responded with strong condemnation and economic sanctions.<sup>21</sup> NATO also suspended the NATO-Russia Council and G8 has now returned to its G7 format.<sup>22</sup> The West also issued

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<sup>19</sup> See Article 4 of the Charter of the Collective Security Treaty Organization, 2235 U.N.T.S. 79, 7 October 2002. Members of this organization are: Russia, Belarus, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. See official webpage of the CSTO, accessed 10 October 2015, [http://www.odkb.gov.ru/start/index\\_aengl.htm](http://www.odkb.gov.ru/start/index_aengl.htm).

<sup>20</sup> “The Wales Summit Declaration issued by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Wales”, *NATO Press Release (2014) 120*, 5 September 2014, para. 8 and 67.

<sup>21</sup> “The Council of the European Union Decision no. 2014/512/CFSP” of 31 July 2014, concerning restrictive measures in view of Russia’s actions destabilizing the situation in Ukraine, Official Journal of the European Union L 229/13, 31 July 2014. See also different level of sanctions decided by the US against Russia over its actions in Ukraine at US Department of State, “Ukraine and Russia Sanctions,” U.S. Department of State, accessed 10 October 2015, <http://www.state.gov/e/eb/tfs/spi/ukrainerussia/>.

<sup>22</sup> “Statement by NATO Foreign Ministers”, 1 April 2014, *NATO Press Release (2014) 062*. See also the Brussels G7 Summit Declaration 2014, European Council, accessed 10 October 2015 [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/143078.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143078.pdf).

strong condemning statements opposing Russian involvement in Ukraine and approved some rounds of targeted sanctions.<sup>23</sup>

### **3. Conclusion**

All recent developments in Europe as well as the strong rhetoric used recently may point in the direction that an early first phase of a new Cold War is ahead, and that if not treated correctly it may spiral well into a real Cold War. However, there are some arguments that contradict this thesis. First of all, although Russia became the sole successor state of the USSR, it does not reflect its might as to counterweight the military, political and economic strength of the West. The actors are much different now with many former USSR republics now being part of NATO and EU. Without them, Russia cannot pretend to be the USSR. Although Russia is the sole successor of the USSR's nuclear weapons, it would take more than that to project specific amount of influence and force to counterbalance the West.

In today's world it takes more than military hard power to be able to influence global developments. Nuclear capabilities would help Russia to deter any firm Western approach; however it may not help it to establish itself in international scene the same way as the former USSR. Current Russia's reactions may be showing its limitation in projecting its policies beyond its immediate neighborhood. In the globalized world of interdependence and flow of information, Russia would increasingly face internal pressure to not engage in Cold War politics, although some polls suggest that Putin received good support for its late actions against Ukraine. Russia would find it very hard to replace its economic relations with the EU in particular, elsewhere in the world. Russia is the third trading partner of the EU while the EU is the first trading partner of Russia. On the other hand, Russia's quest for a possible political/military alliance with states from Asia seems to be futile either because of the weak bonds among those states and reflected in their founding documents or due to other more objective elements that seem to be beyond Russia's control, or to any state for

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<sup>23</sup> There is a growing concern that Russia might eventually embark openly its troops in Eastern Ukraine while NATO seem to be watching from afar and employing only economic sanctions and condemnation words. In September 2014 a deal was reached between the government of Ukraine and the pro-Russian separatists in Eastern Ukraine establishing a ceasefire, a military buffer zone and expulsion of foreign fighters among others. Earlier the Ukrainian Parliament passed an act giving this region more autonomy termed as a "self-rule" to be lasting for three years.

that matter, pushed by globalization and interconnectedness of people making policies of confrontation between people and return of another Cold War much more remote and less realistic.

### Sources

#### Books:

1. Ahdieh Roberd B. (1997), *Russia's Constitutional Revolution: Legal Consequences and the Transition to Democracy 1985-1996*, Pennsylvania, The Pennsylvania State University Press
2. Arnold James R. and Roberta Wiener (eds.) (2012), *Cold War: The Essential Reference Guide*, US, ABC-CLIO.
3. Asmus Ronald (2010), *A Little War that Shook the World: Georgia, Russia and the Future of the West*, NY, St. Martin's Press.
4. Brown Archie and Lilia Shevtsova (eds) (2001). *Gorbachev, Yeltsin & Putin: Political Leadership in Russia's Transition*, Washington, Carnegie Endowment for International Peace.
5. Dabrowski Marek (1995), *Western Aid Conditionality and the Post-Communist Transition* (Warsaw, Center for Social and Economic Research.
6. Drobizheva Leokaide, Rose Gottemoeller, Catherine McArdle Kelleher, Lee Walker (1998), *Ethnic Conflicts in the Post-Soviet World: Case studies and Analyses*, New York, M.E. Sharpe.
7. Evangelista Mathew (2002), *The Chechen Wars: Will Russia Go the Way of the Soviet Union* (Washington, The Brookings Institutions.
8. Futter Andrew (2013), *Ballistic Missile Defense and US National Security Policy: Normalization and Acceptance after the Cold War*, New York, Routledge.
9. Gaddis John Lewis (2005), *The Cold War: The Deal, The Spies, the Lies, the Truth*, London, Penguin Books Limited.
10. Herd Graeme P. and John Kriendler (eds) (2013), *Understanding NATO in the 21<sup>st</sup> Century: Alliance strategies, security and global governance*, New York, Routledge.
11. Hoffman David Emanuel (2009), *The Dead Hand: The Untold Story of the Cold War Arms Race and its Dangerous Legacy*, New York, Doubleday.

12. Kraska James C. (2005), "Adverting Nuclear Terrorism: Building a Global Regime of Cooperative Threat Reduction", *American University International Law Review*, 20 Am. U. Int'l L. Rev. 703
13. Mirsky Wendy L. (1996), "The Link Between Russian Organized Crime and Nuclear Weapons Proliferation: Fighting Crime and Ensuring International Security", *University of Pennsylvania Journal of International Business Law*, 16. U. Pa. J. Int'l Byus. L. 749
14. Olikier Olga (2001), *Russia's Chechen Wars 1994-2000: Lessons from Urban Combat* Pittsburgh, RAND.
15. Pak Chi Young, *Korea and the United Nations* (The Hague, Kluwer Law International, 2000).
16. Phillips Steve (2001), *The Cold War: Conflict in Europe and Asia* (London, Heinemann Advanced History.
17. Ponsard Lionel (2007), *Russia, NATO and Cooperative Security*, New York, Contemporary Security Studies.
18. Roy Allison (2013), *Russia, the West and Military Intervention*, Oxford, Oxford University Press.
19. Samuels Richard J. (ed.) (2005), *Encyclopedia of Unites States National Security*, Thousand Oaks, SAGE Publications, Inc.
20. Schnabel Albrecht, Ramesh Chandra Thakur (2000), *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action and International Citizenship* (New York, United Nations University Press
21. Shevtsova Lilia (2005), *Putin's Russia*, (Washington, Carnegie Endowment for International Peace.
22. Trenin Dmitri (2014), "2014: Russia's New Military Doctrine Tells It All", *Carnegie Moscow Center*, 29 December <http://carnegie.ru/eurasiaoutlook/?fa=57607>.
23. Witkowsky Anne, Sherman Garnett, Jeff McCausland (2010), "Salvaging the Conventional Armed Forces Treaty in Europe Regime: Options for Washington", *Foreign Policy at Brookings, Arms Control (Association Series*.



## RESTRUCTURING OF THE WORLD ORDER IN CONTEMPORARY INTERNATIONAL RELATIONS

Goran Zendelovski

Faculty of Philosophy – Institute for Security, Defense and Peace

[goranz@fzf.ukim.edu.mk](mailto:goranz@fzf.ukim.edu.mk)

### Abstract

*In the past decade a series of viewpoints and scenarios about the existing international order have appeared. The dilemma arises over the question which model explains the best the new constellation of international relations. Disintegration of the bipolar structure has left a number of potential crisis areas with undefined lines of delineation. Imbalance has created a strategic gap so even a small local tremor may create unforeseeable global consequences. The complexity arises from the various types and the intensity of the transnational challenges and threats that have impact on the role and activities of the international actors. Intensification of some issues, such as climate change, regulation of global financial markets, migration, disintegration of states, terrorism, proliferation of weapons of mass destruction, has additionally complicated the global state of affairs. Globalization has increased the impact and power of international organizations, transnational corporations, non-state actors and sub-state actors. There is an unequal distribution of power in international relations.*

**Keywords:** world order, power, unipolarity, multipolarity, security.

### Introduction

Fast and dynamic changes in the world are accompanied by new security threats. In addition, there is deep diffusion of authority and power, which additionally worsens the global situation. The international problems have intensified with the appearance of new global elites, raising inefficiency of the international institutions, the incensement of the regional blocks and the non-state actors (*Global Trends 2025: A Transformed world*, 2008). The inability of states and international organizations to deal with the threats by themselves has produced climate of fear. Many wonder if the world faces a new period of

transformation which may endanger the global security and stability. Thus, a question arises: is it possible to create a global world community in the face of so many tensions among the countries and peoples and if the current world order is able to guarantee peace and prosperity? (Micovic 2001).

The end of the bipolar world order led to essential changes in the international system. Many scholars have been trying ever since to define new world order. The very phrase "*order*" is an object of different interpretations. The realists claim that it refers to the structure and distribution of the power among the states in the international system. The liberal theorists emphasize the role of the international organizations. For some the meaning of 'new world order' has negative connotation. For instance, Jean-Marie Le Pen argues that it entails conspiracy made by the financial and political elites with aim to dominate the world (Soborski 2013). Also certain anti-Western groups argue that the term is but a Western concept of domination over non-western states. For Kissinger this term means balance of forces, while Chomsky claims that it represents a form of a domination of individuals over the majority, some individual states over the majority to other countries, the rich over the poor (Kissinger 1994; Chomsky 1996). However, new world order is not a new term: it has been used for more than 20 years mostly as a synonym for globalization. Its meaning usually relates to economic integration, information technology and communication, technological progress and even establishment of a global security system.

The main idea of this section is to present the features of a few generally accepted models of world order. The first one, the model of global leadership, refers to the role of the US as the only the only remained superpower, that is unipolar leader in terms of economic, political, cultural and military power (Huntington 1999). The other model is Henry Kissinger's one: in the 70's he was arguing in favor of a pentagonal leadership of USA, Europe, China, Japan and Russia that would establish balance on a global level (Kissinger 1994). In addition one should mention the concept of world government and global governance which assumes inclusion of numerous and diverse actors in decision-making process on a global level with a sole aim - creation of a better world (Turek 1999). Giddens (1998, 168) proposes world government that would integrate the World Trade Organization, the International Monetary Fund and the World Bank, while the UN could be restructured in a way to represent a parliament and a council. Other proposals assumed UN reform by inclusion of more states in the UN Security Council. The idea is stability in the world by careful representation of each world region. Such a composition of the UNSC would guarantee legitimacy of the institution, while the member states may play a role of a



"centers of power" in the process of building peace and prosperity in that part of the world they represent.

### **Dispersion of Power in Modern International Relations**

The series of economic and political processes have contributed to bigger diffusion i.e. appearance of new centers of political, economic and military power. Globalization system (Friedman 2003) not only results in numerous important trends that come as waves but also fulfils vacuum left by the end of the Cold War. The system of the Cold War was a static system with a structure and rules established and abided by the super powers. It rarely happened some of them to cross in the other's sphere of influence. The world was divided into three spheres: communist, capitalistic and non-aligned, and each state had a place in just one of them. The ideological conflict produced constant tensions, anxiety and even possibility for mutual nuclear destruction. Globalization, on the other hand, is rather dynamic process with constant development and acceleration, and with ability to induce integration in all spheres (Friedman 2003, 20-21). Every state is involved in some globalization network. This system has far more complex structure and is built around three balances that overlap and influence each other. The first one is the traditional balance between nations-states, the second one is between nations-states and the global market, while the third refers to the relations between nations-states and super powerful groups and individuals (Friedman 1999, 20-25).

Brzezinski (1997, 87) has pointed out that after the fall of the Berlin wall the Eastern bloc "disappeared" which disrupted the old global balance in geopolitical and security terms. It created a strategic gap and a situation in which a number of states became "black holes" and later on even crisis flashpoints. Carl Schmitt argued that the Cold War was a world of friends and enemies, while the world of globalization has a tendency to transform them into competitors (in: Friedman 1999). Unlike the Cold War when the enemy was known, the new era of globalization brings uncertainty because of the fear from a rapid transformation of the enemy that cannot be seen and foreseen since it may vary from one extreme to another; also, its power may get different forms (economic, technological, etc.). Globalization gives unequal chances; because of that it is equated with a situation named "*nautonomy*". It refers to the unequal production and distribution of life chances, where the political participation is disrupted or limited (Held 1997, 202).

Unequal power distribution is a product of the economic and political globalization, and its consequences are not equally distributed on classes, nations, gender groups and

regions. It affects both the developed and undeveloped states, but is surely worse for the states that are at the bottom of the global hierarchy and that are most exposed to the effects of global inequality (Held 1997, 102-103). Thus the current global order is far from state of balance; to the contrary, it enters a phase of systemic transition that may produce chaos and disorder. The effects differ on a macro and micro level. Most of the arguments are in favor of the system on a macro level because of the free trade in which states may have different shares (depending on their capacity and power) in the global system (Show 2008, 148).

Globalization has led to radical changes of the international relations, such as: reduction of state sovereignty, flexible economic and trade rules, decrease of cultural autonomy and endangering of the national identities. It displays image of a world in a chaotic and unpredictable transformation. In fact, it is a period of a transition, with no clearly defined new norms and rules. According Wallerstein (2003) this long-term transition resembles political fight between two camps: one of them consists of those who want to keep their privileges of the existing system of inequality, while the other consists of those who seek birth of a new more democratic system.

It is very difficult to set precise criteria for evaluation of certain new world. Yet, the standards for progressiveness, where the economic indicators are considered which are standards for an efficient development and stress the capacity of the production forces, then the political indicators, which show whether there is a bigger progress in achievement of human rights and freedom and the third indicator for that how much the social system enables completely an encouragement of a bigger degree of the social-economic equality, i.e. contributes for decreasing of the class differences, are those that allow a certain comparison (Ikenberry 2000). For the time being new rules of a game are not set, and because of that it is difficult to answer the question whether the structure of the "old" world order can be changed with a new structure, and which should be approved by a bigger number of international participants. At the moment the world is somewhere in between the old order based on sovereign nation-states and the new order of a world community or citizens of the world. In addition, the international actors differ a lot in terms of their politics, economy, civilization norms etc. Such asymmetry leads to confrontation or to vacuum that involves unpredictability and disturbances of the regional and global balance (Beck 2004, 163-164). The degree of uncertainty is increased in the regions and states that are at the strategic lines of separation.

### Security Implications of New World (Dis)Order

The evolution of the new global and regional actors indicates the requirement of creating a new paradigm of international relations that will reduce the factors which cause instability. As already said globalization has increased tensions in international relations and has relocated the power centers. It gives opportunities for certain states and organizations to play significant role in the new international structure. Globalization has thus created conditions for the new actors to join international scene, and has made possible certain leveling of the existing relations among the states.

Global politics is based on complex relations between numerous actors with a different power and influence. The actors belong to several categories, such as: (1) states (200), (2) transnational corporations (77200 mostly from highly developed states) that accomplish 70% of the world economy, (3) international governmental and non-governmental organizations (Gidens 2007, 62; Solte 2009, 183; Кикеркова 2003, 5 and 154). Also there are numerous no-state subjects that use violence against the state monopoly of power (Al Qaeda, Islamic State, private military companies, drug-dealers, triads etc.).

Obviously globalization has decreased the role of the West in the global context and transferred some "weight" and responsibilities on non-Western states. The international order has never been neutral, which could be identified in the dominant Western brand "*Made in USA*". But the hegemony and continuous military interventions require serious financial means that weakens current hegemony. The indicators for this situation relate to: instability of the national currency; increasing of military expenses; weakening of the authority of worlds financial institutions; fiscal crisis and hegemonic state; weakening of the power of influence; organizing and stabilization of worlds political scene; increasing of military interventions, clashes and armed conflicts in the world (Wallerstein,1995).

Obviously, the world will not always have the colors of the West: future does not belong only to some privileged states, nations or organizations. Other actors may impose new rules of the game that differ to the ones established by the West. These include the group BRICS (Brazil, Russia, India, China and South Africa), South Korea, Japan and Indonesia, Saudi Arab and UAE (*Global trends 2025: A transformed world* 2008, 8). The West is neither a leading economic, financial, nor demographic force anymore; its leading position in the global order has become questionable. It has brought changes in the leadership and insignia to other non-Western countries too. For the time being, potential

candidates that may mark global order are Russia, China and India, so accordingly this could become a century of Asian prominence (*Mapping the Global Future 2020*, 2004). The category “*WEST*” slowly fades away, and the first position is taken by the countries from the category “*REST*”. Most likely the “new managers” will create new rules in order to increase their influence in reforming the international political and financial institutions. The reforms will depend on the intensity, growth, the interests and the goals of the “new owners”. It is expected the new global leadership to be accompanied by numerous international implications, such as:

- change of the geopolitical and geo-economical landscape;
- new challenges for states, international organizations and non-state subjects and
- Increased feeling of insecurity (*Mapping and Global Future 2020* 2004, 25).

Which indicators show that changes have taken place and have threatened the peace and the stability? In that context one may point out a few global crises that have caused radical change in geopolitical, security and economic terms, such as:

- (1) Terrorist attacks on the US on 9/11 have caused a general military march, they contributed for a revolution in the military power in the technology achievements and a bigger presence of the military power in the international happenings;
- (2) Global financial crises of 2008 has left deep traces such as increase of unemployment rate, usability of the markets and trade, loss of property, indebtedness of people, enterprises, banks and the states, the general instability of the financial sector and the increased risk of instability and the disturbances in society (Evans et al. 2010, 9);
- (3) The Arab spring of 2011 has caused wider regional destabilization of the Near East and North Africa;
- (4) The Ukraine crises got an enormous dimension when Russia annexed the peninsula Crimea. For the first time after the Cold War, a greater tension appeared between the great forces (USA-Russia-EU), which tended to promote their political and military power in this part of the world and
- (5) Islamic State (IS) controls parts of the territories of Iraq, Syria, Yemen, Libya, Nigeria etc. Its extreme actions caused mass migrations towards the EU. It has increased the risk of tensions among those affected.

Most likely next decade will be marked by numerous turbulences and transformation of the world order. In the past there were *periphery crises* (during the World War I) and *crises in the center* (during the Cold War). Today the world faces *complex crises* characterized by political, economic, social, security-military elements, whose intensity and flow are easily dispersed. Each crisis in the periphery or in the core has strong impact on the world.

Radical redefinition of international relations is necessity. It supposes mutual vision, revitalization of security alliances and global economic institutions for the benefit of all participants. In that context, the Foreign Minister of Russia, Sergey Lavrov recently proposed to the UN General Assembly formation of a new system of collective security in Europe. If the current European security architecture yields to unipolarity, it will bring serious security consequences for the world.

International institutions have main role in dealing with the security challenges, because the role of states has been drastically reduced. Thus the current model of international system should be redefined in this respect too, especially having in mind that some organizations are 70 years old. The reforms should include the following: (1) Reforms of the UN (Security Council), IMF, World Bank, World Trade Organization; (2) Expansion and strengthening the role of NATO; (3) Capacity building in the other regional security organizations; (4) Improvement of the relations among NATO-UN-EU and (5) Expanding and increasing of the activities of the groups G-7 (participates about 50% in the global economy) and G-20 (constitutes 85.2% of the world gross domestic product) (The National Security Strategy of the United Kingdom 2009).

*But, will these alternatives for a new order will bring us to a world with a bigger rivalry among the actors or in a world without violence, peace and prosperity?* The idea of world government is not realistic because of the dominant role of the US that will hardly agree to pass its authority and power to any form of world government. The best way is the world to be reformed according the multilateral principles. Deutsch and Singer (1964, 390) argued that the world moves toward multipolar system (or better, security community) which would reduce occurrence of wars and conflicts. Certain data show that the future progress of the US and the West to a large extent will depend on the economic potential of the Asian states. In the next 5 years the US expects almost half of the total economic increase to come from Asia (*National Security Strategy of USA*, 2015). The states from BRICS (with more than 3 billion people or about 42% of the world population, more than 1/4 of the world territory on three continents, and more than 25% of the world gross domestic

product) are the foundation for any new world order. They will try through economic and military power to get an advantage at the international scene, through formation of a parallel security and economic systems.

The global turbulences (armed conflicts, failed states, environmental degradation, organized crime, AIDS, terrorism, refugee crises and migrations, etc.) have increased the connections among the organizations, states and individuals. They have created possibilities for joint engagement for the sake of prosperity and safer world. Mutual dependence has contributed for increase of cooperation. We presume that the multilateral concept is real and appropriate: it gives representation of the voices and interests of more states from different parts of the world within the international institutions. Cooperation of states and international organizations will push toward rationalism in solving complex problems, and after that it will lead toward stable order and spreading of the peace zones in the world.

It is logically to expect new international order with multipolar features since five or six great powers may already compete (Jacquelyn and Sweeney 1999, 238). This model may lead to more balanced distribution of the benefits among the states but it could also create difficulties. Namely, there is covered competition among three types of regimes: (1) *autocratic economies*, (Russia and China); (2) *Islamic traditional countries*, (Iran and Saudi Arabia) and (3) *liberal democracies* (USA and the EU) (*Global Strategic Assessment 2009: America's Security Role in a Changing World* 2009, 44).

In addition to states and global intergovernmental organizations there are also some regional ones (such as EU, ASEAN, MERCOSUR, the African Union, the Arab League), transnational (civil society, business nets, corporations etc.), NGOs, sub-societal actors, as well as elite groups and individuals (Solte 2009). Undoubtedly there is certain degree of rivalry but some of them also share some common values. It is difficult to create "colorful coalition".

The skeptics stress that today's world is unpolar rather than multipolar: there is no great power able to mobilize and unite the other powers around its agenda. The US analysts argue that the world is "nonpolar in that most powers are reluctant to assume the role of global leader or security guarantor outside their borders" (*Global Strategic Assessment 2009: America's security role in a changing world* 2009, 36). The optimistic viewpoint envisages a world based on international cooperation, coordination among the states and the international and regional organizations. Therefore the dilemma with regard to the national supervision will be between *global-unilateral* (for ex. USA) or *cooperative-*

*multilateral* (for ex. EU, BRICS); or the third option would be recognition and enabling appearance of *cosmopolitan community*, which is still unrealistic option (Beck 2004, 334).

### **Conclusion**

Current international order is diversified: it holds together states with different values and levels of development. The global order also includes other actors with different interests and goals. Rivalries, even among the states and/or organizations that belong to a same sphere of influence, may make them more distant and vulnerable. Security is essential category in international relations. It is of crucial importance to acknowledge legitimate interests of all states and peoples as well as their equality in the institutions of the international system, regardless of their size, development or power. Therefore is a need for a balance of interests in international relations or the opposite option would be entropy of the entire global order. Geopolitical changes lead to new uncertainties and challenges, due to the change of power in international relations and misbalance among the key actors.

One can hardly talk of any fixed and clear courses of action in international relations. Neither there are schemes of international order, according to which the actors would surely find their place "under the sun". The term New World Order refers to a new system of international relations. It is a complex process which is underway. Obviously it is difficult to impose global parameters for stability or economic development. But international order is neither static nor unchangeable. Due to the difficulty in prediction of future events and processes, there are serious doubts about any desirable model of international order. Bipolar order was replaced by uni-multipolar one for certain period of time. However, today's distribution of power resembles so called "mixture" of bipolar and multipolar order. That is, a model of bi-multipolarity that consists of two centers of power (USA and Russia) and several powers weaker than them (e.g. EU, China, India, Saudi Arabia and Iran). The main centers of power stay in a rather rigid relationship, while remaining weaker forces, which are approximately equal to each other in the political, security, economic and technological power, gravitate around them.

The role of international organizations in the new world order may be in increase. The UN remains the most prominent one but only in case of radical reform. Due to the conflicting relations between East-West, it is likely that new international organizations may appear in order to promote more equal relationships and inclusion of the other states. Particularly the BRICS states insist on creation of parallel security and economic institutions as an alternative to the existing international organizations that are under

Western influence (NATO, IMF and the World Bank). The current events indicate fluctuations in the international order. The ability to form new *ad hoc* coalitions or informal alliances in case of urgent need may enable change of the structure of the international system. In sum international order may change depending on the dynamic and currents on the international scene, moving from multipolar to bipolar system - or to a system with different balance of powers.

#### References:

1. Bagvati, Jagdis. *U odbranu globalizacije*. Beograd: Sluzbeni glasnik, 2008.
2. Beck, Ulrich. *Moc protiv moci u doba globalizacije. Nova svjetskopoliticka ekonomija*. Zagreb: Skolska knjiga, 2004.
3. Brzezinski, Zbigniew. *The Grant Chesboard: American Primacy and Its Geostrategic Imperatives*. New York: Basic Books, 1997.
4. Chomsky, Noam. *World Orders Old and New*. Columbia University Press, 1996.
5. David Held et al., *Global Transformations, Politics, Economics and Culture*. Cambridge: Polity Press, 1999.
6. Deutsch, Karl W. and Singer J.David. *Multipolar Power Systems and International Stability*. World Politics, 1964.
7. Evans, Alex et al. *Confronting the Long Crisis of Globalization: Risk, Resilience and International Order*. Brookings CIC, 2010.
8. Friedman, Thomas L. *The lexus and the olive tree*. New York: Farrar Straus Giroux, 1999.
9. Giddens, Anthony. *The Third Way. The Renewal of Social Democracy*. Cambridge: Polity Press, 1998.
10. Gidens, Entoni. *Sociologija* (cetvrto izdanje). Beograd: Ekonomski fakultet, 2007.
11. *Global Strategic Assessment 2009: America's security role in a changing world*. Institute for National Strategic Studies, National Defense University Press, 2009.
12. *Global Trends 2025: A Transformed World*. Washington D. C.: NIC, November, 2008.
13. Held, David. *Demokratija i globalni poredak: Od moderne drzave ka kosmopolitskoj vladavini*. Beograd: Filip Visnjic, 1997.
14. Huntington, Samuel. "The Lonely Superpower". *Foreign Affairs*, March/April, 1999.
15. Ikenberry, John G. "How Secure is Globalization's Future?". *Foreign Affairs*, May/June, 2000.



16. Jacquelyn, Davis K., and Michael J. Sweeney. *Strategic Paradigms 2025: U.S. Security Planning for a New Era*. Institute for Foreign Policy Analysis, Brassey's, 1999.
17. Кикеркова, Ирена. *Меѓународна економија*. Скопје: Економски факултет, 2003.
18. Kissinger, Henry. *Diplomacy*. New York, 1995.
19. Klein, Naomi. *The Shock Doctrine the rise of disaster capitalism*. New York: Metropolitan Books Henry Holt and Company LLC, 2007.
20. *Mapping the Global Future 2020*. Washington D. C.: National Intelligence Council, December, 2004.
21. Micovic, Vojislav. *Globalizacija i novi svetski poredak*. Beograd: Čigoja štampa, 2001.
22. National Security Strategy of the United Kingdom: Security for the Next Generation. Crown, June, 2009.
23. *National Security Strategy of United States of America*. Washington DC, The White House, 2015.
24. Pavlovic, Vukasin. *Drustveni pokreti i promene*. Beograd: Sluzbeni glasnik i Zavod za udzbenike, 2009.
25. Pecujlic, Miroslav. *Globalizacija dva lika sveta*. Beograd: Gutenbergova galaksija, 2005.
26. Plevnik, Jasna. *Iza globalizacije*. Zagreb: Golden marketing, 2003.
27. Popovic, Mihailo. *Totalitarni sistemi*. Beograd: Plato, 1997.
28. Show, Donald M. *National Security for a New Era: Globalization and Geopolitics After Iraq*. Third Edition, Pearson Longman, 2008.
29. Soborski, Rafal. *Ideology in a Global Age: Continuity and Change*. Palgrave Macmillan, 2013.
30. Solte, Jan A. *Globalizacija: kriticki uvod*. Podgorica: CID, 2009.
31. Turek, Franjo. *Globalizacija i Globalna sigurnost*. Varazdin :Hrvatska udruga za medunarodne studije - HUMS, 1999.
32. Wallerstein, Immanuel. *After Liberalism*. New York: The New Press, 1995.
33. Зенделовски, Горан и Нацев Зоран. *Глобализација мирот и безбедноста*. Скопје: Филозофски факултет, 2014.



## THE STRATEGIC PARTNERSHIPS AS AN INSTRUMENT OF THE EU'S ACCOMMODATION TO THE EMERGING MULTIPOLAR ORDER

Jovan Manasijevski, MA in Political Sciences, PhD candidate in European Integration,  
*Department of Sociology, Ss Cyril and Methodius University*

### Abstract

The paper analyzes the EU's strategic partnerships as an important instrument of the Union's accommodation to the changed international constellation. The emergence, development and institutionalization of the strategic partnerships are treated in the context of the emerging multipolar order and the increasing global interdependence. The key formal, substantive and functional parameters of the established EU's strategic partnerships are analyzed. At the same time the main advantages and disadvantages are detected, offering number of dilemmas for further discussions. The analyses shows that through the development and institutionalization of the strategic partnerships, the EU profiles itself as a desirable strategic partner on the map of the new multipolar order. Launching and development of the strategic partnerships represents an attempt of avoiding the danger, or, more precisely, timely facing the real threat of the EU's irrelevance as an international actor. The strategic partnerships should provide effective execution of the CFSP in a function of realization of the EU's objectives and protection of the Union's interests. In a polycentric world, with fragmented and diffuse distribution of power between different, already established, as well as new emerging actors, in terms of growing interdependence, the strategic partnerships should enable the Union a global visibility and recognition, an efficient frame for optimal realization of its economic interests and continual expansion and deepening the spheres of cooperation, creating real basis for a long-term sustainable system of international relations.

**Key words:** strategic partnerships, multipolar order, accommodation, Common foreign and security policy, European Union

The European Union has timely perceived and has begun to adapt to the changed international constellation - the emerging new multipolar order. Unipolar world, characteristic for post-bipolar period, transits into multipolar, although there is still strong

asymmetry in the distribution of power between established and emerging global actors. The unipolar moment, as it was predicted, was just a hall of the new-coming order (Krauthammer, 1990). An order which is characterized by a decrease of the global domination of the US and gradual supplementation of vacuum by some already established, as well as new global actors. Processes of redistribution of power, primarily the economic one, are followed by the growth of capacities for mutual balancing of the power and needs for collective action as a result of coexistence of more actors with considerable power. First, a rapid transfer of power from West to East can be registered. This transformation is of economic and geopolitical nature and a number of key indicators speak about it. But, on the other hand, of great importance are two other strong and quick transfers of power aimed at displacing the real power of the state actors: from states to the sub-states entities and from states to the regional organizations. Both transfers are strongly connected with the phenomena of globalization and ask for appropriate responses in the required adjustment of the behavior and actions of the states which are still main actors in the international relations. All the above-mentioned transformations eventuate in simultaneous continuation of two large, complex, defining processes in the international relations - multipolarisation and multilateralization.

At the same time, it can be noted that a well set strategic objective of the EU for a multilateral order as a systemic solution for the most important global problems cannot frame the fast-transforming reality. The international system transits from multilateral arrangements to multipolar system, where a rising marginalization of multilateralism can be noted (Drent and Landman, 2012:2). And more specific, "an increasingly multipolar and fragmented international system, characterized by power shifts and fragile institutions, which in turn makes effective multilateralism a noble but at times unattainable goal" (Missiroli, 2013:4).

In this gap between the strategic objective of building a global order based on effective multilateralism and the emerging reality of establishing new multipolar order, strategic partnerships are created as a flexible instrument which should enable continuous realization of the key economic and political interests of the Union, while building a broader framework for long-term and sustainable cooperation which should result in a system of responsible global governance.

For correct and appropriate thematization of the strategic partnerships, along with the emerging multipolarity, the irreversible trend of interdependence is of great importance, i.e. the mutual dependence of entities is crucial, whether they are state or non-

state actors, in the realization and protection of their interests. In its scope and depth the former, mainly trade interdependence, gets new complex dimensions and evolves into a comprehensive interdependence which concerns the essential security parameters of the countries.

### **Basic parameters of the strategic partnerships as a new CFSP's instrument**

Throughout the whole period since the adoption of the European Security Strategy (ESS) in 2003, the European Union was strongly committed to the developing of the strategic partnerships with all centers of global influence. Over a period of ten years the EU has launched and developed ten strategic partnerships with third countries and five strategic partnerships with other regional organizations or groups of countries.

It is said in ESS that the EU should realize its objectives "both through multilateral cooperation in international organizations and through partnerships with key actors" (European Council, 2003:28). In this document, the transatlantic partnership is treated as the most important, which is qualified as irreplaceable, but, at the same time, it is noted that the objective should be "an effective and balanced partnership with the USA". In the ESS Russia is also explicitly treated, and it is said that the Union should continue developing closer relationships with Russia, which is "a major factor for security and prosperity of the Union". Also, the need of developing strategic partnerships with Japan, China, Canada and India is highlighted (European Council, 2003:28). Five years later, in the revised security strategy, i.e. in the "Report on the implementation of the ESS", in the chapter "Partnerships for effective multilateralism" special importance is given to the strategic partnerships with other international organizations, especially with the UN, NATO, OSCE and the African Union (European Council, 2008:11).

The legal basis of the strategic partnerships as a tool of the CFSP is given explicitly in the Articles 21 and 22 of the Treaty of Lisbon. The Article 21 states: "The Union shall seek to develop relations and build partnerships with third countries and international, regional or global organizations which share the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity and respect for the principles of the UN Charter and international law" (European Union, 2010). The Article 22 gives the competence for implementing these provisions to the European Council, where it is said that "On the basis of the principles and objectives set out in Article 21, the European

Council shall identify the strategic interests and objectives of the Union" (European Union, 2010).

The analysis of the strategic partnerships shows that they are quite divergent. A part of them, especially those with the longest tradition and greatest content fulfillment are procedurally speaking, actually informal. The strategic partnerships with the USA, Canada, Japan and Russia are of such character. Most of the strategic partnerships are formalized, but formalization took place via various procedural mechanisms, partly through the Summits, as in the case of China, India, Brazil and South Korea, partly with Joint Action Plan, as in the case of South Africa, or through the Conclusions of the European Council as in the example of Mexico. There are also significant differences in the degree of institutionalization among individual strategic partnerships, too.

**Table 1: Strategic partnerships of the EU with state actors - basic parameters**

	Since	Annual Summit	Ministerial dialogues	Sectoral dialogues	Other platforms
<b>USA</b>	1995	1	7	56	3
<b>Canada</b>	1996	1	1	38	2
<b>Japan</b>	2001	1	1	34	3
<b>China</b>	2003	1	8	51	3
<b>Russia</b>	2003	1	2	35	2
<b>India</b>	2004	1	1	27	3
<b>Brasil</b>	2007	1	1	31	2
<b>S. Africa</b>	2007	1	1	18	1
<b>Mexico</b>	2010	biennial	1	9	2
<b>S. Korea</b>	2010	1	/	/	/

Source: EEAS

Looking at the content, the economic, mainly trade and investment parameters are essential for the strategic partnerships with third countries. In the official conclusions of the European Council from September 2010 it was stated that the strategic partnerships with key actors are a useful tool for the realization of the European objectives and interests, with particular note to the "strengthening of the trade with strategic partners as a key objective" (European Council, 2010:I.,4.).

However, in recent years the EU has expanded the strategic partnerships with emerging global actors with security and foreign policy content, too. Thus, starting from 2010 the EU has already had an institutionalized form - High-level dialogue on foreign and security issues with China, under the direct leadership of the EU High Representative for Foreign and Security Policy. With India similar institutionalized form is implemented - regular consultations on issues in the domain of foreign policy, also under the guidance of the High Representative.

Security parameters the most widely understood, within the identified security threats in the revised ESS, are essential for strategic partnerships with other international organizations and groups of countries. This particularly refers to the cooperation with NATO in a wide range of security issues, with UN in the operations for peacekeeping and crisis management, with the African Union in its preparation for creating their own sustainable forces for crisis management on the African continent (European Council, 2008:11).

### **The main functions of the strategic partnerships**

Based on the content analysis of the existing strategic partnerships and the experiences of their implementation, as well as the secondary literature produced so far that thematize them, we can conclude the following most important functions of strategic partnerships as a CFSP's instrument.

**Pragmatic function.** Strategic partnerships are basically designed to provide a framework for managing bilateral relations between the EU and third countries. They should facilitate the realization of economic interests, above all, trade and investment. It is evident from their own content. Although there are significant differences between strategic partnerships with individual countries, yet they all have one common denominator - in each of them trade relations and investment agreements have key position. It is quite understandable if you look at the parameters listed in the table:

**Table 2: Selected parameters for the EU and its strategic partners**

	share of total EU exports % (2014)	share of total EU imports % (2014)	share of world GDP % (2012)	average annual growth % (2000-2013)	population (in mil.) (2013)
<b>EU</b>			22,9 %	1,7 %	506
<b>Brasil</b>	2,2 %	1,9 %	3,1 %	3,4 %	200
<b>India</b>	2,1 %	2,2 %	2,7 %	7,3 %	1.252
<b>Japan</b>	3,1 %	3,2 %	8,2 %	1,3 %	127
<b>S. Africa</b>	1,4 %	1,1 %	1,0 %	3,4 %	53
<b>S. Korea</b>	2,5 %	2,3 %	2,2 %	4,1 %	50
<b>Canada</b>	1,9 %	1,6 %	2,1 %	2,2 %	35
<b>China</b>	9,7 %	18,0 %	11,5 %	9,8 %	1.357
<b>Mexico</b>	1,7 %	1,1 %	2,3 %	2,9 %	122
<b>Russia</b>	6,1 %	10,8 %	2,8 %	4,8 %	143
<b>USA</b>	18,3 %	12,2 %	22,3 %	2,1 %	316

Sources: Eurostat, World Bank, European Commission

**Positioning function.** This is an extremely important, basically reflexive function of strategic partnerships. With their launching and continuous realization, the EU provides an important function of its positioning, directed towards profiling and building perception of itself as a global actor. Through the development and further institutionalization of strategic partnerships, the EU profiles itself as a desirable strategic partner, i.e. it becomes a subject on the map of the emerging new multipolar order.

**Normative function.** Although they are basically an instrument of the bilateral cooperation, in a context of the EU's normative discourse the strategic partnerships have a function of strengthening international cooperation directed towards building an order based on effective multilateralism and global governance. This means that the EU is capable to shape the international norms projecting global power by promoting its values and principles (Manners, 2002, 2006). "The most important factor shaping the international role of the EU is not what it does or what it says, but what it is" (Manners, 2002:252). The EU's normative power lies in its capability to shape new standards in the international policy, since the EU rests its operations with member-states and with the surrounding



world based on universal norms and principles (Manners, 2002:239-241). Or, more explicitly "the ability to define what passes for 'normal' in world politics is, ultimately, the greatest power of all "(Manners, 2002:253).

**Integrative function.** This function derives from the needs and obligations that the strategic partnerships produce themselves for their successful realization. By setting itself as a subject in the strategic partnerships, the EU is required to tend towards achieving a higher level of coherence in the use of the various instruments available for the realization of its interests. Additionally, the operationalization of the CFSP through the instrument of strategic partnerships requires deepening the political cohesion of the Union and intensification of cooperation between member states in the domain of foreign policy, i.e. a higher level of harmonization of the national policies.

In the context of the integrative function, it can be noted that the strategic partnerships are a tool for gradual, careful transfer of the foreign policy interests of the member states from national to supranational and intergovernmental level, as can be seen by the fact that, viewed by the content, in the strategic partnerships, key national interests of the most powerful countries of the Union are clearly embedded and visible. Does it compromise strategic partnerships as a tool of the CFSP, leading to their instrumentalization in the function of the most powerful member states, or, on the contrary, it gives proper weight in the sense that the key distinctive national interests of the member states can be successfully embedded, integrated and implemented through the instruments of the CFSP?

### **The strategic partnerships and other CFSP's instruments**

By the change of the international constellation, there is an occurrence of adaptation of the CFSP's instruments themselves, as well as their relative importance within the total available toolbox. With the emergence of a new multipolar order, the strategic partnerships gain higher priority. But their full effectiveness is only possible if they are well balanced with the other instruments, especially with the effective multilateralism, focused neighbourhood policy and the completion of the enlargement process.

The instrument of EU enlargement has proved indispensable for the EU aspirations to gain weight and power of a global actor. With the enlargement in the last decade, the EU has nearly doubled the number of its member states, as well as its total population and

territory. The enlargement will continue until a territorial completion of a certain sustainable geopolitical space that should be highly integrated occurs.

The instrument of European neighbourhood policy is naturally attached to the enlargement, as an instrument of pacification, adaptation and directing the development in the areas outside of the EU's projected borders. European neighbourhood policy "can be understood in terms of an ongoing project of re-territorialisation that combines traditional geopolitical concerns and a 'politics of regional difference' with a post-national focus on mutual interdependence and partnership" (Scott, 2009:232).

Effective multilateralism is an essential concept of the distinctive European approach to the international relations. "In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system" (European Council, 2003:19). Therefore, special attention should be paid to the mutual relationship of the strategic partnerships and effective multilateralism. On one hand, there is the view of the strategic partnership as an instrument of effective multilateralism, i.e. the interpretation that although strategic partnerships are bilateral instrument, they should simultaneously connect and converge bilateral, minilateral and multilateral formats and thus to be functionalized in achieving the main objective - effective multilateral order (Grevi, 2010,2012; Gratius, 2011). On the other hand, the strategic partnerships and effective multilateralism can be seen as competitive tools in the arsenal of a pragmatically realpolitik oriented CFSP. At certain times or certain situations they can be compatible, but if the EU aspires to function in the format of a strong international actor, it shouldn't and mustn't be enslaved by its normative narration and to put its available instruments for the purpose of that narration at any cost, but rather pragmatically, from case to case, depending on its interests, to use the most appropriate instrument. Sometimes it is a strategic partnership, sometimes a multilateral arrangement.

However, if the new global order is being developed outside the framework of effective multilateralism, the EU's weight on the global stage will be relatively small, because it, as a Union, has no tradition of action in the framework of realpolitik (Renard, 2012:4). Therefore, to maintain its relevance in the international arena, the EU must actively strive towards shaping a multilateral order, where it because of its own constitutive experience is on a well known field. In this context it is worth to remind ourselves of the deeply rooted warnings of the neorealistic school of thinking that a multipolar order which is not 'balanced' or situated in multilateral frameworks is extremely dangerous and confrontational system of international relations (Waltz, 1979).

An interesting and inspiring synthetic interpretation of these phenomena is the so-called inter-polar order. Namely, the concept of inter-polarity represents a synthesis of multipolarity and interdependence, where basically it has been argued that any established or emerging global power will be limited in its power by highly growing connectivity and interdependence in all key domains - economy, energy, security, environment. An "existential interdependence" has been diagnosed, that inevitably leads all global actors towards cooperation rather than towards conflicts (Grevi, 2009). Thus it comes to a model of multilateral multipolar order as an anticipated optimal outcome of current trends.

### **The relevance of the strategic partnerships - observations and dilemmas**

Current as well as previous thematizations of the strategic partnerships have imposed some dilemmas, allowing space for critical understanding of their role and importance.

Above all, the dilemma for the EU status as a strategic partner - whether it has already been assigned, predefined, constitutive, i.e. it is naturally derived from the total capacities and features of the Union, or independently of them, it should be recognized by its partners and should keep on confirming? Grevi considers that the status of a strategic partner of the EU is not given, but it must be recognized by its partners. At the same time, the already established as well as emerging centers of power also face strong pressures to continuous adaptation to the changes brought by more profound global interdependence. To get an effective tool the Union should design the strategic partnerships in a way that it will provide a delicate balance between its interests and its values. At the same time, taking into account the great diversity of individual strategic partners of the EU, there cannot be a universal recipe for the design and implementation of the strategic partnerships (Grevi, 2010, 2012).

The next important dilemma is related to the question of whether strategic partnerships are truly strategic by its "nature" or, they are more "ad hoc" partnerships. According to Renard, they lack the necessary comprehensiveness, but they are mostly focused only on the trade and economic issues. He believes that the EU doesn't cooperate with its strategic partners regarding the vital issues that really have strategic character (Renard, 2011). Close to this is the question of the character of strategic partnerships - whether their character is active or mostly reactive? Even the President of the European Council himself, at the opening of the debate on strategic partnerships in this body,

lapidary notes"... there are strategic partnerships, now we need a strategy" (Van Rompuy, 2010).

And, of course, the most important dilemma, the influence of the strategic partnerships as an instrument of the CFSP - are they with or without structural and institutional influence on the mutual relations of the strategic partners? In the context of the normative discourse of the EU, its foreign policy is aimed at strengthening international cooperation directed towards building an order based on effective multilateralism and global governance. In this context, it refers to the so-called structural foreign policy of the Union, which is based on high coherence between the internal and external policies and tends towards realization of its interests on a long-term and sustainable way within a global system based on rules and cooperation (Keukeleire and MacNaughtan, 2008:25-28). The structural foreign policy has a particular influence on the economic and social structures of the partners (regardless if they are states, regions or international organizations), it is implemented by peaceful means, and it is not conjunctural, but medium and long-term oriented (Telo, 2001). Sautenet, through detailed analysis of the EU strategic partnership with China, argues that strategic partnerships as instruments of 'soft law', which are complementary to the legal bilateral framework that defines the EU's relations with its partners, are developing simultaneously in two directions: as a para-legal instrument that gives dynamics to the economic cooperation, helps to come to the conclusion of sectoral agreements and integrates the political dimension; and, as a pre-legal instrument that enables partners to lay out achieving some new legally binding framework agreements (Sautenet, 2008:13).

A special interest causes the relationship between strategic partnerships with state actors and strategic partnerships of the EU with other regional organizations, so-called EU inter-regional strategies. It can be noted that in the last period the EU prefers the strategic partnerships with the states, at the expense of the strategic partnerships with the regions and regional organizations where these states belong. It can be interpreted as an indicator of mitigation of the strong multilateral ambitions of the EU at the expense of adaptation to the imperatives of the realpolitik. But it raises the question whether the EU in this way, by forcing bilateral arrangements with particular regional power, discourages or has a negative influence on the regional integration under its own model. Does it also mean a weakening of the capacity for projection of its integration model in other parts of the world, i.e. weakening of the normative power of the EU?

### Concluding remarks

The strategic partnerships as an important instrument of the CFSP in its form and content are quite heterogeneous. In the context of the growing complexity of the system of international relations, especially in the light of the emerging multipolarity and accelerating interdependence, they are flexible and multifunctional part of the Union's toolbox and as such provide broad opportunities for constant adjustments for better extent of the priorities of the partners and for changes of their profile on the global stage.

The strategic partnerships as an instrument of the EU's CFSP have been established to enable the Union to operate globally in a changed international constellation. The main task of the strategic partnerships is to enable adjustment of the EU to the ongoing transformation towards a multipolar order. The creation of strategic partnerships is an attempt to avoid the danger, or, more precisely, timely confronting the threat of potential irrelevance of the Union as a global actor, if accommodation does not occur timely. Due to the rapid transformation of the international order, the design of strategic partnerships as an instrument of the required continuous accommodation is flexible. For critics of this instrument it is unfinished, very flexible, devoid of substantiality. But on the other hand, these identified "deficiencies" give it the necessary flexibility and openness to transformation in order to perform its functions effectively.

The strategic partnerships should ensure effective implementation of the CFSP in order to realize the objectives and protect the interests of the Union. In a polycentric world, with fragmented and diffuse distribution of the power between different, already established as well as new emerging actors, in terms of growing interdependence, the strategic partnerships should enable the Union a global visibility and recognition, an efficient frame for optimal realization of its economic interests and continual expansion and deepening the areas of cooperation, creating real basis for long-term sustainable system of international relations, a system which is capable to provide a responsible global governance, as the only possible response to the growing global issues and challenges.

### References

1. Drent M. and Landman L. 2012. *Why Europe needs a new European Security Strategy*. Policy Brief. The Hague: The Clingendael Institute.
2. European Council. 2003. *European Security Strategy: A Secure Europe in a Better World*. Brussels.

3. European Council. 2008. "Report on the Implementation of the European Security Strategy: Providing Security in a Changing World". In *EU Security and Defence: Core documents 2008* vol.IX, edited by Gliere C. 2009. Chaillot Paper 117. Paris: EU ISS.
4. European Council. 2010. Conclusions. EUCO 21/1/10, Brussels, 12 October 2010.
5. European Council. 2010a. "Strategic partners Progress report", 16-17 December, [www.europolitique.info/pdf/gratuit-fr/285183-fr.pdf](http://www.europolitique.info/pdf/gratuit-fr/285183-fr.pdf)
6. European Union. 2010. "Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union", Official Journal of the European Union, C 083, 30 March 2010.
7. Eurostat. 2014. The EU in the World: A Statistical Portrait. Luxembourg: European Union.
8. Георгиева Л. 2010. *Европска безбедност*. Скопје: УКИМ - Филозофски факултет.
9. Gratius S. 2011. *Can EU Strategic Partnerships deepen multilateralism?* Madrid: FRIDE.
10. Grevi G. 2009. *The interpolar world: a new scenario*. Paris: EU ISS.
11. Grevi G. 2010. *Making EU strategic partnerships effective*. Madrid: FRIDE.
12. Grevi G. 2012. *Why EU strategic partnerships matter*. Madrid: FRIDE.
13. Grevi G. and Vasconcelos A., eds. 2008. *Partnerships for effective multilateralism: EU relations with Brazil, China, India and Russia*. Paris: EU ISS.
14. Keukeleire S. and MacNaughtan J. 2008. *The foreign policy of the European Union*. London: Palgrave Macmillan.
15. Krauthammer C. 1990. "The Unipolar Moment". *Foreign Affairs*, vol.70, no.1, pp.23-33.
16. Manners I. 2002. "Normative Power Europe: A Contradiction in terms?". *Journal of Common Market Studies*, Volume 40, Number 2, pp.235-258.
17. Manners I. 2006. "Normative Power Europe reconsidered: Beyond the Crossroads". *Journal of European Public Policy*, Volume 13, Number 2, pp.182-199.
18. Missiroli A. 2013. *Strategic foresight - and the EU*. Paris: EU ISS.
19. Renard T. 2011. *The Treachery of Strategies: A call for true EU Strategic Partnerships*. Egmont Paper 45. Gent: Academia Press.
20. Renard T. 2012. *The EU Strategic Partnership Review: Ten Guiding Principles*. Madrid: FRIDE.

21. Sautenet A. 2008. *Europe and China: Cooperation with Complex Legal Dimensions*. Paris: Institut Francais des Relations Internationales.
22. Scott J.W. 2009. "Bordering and ordering the European Neighbourhood: A critical perspective on EU Territoriality and Geopolitics". *Trames*, 13(63/58), 3, pp.232-247.
23. Shapiro J. and Witney N. 2009. *Towards a Post-American Europe: a Power Audit of EU-US Relations*. London: European Council on Foreign Relations.
24. Smith M. and Xie H. 2010. "The European Union and China: The Logics of 'Strategic Partnership'". *Journal of Contemporary European Research*, Volume 6, Issue 4, pp.432-448.
25. Telo M. 2001. "Reconsiderations: Three Scenarios". In *European Union and New Regionalism: Regional Actors and Global Governance in a Post-hegemonic Era*, edited by Telo M. Aldershot: Ashgate.
26. Ванковска Б. 2010. *Институциите на ЕУ: до Лисабон и по него*. Скопје: УКИМ - Филозофски факултет.
27. Van Rompuy H. 2010. Message of President Van Rompuy, European Council, Sept. 2010.
28. Waltz K. 1979. *Theory of International Politics*. McGraw-Hill.
29. World Bank. 2015. *World Development Indicators*. Washington DC.





## EU AS A GLOBAL SECURITY ACTOR - ACHIEVEMENTS AND CHALLENGES

Aleksandar Pavleski

Institute for Security, Defense and Peace - Faculty of Philosophy, Skopje

pavleski@fzf.ukim.edu.mk

### Abstract

The contemporary security environment has imposed a necessity of applying a comprehensive approach related to dealing with security risks and threats. Such an approach should be based on the expansion and deepening of the security concept. The expansion of the security concept is related to the security perception through the prism of military, political, economic, societal and environmental sphere. On the other hand, starting from the individual to international level, deepening of the security concept is related to the inclusion of more actors in the security sphere. In this context, this paper analyzes EU security role as a global security actor. Actually, in light of the achievements and the challenges for the EU in this field, the research question to be answered is: Is the EU a serious global security actor today? According to this, the paper specifically analyzes the EU's major policies and strategies in the security sphere, as well as the EU's security arrangements in the field of civil and military crisis management.

**Keywords:** European Union, security, crisis management, foreign policy.

### Introduction

The EU Foreign and Security Policy as well as the EU external relations have become very dynamic and intensive since the end of the Cold War, especially with the entry into force of the Treaty of Maastricht in 1993. Actually, as a result of a wide range of activities that have been undertaken in this area in the past 25 years, the EU has established bilateral and multilateral relations with almost every country and every region of the world. One could argue that the EU is recognized as an international actor today, especially in the field of international politics, economy, trade, development of international cooperation, promoting democracy and human rights as well as in the security sphere.

However, being a regional organization does not equate to being an actor. Actorness can be defined as the capacity of regions and regional organizations "to develop

presence, to become identifiable, aggregate interests, formulate goals and politics, make and implement decisions" (Rüland 2002,3). Related to this definition, it could be concluded that the EU is a recognizable actor in the international arena today since it meets all of these criteria. Over the last two decades, the EU institutions have been granted more powers in the security area, as well as an extended mandate to defend European interests and to shape the EU's global profile. The EU's security role is also confirmed by the goals, objectives and decisions implemented in the EU Common foreign and security policy, European security and defense policy, EU security strategy, as well as by the undertaken worldwide military and civilian missions. Yet, the EU remains a fledgling security actor with limited capacities in preventing and resolving certain contemporary security risks and threats, such as the crises in Ukraine, Iraq and Syria. As a result of all these processes, the actual perception of the EU as a security actor is more ambitious and more complex than the prior one.

This paper looks into the EU's strategic approach to global security, mainly through the major security policies and strategies, as well as through the missions, operations and the EU's response to the contemporary security risk and threats.

### **The Common Foreign and Security Policy (CFSP)**

Responding to the post-Cold War security problems and cross-border challenges, the EU established the Common Foreign and Security Policy (CFSP) in 1993. The establishment of a second pillar - CFSP - has produced as a side effect expansion of the areas of the EU external relations that had previously been exclusively economic by nature.

The 1997 Treaty of Amsterdam identified four main CFSP instruments: 1) principles and guidelines, which provide general political direction; 2) common strategies, which set out objectives and means; 3) joint actions, which address specific situations; and 4) common positions, which define an approach to a particular matter. In this context, the implementation of other relevant CFSP instruments that have been established with the Treaty of Amsterdam in 1997, such as: the High Representative for the Union in Foreign Affairs and Security Policy, Group of RELEX Advisors and CFSP Working Groups is also important step.

All of these new instruments and bodies have improved the enhancing of decision making process as well as the institutional strengthening in the CFSP sphere. Therefore, they have positive impact to the proliferation of the EU as a serious security actor.

### **The European Security and Defense Policy (ESDP)**

The St.Malo's 1998 Declaration, which stated that the European Union "must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises", has had a most important impact on the ESDP development.

Therefore, the military dimension of ESDP was established at the EU Helsinki summit in 1999, related to the headline goals that were determined, such as: ability to deploy within 60 days and within a year to maintain forces in the capacity of 50-60 000 troops by the end of 2003. Meanwhile, in 2004, the EU defined new headline goals for 2010 that have opened transformation from quantitative concept into qualitative one. Hence Battle Groups were formed which are characterized by high readiness and smaller numbers (1500), and which should be able to respond quickly in crisis (30-120 days).

On other hand, the EU member states began to commit to the establishment of the EU civilian capabilities at the Feira European Council meeting in 2000. At the time, they focused on four areas: police, civil administration, rule of law and civil protection. Two further areas were added in 2004: monitoring and supporting the EU Special Representatives. More recently, security sector reform (SSR) has also been added.

In order to enable the EU fully to assume its responsibilities for crisis management, the European Council (Nice, December 2000) decided to establish permanent political and military structures. Thus the Political and Security Committee (PSC) keeps track of the international situation and helps defining policies within the Common Foreign and Security Policy (CFSP). It prepares a coherent EU response to a crisis and exercises its political control and strategic direction. The European Union Military Committee (EUMC) is the highest military body composed of the Chiefs of Defense of the Member States which provides the PSC with advice and recommendations on all military matters within the EU. The Committee for the Civilian Aspects of Crisis Management serves as a working group that makes recommendations and helps with strategy development on civilian issues. Its main effect has arguably been to ensure an appreciation of the importance of civilian work to post-conflict and other crisis situations. Another important institutional innovation in recent years is the establishment of a Civilian Planning and Conduct Capability (CPCC) in 2007, which serves as a headquarters for EU civilian missions, providing planning and operational support.

### **The European Security Strategy (ESS)**

The European Security Strategy (ESS) adopted by the European Council on 12-13 December 2003 provides a conceptual framework for the CFSP. Therefore, it is another important touchstone for understanding the basic philosophy of EU foreign policy. The ESS sets out three broad strategic objectives: 1) necessary actions in addressing a considerable list of global challenges and security threats, including regional conflicts, proliferation of weapons of mass destruction, terrorism, state failure, organized crime (The 2008 Report on the Implementation of the European Security Strategy adds piracy, cyber security, energy security, and climate change to the list (Council of the EU 2008)); 2) building regional security in its neighborhood: the Balkans, the Caucasus, the Mediterranean region, and the Middle East; 3) building multilateral world order in which international law, peace, and security are ensured by strong regional and global institutions (Council of the EU 2003).

The ESS asserts that the threats and challenges it describes cannot be adequately addressed by military means alone, but require a mixture of military, political, and economic tools.

The EU's neighborhood policy (ENP) is important instrument related to the realization of second strategic objective. Actually, it provides the EU with a framework and tools to promote its interests and manage security on its eastern and southern borders. Still, regarding to the current security environment, it could be noted that ENP is now cracking from all parts. Therefore, to the East, the unfolding Ukrainian crisis is showing the limits of the EU's power, while, to the South, the so-called "Arab spring" has fundamentally changed the socio-political landscape, and the regional security dimension has deteriorated into chaos in many places. Thus, the EU's inability to foresee and subsequently manage this grave situation on its borders was perhaps the most powerful signal that the ENP had not been delivering expected results.

Regarding to the effective multilateralism, the ESS stressed that the interconnected and transnational security issues must be tackled with a tailored set of actions and policies by groups of states. It rejects unilateral approaches. Effective multilateralism calls for broad coalitions, not only with the USA, but also other states, such as Russia, China, and India.

However, twelve years after the adoption of the ESS, the EU has a chance to revisit and update its security strategic approach with a new Global strategy on foreign and security policy which should be prepared by June 2016.

### **The Contributions of the Treaty of Lisbon**

The Lisbon Treaty has enabled several EU policies to be reformed. Related to the external policies of the EU, above all, the Treaty of Lisbon gives greater coherence and visibility to the CFSP. Therefore, the EU acquires legal personality, enabling it to negotiate and to be a contracting party in International treaties. In addition, the EU is henceforth represented globally by the High Representative for Foreign Affairs and Security Policy whose aim is to improve the consistency, effectiveness and visibility of the EU's external action. Actually, he contributes to the development of the CFSP by submitting proposals to the Council and the European Council. Then, he enforces the decisions adopted, as a representative of the Council. However, the High Representative of the Union does not have the monopoly on the EU's external representation.

The Treaty of Lisbon also gives the President of the European Council responsibility for the external representation of the EU, at a separate level, without prejudice to the powers of the High Representative. The main role of the President is to improve the cohesion and effectiveness of the work carried out within the European Council.

As mentioned above, a section of the founding treaties with the Treaty of Lisbon is devoted to the Common Security and Defense Policy (CSDP). Actually, with the Treaty of Lisbon, the former ESDP has been replaced and enlarged by CSDP. The CSDP is focused on establishing of a common European defense capability. Therefore, the CSDP includes the progressive framing of a common EU defense policy what should lead to a common defense. Regarding to this aim, EU countries must make civilian and military capabilities available to the EU to implement the CSDP.

### **Missions**

As of October 2015, there are 18 active CSDP missions: 7 military missions and 11 missions of a civilian nature.(CDSP missions and operations 2015) It should be also stressed that the EU missions are generally undertaken on the basis of a U.N. mandate or with the agreement of the host country.

According to the active missions, the EU Rule of Law Mission in Kosovo (EULEX) is a civilian rule-of-law mission that trains police, judges, customs officials, and civil administrators in Kosovo. EULEX was launched in 2008 and it is the largest EU civilian operation ever undertaken. The military operation (EUFOR) Althea is a peace-enforcement mission in Bosnia and Herzegovina that was launched in December 2004. It undertook the

responsibility for stabilization of Bosnia after NATO had concluded its Stabilization Force (SFOR) mission there. The EU Monitoring Mission (EUMM) was launched in September 2008, shortly following the conflict in Georgia. Now it represents the only official international monitoring presence in the country. The EU also conducts a border assistance mission to Ukraine and Moldova (EUBAM), which was launched in 2005. EUBAM's approximately 200 staff members provide technical assistance and advice to improve security and customs operations along the Ukraine-Moldova border (Rehrl 2014).

The EU has also been very active in Africa, having taken part in 14 CSDP missions since 2003. Due to largely humanitarian concerns, geographical proximity and the potential spillover effects of instability, and historical ties rooted in former colonial relationships, Europe maintains a substantial political interest in Africa. This interest has often translated into a perceived responsibility to intervene or assist in problematic situations. In February 2013, the EU launched a military training operation in Mali (EUTM Mali); a civilian training mission called EUCAP SAHEL Niger in July 2012; further an operation *Atalanta* which is a maritime antipiracy mission off the coast of Somalia that was launched in 2008; a civilian mission (EUCAP NESTOR) in 2012, that aims to build the maritime capacity of five countries in the region (Djibouti, Kenya, Seychelles, Somalia, and Tanzania). Two small civilian CSDP missions operate in the Democratic Republic of Congo (DRC). The EU launched a security sector reform mission (EUSEC RD Congo) in June 2005, which gives advice and assistance regarding army reforms and modernization. The EU has also conducted a police training mission in DRC since 2005. The current operation (EUPOL RD Congo) was launched in July 2007.

### **Response to the Current Security Environment**

The current security environment that surrounds the EU is volatile, complex and uncertain. To the South and East, Europe is facing an arch of instability. Actually, in the south, ISIS and other terrorist organizations are proliferating instability in the Middle East & North Africa. In the East, the hybrid warfare waged by Russia against Ukraine and the illegal annexation of Crimea destabilize the Eastern Partnership countries. The migration crisis at the Southern and Eastern borders poses dramatic challenges, or better security threat, to the EU and its member states. It calls for collective action. In such a security environment the key problem lies in the lack of political will to fully use all existing military capabilities and instruments in order to achieve EU foreign policy goals and equally address security concerns of all member states.

However, the EU's response to the crisis in Ukraine is based on diplomatic and economic measures in general. These measures are related to an urgent need to agree on a genuine and sustainable ceasefire by all parties to create the necessary conditions for the implementation of peace plan. Regarding to the diplomatic measures, starting from March 2014, the EU has progressively imposed restrictive measures in response to the illegal annexation of Crimea by Russia and destabilization of Ukraine. Actually, in July and September 2014, the EU imposed economic sanctions targeting exchanges with Russia in specific economic sectors, while in March 2015 the EU decided to align the existing sanctions regime to the complete implementation of the Minsk agreement (launched on 15 February, 2015), which is foreseen for the end of December 2015. In meanwhile, the EU-Russia summit was cancelled and EU member states decided not to hold regular bilateral summits. Bilateral talks with Russia on visa matters as well as on the New Agreement between the EU and Russia were also suspended. EU countries also supported the suspension of negotiations over Russia's joining the OECD and the International Energy Agency.

Regarding to the economic measures, in March 2014, the European Commission proposed a support package of over €11 billion for the next couple of years. Actually, this economic support is based on both macro financial and development assistance. Related to the first one, the finance assistance should support Ukraine over the next few years, including the Macro Financial Assistance and the loans from the IMF, the World Bank and the EU-based International Financial Institutions. On other hand, the development assistance should aim improving the financial capability of the government and support the institutional transition of the society. According to the projected plan, this assistance should be complemented by actions aimed at supporting civil society.

Regarding to the second strategic objective of the ESS, it could be noted that by providing support for Ukraine, the EU provides support and security for itself. Therefore, the EU response must be focused on the determination to de-escalate the conflict by helping Ukraine to sustain its independence, sovereignty, unity and territorial integrity.

The EU has similar approach, based on the economic and diplomatic measures as a response to the crisis in Syria. Actually, the EU is a leading donor in the response to the Syria crisis with over €4.2.billion of total budget mobilized by the Commission and the member states collectively in humanitarian, development, economic and stabilization assistance (European Commission 2015). In general, the EU is supporting humanitarian programs which provide millions of people with life-saving assistance including food and

safe drinking water, non-food items, shelter, emergency medical treatments and protection. In order to achieve these objectives and to ensure the effectiveness of its response, the EU must secure sustainable and predictable funding commensurate to the unprecedented level of needs in the region of the Middle-East. It is necessary because the conflicts in Syria and Iraq have growing potential to destabilize neighboring countries and the wider region. Therefore, the Commission proposes an aid package of EUR 1 billion from the EU budget for years 2015 and 2016 (European Commission 2015).

Actually, the EU has a responsibility to ensure that it uses its influence and its numerous instruments effectively and coherently to defend human lives, human dignity and rights, and help resolve these crises, in close coordination with regional and international partner. Regarding this responsibility, in 6 February 2015, the European Parliament and the Council have achieved a Joint Communication about the elements for an EU regional strategy for Syria and Iraq. According to the objectives, the document emphasizes the need for the EU counter against the threat posed by Islamic State and other terrorist groups which represent a security threat to regional and international stability, as well as for simultaneously creating the conditions for an inclusive political transition in Syria and lasting stability in Syria and Iraq. It is also stressed that sustained EU high level diplomacy in the region is crucial to contribute to the necessary changes.

Related to military response of the crisis in Syria, the EU is a part of the Global coalition against terrorist groups in the region. The Coalition was launched in September 2014 and has the support of over 60 countries, including key countries in the region.

In general, the EU has comprehensive and mostly non-military response to the crisis in Syria. Such an approach is confirmed by the fact that together with the countries of the region and international partners the EU has active political and diplomatic engagement with the objective to de-escalate the regional tensions on the one hand and the war between the Assad regime and the armed opposition on the other hand. Still, having in mind actual consequences related to the migrant and refugee crisis in Europe, it is no doubt that the EU should have more active role in resolving the crisis in Syria. This is confirmed and by the president of the European council, Donald Tusk (Tusk 2015). According to him, the refugee crisis would be resolved by ending the conflicts underpinning it. Therefore, the EU needs to find sustainable political solutions in regions in conflict, such as Iraq, Syria, Libya and the Middle East. It should be also noted that the Islamist extremism such as that demonstrated by Islamic State, has to be fought with determination.



## Conclusion

This paper discusses if and how the EU became a serious global security actor in the past 25 years. Therefore, it should be noted that seeking to play a more active security role in global affairs in current period, the EU has developed abroad framework of strategies and policies such as: CFSP, EDSP/CSDP, ENP, ESS as well as Internal Security Strategy. This framework is important from several aspects: 1) defining a common EU security and defense objectives; 2) defining common EU security risks and threats; 3) granting more powers to the EU institutions in the security area; 4) development of military and civilian capabilities for dealing with the security challenges; 5) launching numerous EU's mandate military and civilian missions and operations. All of these aspects are confirming the fact that in the past 25 years, serious activities and measures have been taken by the EU. There is clear evidence that the EU is establishing instruments and measures in order to promote itself as a serious security actor. As a result, through the civilian and military crisis management, the EU has been active over the last decade in Europe, Africa and Middle East.

At this stage, the EU member states stand ready to fight for their interests wherever they are, including far abroad. Still, it should be stressed that the EU itself has launched a number of operations, but all of them have been essentially of unconventional nature (counter-insurgency, counter-terrorism, counter-piracy, peace-keeping, etc.), nothing thus similar to a large-scale conflict (such is current conflict in Syria).

Actually, from current point of view, there are still challenges in terms of affirmation of the EU as a serious global security actor. The EU's security policy should rely on updated threat assessments and strategic documents. Having in mind the importance of ESS related to defining the security threats as well as the needed approaches for dealing with them, therefore it should be noted that there is no mechanism for updating or launching a new ESS. As a result, the ESS risks becoming increasingly irrelevant over time as the strategic landscape changes. As example, the economic crisis that is not mentioned in any of the EU's strategy papers, has produced a serious constrains to European defense and security budgets. Therefore, a new Global strategy on foreign and security should be based on a clear guidelines about how the EU sees its role in the world, in order to legitimize its actions vis-à-vis parliaments and citizens, and to create clarity vis-à-vis allies, partners, and competitors alike.

Syria, as another example, was and still is attracting large amounts of young fighters from European countries-much more than any conflict did. Therefore, the risk that

these trained and radicalized youths could return to Europe and try to do harm is not to be neglected. In addition, Europe's neighborhood is increasingly a space of conflicting interests between the EU and other powers, which constrain the EU's strategic maneuver approach.

However, it should be stressed that the EU is a nascent security actor. As noted above, the first CSDP operation was only launched in 2003 and all the following operations have remained of relatively small scale. There have also been a certain number of missed opportunities for CSDP as well, in Libya or in Syria, whereas some available capabilities such as the EU battle groups continue to be simply ignored. As a result, the EU is not yet perceived as a serious security actor in certain regions of the world. Therefore, it could be noted that a lot of work has still to be done internally, before EU can really start shaping the global security environment.

### **Bibliography**

1. "A Secure Europe in a Better World—European Security Strategy", Brussels, December 12, 2003
2. CAMERON, F. (2007) *An Introduction to European Foreign Policy*. Routledge.
3. Christian, Kaunert, and Kamil Zwolski. (2007) *The EU as a Global Security Actor: A Comprehensive Analysis beyond CFSP and JHA*. Palgrave Macmillan
4. CHRISTOPHER, S. C. (2010) *EU Civilian Crisis Management-The Record So Far*, National Defense Research Institute, RAND Corporation
5. European Commission. 2015. "Humanitarian Aid and Civil Protection: Syria crisis" Accessed November 15.  
[http://ec.europa.eu/echo/files/aid/countries/factsheets/syria\\_en.pdf](http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf)
6. European Council. 2015. "Address by President Donald Tusk at the 70th UN General Assembly debate." Accessed September 30.  
[http://www.chicagomanualofstyle.org/tools\\_citationguide.html](http://www.chicagomanualofstyle.org/tools_citationguide.html)
7. JURGEN, R. (2002) *Inter and Transregionalism: Remarks on the State of the Art of a New Research Agenda*, National Europe Centre Paper No.35.
8. "Report on the Implementation of the European Security Strategy—Providing Security in a Changing World", Brussels, December 11, 2008
9. SMITH, K. (2003) *European Union Foreign Policy in a Changing World*. Oxford: Polity

10. TOMAS, R. (2014) *The European Union: A New Security Actor?* European University Institute, RSCAS Publications
11. ZIELONKA, J. (2006) *Europe as Empire. The Nature of the Enlarged European Union*. Oxford: Oxford University Press



## EU Policies on Preventing and Combating against Violence against Women

Zorica Saltirovska

Institute for Security, Defense and Peace, Faculty of Philosophy, Skopje

zorica\_ind@yahoo.com

### Abstract

The European Union is strengthening its efforts in the direction of emphasizing the wide extent and the nature of violence against women. In these efforts, it is supported by its Member-States. They have been using their own initiatives, based on comprehensive data, to participate in the creation of political and practical measures and policies for prevention of and combating this issue. The Council of Europe Convention on Preventing and Combating Violence against Women from 2011 (Istanbul Convention) is the first legally binding regional document which deals comprehensively with various forms of violence against women. The 2012 EU Directive determines minimal standards in the area of justice, protection, and support of victims of crime, whereby special attention is paid to victims of gender-based violence, and victims of sexual violence. Campaigns on the level of member-states aim at educating men and women on gender-based violence, encouraging victims to report the criminal act, increasing victim protection, raising awareness on the existence of violence against women and on the need of prevention and combating it. The Member-States ought to reexamine their legislature in the part of violence against women, and synchronize it with the existing instruments of the Union.

**Keywords:** violence, women, gender-based instruments, European Union, EU policies

### Introduction

In spite of the progress in the direction of eliminating gender inequality, some other forms of violence (such as rape, spousal abuse, sexual violence, and workplace and street violence) illustrate the still submissive position of women. Violence against women is increasingly being acknowledged as a form of discrimination and a violation of women's

fundamental rights. UNIFEM estimates that one in three women worldwide is submitted to some form of gender-based violence (assault, rape, trafficking, abuse, etc) (UNIFEM, 2003:6). The US Center for Disease Control and Prevention reports that each year in the USA 1,500,000 women are being raped and physically assaulted by their intimate partner (Domestic Violence – A National Report, 2005). According to the UK Home Office, domestic violence is the leading cause for female mortality in women aged 19 to 44. It is exactly this wide dispersion and heavy social and financial consequences that raise the profile of violence against women as a security issue, which is increasingly being included in security policies (Ibid).

The spread of physical and sexual violence against women in the EU countries has called for a comprehensive research of this phenomenon. The results are now used in both national and EU policy-making that introduces and implements new comprehensive measures to combat and adequately respond to the problem of violence against women.

### **1. Defining Violence against Women and the EU Approach in Tackling the Problem**

Even though violence against women has always existed, it is not until the last couple of decades that it gains prominence as an issue. The international community is increasingly dealing with gender violence and acknowledges it as a violation of women's human rights. Until recently, violence against women was not considered a criminal act. The situation has changed in the past two decades. Yet it is alarming is that even today women's security does not receive the necessary attention. That is the reason why these problems are often prone to double marginalization – in national security policies, domestic violence is considered a private, domestic affair, whereas in international security it is treated as a national affair of a sovereign state. However, recently many countries have acknowledged the growing violence against women as a violation of human rights and have increased criminalization of its various forms. Furthermore, what is evident is the emergence of political initiatives for changes in legislation.

On an international level, several legal instruments deal with violence against women, the most significant one being the 1992 General Recommendation of the Committee for Elimination of all Forms of Discrimination against Women (CEDAW), which is an amendment of the Convention bearing the same name, which defines gender violence as a form of discrimination which is seriously inhibiting the capacity of women to enjoy the rights and freedoms on an equal basis with men. The UN also founded a working group,

aiming to provide for a greater systematic support on a national level (A/RES/61/143), and a database on violence against women was subsequently created. The pioneering definition on violence against women was instituted in the 1993 UN Declaration on the Elimination of violence against women (Article 1), stating that violence against women is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” This definition was asserted and extended at the Fourth Conference on Women held in Beijing in 1995. Within the Beijing Declaration, an Action Platform was introduced. The definition includes physical, sexual, and psychological violence which occurs within the family (assault, sexual abuse of girls within the family, marital rape, genital mutilation in female children, and other traditional rituals harmful to women, non-marital violence, and violence associated with exploitation), within the wider community (rape, sexual abuse and intimidation at the workplace and in institutions, trafficking in women and forced prostitution), and by the state (violence done or pardoned by the state). In 2006, the UN General Secretary initiated an in-depth study in order to collect data from Member-States on the nature and existence of all forms of violence against women, and national activities to counter these forms of violence.

On a regional level, the Council of Europe has prepared recommendations and resolutions on violence against women, and in 2005 it founded a working group to evaluate national and international measures against this form of violence. The 2006- 2008 campaign combating violence against women aimed at raising public awareness, promoting support and protection of victims, improving data collection, and instigating changes in the legal solutions regarding prevention and combat against this form of violence. In April 2011 the Council of Europe adopted a Convention on Preventing and Combating Violence against Women (Istanbul Convention). It defines violence against women as “violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. Domestic violence is separately defined as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The Istanbul

Convention binds all parties to criminalize all forms of violence against women, so that these can be recognized, and criminals can be persecuted and punished.

The EU has not adopted a definition on violence against women, and does not dispose of any special legislative to encompass all its forms. The EU invokes existing definitions of the UN and the Council of Europe, while its legal and political approach is based upon focusing on specific forms of violence, such as trafficking in women, and female genital mutilation. On the EU level, there are regulations dealing with certain forms of violence (for instance the Declaration on Gender Equality, which among other things refers to prevention and combating sexual harassment), and on the level of member-states, certain forms of violence against women have been criminalized, though with varying differences regarding acts which have been criminalized, as well as different definitions. In principle, criminal codes of the EU member-states refer to violence, though there are still many impediments as to their efficient and consistent implementation, due to which there is a lack of access to equal compensation and protection of victims. In 2011, the European Commission enacted the Directive establishing minimum standards on the rights, protection, and support for victims of crime, which is especially connected to vulnerable categories and the prevention against secondary victimization due to an inadequate treatment by the criminal justice system. This Directive especially recognizes and singles out victims of gender, sexual, and domestic violence as vulnerable categories, leading to the adequate acknowledgment of their needs. Thus, EU legislative includes the rights of women-victims of violence within the rights of victims of crime in general. Lacking a legal instrument on gender violence, the EU relies on policies and instruments which encompass the issue in an intermediary way, for instance the 2010 Women's Charter; the Mid-term Review of the Strategy for Equality between Women and Men of 2010-2015; the Daphne Program of 2000 which provided for funds for tackling the issue of violence against women in the EU; the Daphne III Program of 2007 on combating violence against children, adolescents, and women, which is a part of the General Program on fundamental rights and justice, etc. In 2011, the European Commission commenced specific action to enact a Strategy on combating violence against women. However, due to lack of firm and consistent data on this issue at EU-level, which could be used in the creation of policies to respond to it, the action was aborted. Instead for the period of 2013-2015 the European Commission undertook specific activities to resolve violence against women in the EU, and placed them within the frame of the Strategy for equality between women and men (a campaign on gender violence, action to end genital mutilation of women, gathering knowledge on the



gender dimension of human trafficking, exchange of information and best practices among member-states in the combat against violence against women with handicap, etc.) In spite of this, the European NGOs (such as the European Women's Lobby), the European Parliament and especially the Committee on women's rights and gender equality (FEMM), lodged their criticism regarding the lack of specific strategy on actually dealing with the violence, and pointed to the necessity of enacting the specific legislative on EU-level in dealing with this issue.

## **2. Scope and Nature of Violence against Women in the EU**

Until 2014 the scope of violence against women in the EU was evaluated on the basis of data gathered from the official statistics of the criminal law within the frame of the EU Strategy for measuring crime, from victimization research, as well as other data gathered by Eurostat and other sources crucial to the Index of Gender Equality (IGE). The data collection system was not sufficiently developed, and since the data was collected on a national level, it could not be compared properly - the reason being mainly the differences regarding defining violence against women, as well as the improper use of different questionnaires and interviewing methods, different sample structure and size, etc. The data acquired on the spread of violence against women in a country depend on how wide the legal definition for any form of violence is, what is the level of consciousness of women faced with violence and their readiness to acknowledge it as a criminal offence, what is the reporting culture which reflects the women's trust in institutions in charge, what is the level of successful trials against offenders accused of committing such crimes, etc. Consequently, differences between countries regarding this issue can be stemming from these factors and need not reflect the real picture on EU-level.

The research done by the EU Fundamental Rights Agency (FRA) is the pioneering study at EU-level which prodded into the scope and nature of violence against women in all 28 countries, using the same questionnaire, same manner of application, and a randomly chosen sample. The research showed that violence against women in the EU is a widely dispersed criminal act which women do not sufficiently report to the authorities.

Physical violence is one of the forms of violence against women that is most widely spread. Most common forms of acts of violence are shoving, hitting, hair-pulling, grabbing, and slapping. FRA research showed that 31% of EU women have suffered one or more acts of physical violence after reaching 15 years of age, and 7% during only one year prior to the research (European Union Agency for Fundamental Rights, 2014). Even 11% of the former

category was subject to sexual violence, 2% of them in the previous year (2011), and 5% of them had been raped. In both forms of violence, the women's current or former intimate partners, or a third person, were the offenders. In rape cases where the offender is the current partner, the offence had been repeated six or more times, 42% of the victims being pregnant women. The consequences of the physical and sexual violence are, above all, emotional (fear, rage, states of shock), but also psychological, which are longer-lasting and appear in the form of depression, anxiety, loss of the sense of self-worth, feelings of vulnerability, loss of sleep, inability to maintain concentration, etc. Despite these long-term consequences, only 14% of the women-victims of physical and sexual violence reported the act of aggression to the police authorities or any organization working to aid victims of violence. One quarter of the victims reported not having reported the act due to shame, and the majority of them failed to notify the authorities due to lack of trust in them (they believe that their claims will be ignored and not be acted upon). Even the women who reported the act are, in great deal, dissatisfied with the assistance they received.

Psychological violence is also widely dispersed. According to FRA research, 43% of EU women have experienced some form of psychological violence by their current or former partner (humiliation and shaming – 25%, threat of physical violence – 14%, prohibition from exiting the home, removing car keys from their possession or domestic incarceration – 5%). Recurrent forms of psychological violence (7%) can be recognized by some certain signs, such as decreased independence of the woman or a complete loss of independence in her private or domestic life. Economic violence was reported by 18% of the women, in the form of obstruction of independent decision-making regarding domestic finances, prohibition against working outside the home, or denying financial means. In part of these cases, the psychological violence was also accompanied by physical or sexual abuse.

FRA survey results show that 18% of EU women were victims of stalking since they have reached the age of 15, and 5% of them had that experience during the previous year. Moreover, 14% of them received offensive or threatening messages by the stalker, 8% were stalked to their homes or workplaces, and 3% of the cases include recurrent destruction of their own property. Virtual stalking (via e-mail, social networks, SMS or internet) specially concerns young women aged 18 to 29, and 4% of them have experienced this form of violence. In three thirds (75%) of these cases, the police never had any information, although interviewees stated that they had experienced the most severe forms of stalking.

The individual concepts of what sexual harassment entails vary, and they are in great deal an expression of social and cultural values, norms, and attitudes regarding

gender roles and relations. Sexual harassment is defined as a form of gender violence, and thus – sexual abuse. In the FRA research, three forms of sexual harassment were analyzed: physical (unsolicited physical contact, touching, hugging, or kissing) experienced by 29% of EU women, verbal (offensive comments, inappropriate invitations for dates, offensive or improper comments on physical appearance, intense questioning about private lives) experienced by 24% of the women, and non-verbal and online harassment (inappropriate and offensive looks, receiving or flashing sexually offensive images or presents, SMSs or e-mails with sexual content, and inappropriate befriending attempts on social networks) experienced by 11% of EU women. 45 – 55% of these women have faced sexual harassment since the age of 15, and in the previous year their percentage ranges from 13 to 21%. The majority of these women are aged 18-29 (38% in the previous year) and highly-educated women who work at high positions - 75%, and offenders are most often persons previously unknown by the victims (68%). Only 4% of the victims of sexual harassment reported the act to the police, and only 1% of them also sought the council of lawyers or some service offering assistance to victims.

Regarding violence they had experienced prior to the age of 15, 12% of the women reported having experienced some form of sexual abuse, 27% had experienced physical violence by an adult, and 10% psychological violence by an adult in the family. Offenders of these acts are mostly parents (in 55% it is the father, and 45% the mother), and in cases of sexual violence it is an unknown male – 97%. Furthermore, 73% of women victims of violence by the current or former partner stated that their children were aware of the violence – which in itself is an act of psychological violence against the children. Almost one third of women who faced sexual violence in after the age of 15 also reported acts of sexual violence in their childhood previously.

In analyzing results from the FRA research, the women's attitudes and their awareness of the violence against them were also taken into consideration. In societies where violence by a partner is a private issue, it is very unlikely that women-victims of such violence will share their experience with members of their wider family and friends, and even less likely that they are going to report it to the authorities. A staggering 78% consider violence against women to be widely spread in their country, and 39% of them personally know women who actually fall victims to it. On average, half of the women do not know that in their country, there are laws on domestic violence, and 19% of them do not know whether there is a service to support women-victims of violence. Only half of the women included in the research have heard about campaigns against violence (and only

recently), and 87% of the interviewed women hold that health workers are disinterested when faced with women who come in injured and only routinely ask them questions about possible violence.

### **3. New EU Strategic Approach in Combating Violence against Women**

Publishing the FRA research results marked the perfect moment for the EU to start solving the issue of violence against women on the basis of the gathered evidence, and to build a strategy that will deal with the crucial spheres of interest regarding women's experiences with violence. The research results could also be considered an incentive for the member-states to ratify the Council of Europe's Convention on Preventing and Combating violence against women and domestic violence (the Istanbul Convention), as well as an incentive for the EU to join the Convention. They undoubtedly strengthen the need for a consistent implementation of the existent penal measures, most of all through the EU directive on victims of crime. They highlight the importance of EU legislation and the policies concerning violence against women, which have to be put to practice to gain and maximize efficiency (the European Protection Order, and the EU Mutual recognition of protection measures in civil matters). The response measures must encompass multilateral subjects, such as employers, health workers, internet service providers, etc. This is crucially important since many women do not report their experiences with violence to the authorities, which leads to most cases being hidden, which in turn means that offenders are never punished or even opposed. More diverse means need to be found to uncover cases of violence and deal with consequences. Women need to be encouraged to speak out about their experiences, especially in cultures where there is no culture of open discussion on such 'private' matters. In these environments, the rate of violence is always lower (due to the mass number of unreported crimes, the unwillingness to talk about them, and recognize it), and consequently it is not considered a problem in their political circles.

Obviously violence against women is a widely spread problem in the EU, and its dispersion calls for a new strategic approach. The scale of the issue greatly supersedes most criminal areas on which EU has placed a political and strategic focus. Women in the EU are not a minority. They comprise one half of the population, and merely by sheer numbers deserve to see this issue in the spotlight. Member-States should at least re-examine their laws and their synchronicity with the Istanbul convention and the directive on victims, both of which have set new standards for response to violence against women. The lawful recognition of violence against women ought to be further strengthened with actions

to support the victims, satisfying their needs, and punishing offenders. What is especially important to young women who are vulnerable and at risk of becoming victims is prevention, raising awareness on violence against women, and a much needed shift of attitudes regarding this issue. In most cases the offenders in these crimes are men (according to FRA research), so they should be included in campaigns and initiatives against this form of violence, thus encouraging them to respect women and protect their dignity. Violence by an intimate partner must not be treated by countries as a private, but rather as a public problem, and laws must provide the same measure of support as that offered to women who have experienced violence by an unknown person (a person who is not and was not in any intimate relation with the woman victim). In violent relationships, violators must be closely observed to decrease potential of recurrence of the violent act. Therefore, national strategies against domestic violence should not exclude the fact that “the victim and the perpetrator share the same residence” (Article 3 of the Istanbul Convention).

Secondly, the FRA research showed a connection between an overuse of alcohol and increased violence against women by an intimate partner. This element ought to be taken into consideration in national policies and prevention measures, whereby the excess use of alcohol should be treated as a factor leading to violence. Police could contribute to the provision of bullet-proof evidence to this linkage by gathering information on domestic violence under the influence of alcohol in all cases where they are called in to intervene. Moreover, within the national measures for combating violence against women, the problem of overuse of alcohol should be encompassed, and support in this direction should be provided by the alcoholic beverages industry by promoting responsible consumption of alcohol (European Union Agency for Fundamental Rights, 2014).

The rate at which this form of violent crime is reported is also alarmingly low. Only one out of three women facing violence by their partner, and one out of four women facing violence by an unknown offender, were daring enough to report the crime to the police or some other service. The low rate of reporting is a serious problem that the EU needs to address. It is of the utmost importance that women report crimes being done against them, and it is similarly important that social norms be altered in environments that restrict women from sharing their stories. However, another aspect that leaves a lot to be desired is the treatment of the police and the methods it employs when dealing with victims. Many women in the research have stated that they did not dare to report the crime to the police because they either did not believe that the police could do something to assist them, or would not believe them. Women who reported the crime, in most cases, expressed lack of

satisfaction regarding the work of the police. In EU Member-States, two basic models of police action in cases of violence against women coexist. The first model includes a restraining order (even if the victim and the perpetrator live in the same residence), as a form of police intervention, followed by criminal persecution and a trial. This pilot-model is being used by 11 EU countries. The second model combines detention of the perpetrator with a jury approved restraining order, and is being practiced by at least 5 EU countries (Belgium, France, Ireland, Spain, and Sweden). Despite the fact that both models rely mostly on the police and the judicial system, the support services play a major role in the evaluation of the practical efficacy of the intervention in these incidents. EU countries need to develop other measures to build the trust in the police force, measures which will also serve to prevent and combat violence against women.

When it comes to identification of cases of violence against women, health services i.e. professional medical personnel play a major role. According to the FRA research, they are the most contacted service, which makes them the most reasonable potential in the process of identification of cases of violence, reporting them to the police, providing forensic evidence, and initiating interventions to uncover and solve cases of violence. For this reason, a law on confidentiality needs to be enacted, which will not impede them from reporting the case, if there are reasonable grounds for suspicion. Countries should also be encouraged to provide professional medical personnel that will not only do a routine check-up, but rather be capable and trained to detect cases of violence, and subtly encourage women to talk about their violent experiences.

In comparison with the percentage of women who contacted health services in case of violence, the percentage of those who contacted some professional service for support of victims is quite low (less than 4%). The reason for this could be found in the fact that in certain countries there are no such services, or there is a lack of information on their existence and roles. Women-victims of violence are reluctant to speak about it because of feelings of shame, guilt, or simply because in their environment there is a culture of placing the blame on the victims. The role of the professional support services is to convince women that they will not react negatively towards them, but will support them, and assist them in dealing with the culture of blame which they will face during the police and judicial questioning, and in the society. The professional services should also work on the detection of hidden cases of violence, and provide the same support to them. A victim's specific needs should be made clear and respected by the employees. Article 93b of the directive on

victims also envisions investments in associations for support of women-victims of violence, which are supposed to meet the needs of these women.

In the recent years, many EU countries have made significant progress in resolving the issue of violence against women, but that there is a lot more work to be done. The Istanbul convention recommends that EU countries re-examine their existing policies on violence against women and adopt new strategies, or revise the current ones. The efficiency of their policies and measures taken in this direction will be measured according to the rate of reporting cases of this form of violence, and the satisfaction of the victims who have reported it to the authorities in charge. From the aspect of harmonized gathering and exchange of information, it is vitally important that the institutions are in full cooperation, because no action can be efficient if it is being undertaken by merely one institution. The research proved that victims only contact certain institutions, so the cooperation will help in the spreading of information on the cases of violence against women to other institutions, which will undertake any action within their power to shed light and clear these cases. In this way, women will learn to trust these institutions more, and they will feel safer, knowing that each and every measure for their security is being implemented, especially measures assuring that violence is never again directed against them.

### **Conclusion**

Violence against women is a widely spread, grossly unreported violation of human rights in the EU. The research of FRA is the first and most comprehensive collection of data regarding this form of violence on EU-level. It caused a vivid discussion on the efficacy of the current policy and regulation on violence against women, and have also accentuated the urgent need for a new approach towards this issue, which calls for the development of new policies and a strategy for its resolution on EU and member-states level. Most of all, what is needed is to ensure the acknowledgement of the forms of violence against women as a violation of their fundamental human rights within the criminal justice framework of the EU. The member-states are encouraged to develop new specific action plans to tackle the issue of violence against women (using FRA results) which will encompass all subjects of the civil society which work or could be engaged in working with women-victims of violence. This will provide aid in the efficacy of the practical results and their sustainability. The mechanisms for financing which the Daphne Program is offering could be put to use in further research and the work of the organizations of the civil society dealing with violence against women, especially the services assisting the victims of such crimes. At EU level, the approach

towards this issue ought to be strengthened, while in this moment it is focused only on victims and their rights. This implies that domestic violence and violence done by an intimate partner should be recognized as a problem demanding state intervention (i.e. a problem of the state), rather than a private or domestic problem. To phrase it differently, the problem of violence against women is a public problem which, due to its wide spread and severe social and financial consequences, should be dealt with as a security issue on EU-level and should also be included in its member-states' security policies as such.

#### References:

1. Burgess, A. W., et al., (2010), *Victimology – Theories and Applications*, Jones and Bartlett Publishers
2. Commission on Domestic Violence, (2010): A nationwide research study on the prevalence of domestic violence against women in Malta and its impact on their employment prospects.
3. Council of Europe, (2011): Convention on preventing and combating violence against women and domestic violence, CETS No. 210, Istanbul.
4. Council of the European Union, (2014): EU Annual Report on Human Rights and Democracy in the World in 2013, 11107/14 COHOM 109 PESC 653 CSOP/PSDC 383 FREMP 127 INF227 JAI 540 RELEX 524, Brussels.
5. Decision No 779/2007/EC of the European Parliament and the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women to protect victims and groups at risk (Daphne III Programme) as part of the General Programme Fundamental Rights and Justice, JO L 173 of 3.07.2007.
6. Directive 2011/36/EC of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ 2011 L 101/1.
7. Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ 2012 L 315.



8. Dobash, R. E., et al., (2007), Lethal and Non-lethal Violence against an Intimate Female Partner: Comparing Male Murderers to Non-lethal Abusers, *Violence against Women*, 13(4).
9. Domestic Violence – A National Report, (2005), <http://www.crimereduction.gov.uk/domesticviolence51>
10. EIGE, (2013): Study on international activities in the field of data collection on gender-based violence across the EU, Publication Office of the European Union, Luxembourg.
11. European Commission, (2012): Measuring Crime in the EU – Statistics Action Plan 2011 – 2015, COM (2011) 713, final, Brussels.
12. European Union Agency for Fundamental Rights, (2014): *Violence against Women: an EU-wide survey*, Publications Office of the European Union, Luxembourg, ISBN 978-92-9239-342-7, doi: 10.2811/62230.
13. LaWall, B., (2010), Domestic Violence Protocol, Pima County Domestic Violence Taskforce, Tucson.
14. Tavares, C., and Thomas, G., (2010): *Crime and criminal justice Statistics in Focus Series 5B/2010*, Eurostat: Aebi et al. (2010), European Sourcebook of Crime and Criminal Justice Statistics – 2010, The Hague, Boom juridische uitgevers.
15. UN, CEDAW Committee, (1992): General Recommendation No. 19 Violence against women, adopted at the eleventh session, A/47/38.
16. UNIFEM, (2003), Not a Minute More: Ending Violence against Women, New York
17. UNODC, (2010), Gender in the Criminal Justice System Assessment Tool, United Nations, New York.
18. WHO, (2005): *WHO Multi-country Study on women's health and domestic violence against women*, Geneva, WHO.



## INTERDISCIPLINARY APPROACH IN PEACE STUDIES

Sunchica Dimitrijoska

Institute for Social Work and Social Policy, Faculty of Philosophy - Skopje

suncica.dimitrijoska@fzf.ukim.edu.mk

Vladimir Ilievski

Institute for Social Work and Social Policy, Faculty of Philosophy - Skopje

### Abstract

*In this paper we analyze the link between knowledge from scientific and non-scientific sources for peace, as well as criteria that have to be taken into consideration in the process of education of peace studies' students. We address integration of philosophical, psychological, sociological, legal and pedagogical knowledge in the education on peace. Given intense integration of knowledge, we focus on conceptual distinctions between multidisciplinary, interdisciplinarity and transdisciplinarity. With the integration of perceptions on peace we conclude that this issue is still in phase of definition and problem analysis, while the meaning of these perceptions is of great importance. In the process of utilization of these methods there are important specialized methods that are used in compliance with the competencies of the professionals in the area of peace. We will analyze the principles that need to be respected in the process of introduction of heterogeneous perceptions: the principles of the profession, the limited competencies towards other disciplines, familiarity with the objectives for utilization of knowledge, interests and the characteristics of the students and the critical opinion. The integration of knowledge in peace education enables elaboration of the profession from its foundation, development of educational programmes and education of the students.*

**Keywords:** interdisciplinary approach, peace studies, education and students.

### Introduction

The conventional wisdom says that the world is getting "smaller". Information flows are getting extremely fast. In times of networking growth, teaching materials and

curriculums all over the world become available to everyone. One could even say that they influence each another (even when it seems completely impossible). It becomes impossible to plan development or progress within one's own garden, city or state with no influences from the surrounding.

Development of peace education is becoming an object of vivid debates and it is not pure coincidence. Looking for new paradigms is a step forward in the overall efforts for finding solutions in complex social environments and situations in the modern world. At the same time these solutions could be found only through an interdisciplinary approach to the complex problems. Every problem may have many different explanations - thus there is usually more than just one solution. Each quest for exclusivity risks becoming ideology. The sociological value of the interdisciplinary approach lies in the fact that there are different perceptions and reasoning integrated in the peace science.

### **Interdisciplinarity Features**

*The interdisciplinary* approach refers to an interactive relation of two or more academic disciplines that may create a unity on a higher epistemological level. Synthesis is usually does not have to do exactly with the subject of knowledge but rather with the concepts and methods. Even more, it refers to the principles and axioms, which in turn result in integration of information, data, techniques, perspectives, concepts and theories of two or more scholarly disciplines. Interdisciplinarity promotes dialogue and cooperation between disciplines. On the other hand, transdisciplinarity means overarching differences, i.e. it calls for unification of differences in one common ground. Multidisciplinarity urges contact; interdisciplinarity promotes disciplines, while transdisciplinarity represents a combination of multidisciplinarity and interdisciplinarity.

Relevant theoretical literature suggests that interdisciplinarity is a concept that symbolizes a specific approach to scientific research. The word *interdisciplinary* consists of two parts: *inter* and *disciplinary*. The prefix *inter* means "between, among, in the midst," or "derived from two or more." *Disciplinary* means "of or relating to a particular field of study" or specialization. Repko speaks about an "area of dispute" (Repko 2008, 6). The issue or case that is "disputed" does not belong only to one scholarly discipline but to at least two or more disciplines, despite the fact that one may define them as monodisciplinary "tensions" with regard to a specific issue or dispute.

The so-called "dispute" indicates complexity of an issue and possibility of maintaining a few different standpoints on it (Repko, *ibid.*). The prefix "inter" also refers to

the creation of a new domain of knowledge that is being shaped between/among disciplines through a process of integration of the respective knowledge. Thus interdisciplinarity does not completely justify the existing scholarly disciplines; it rather strives towards expansion of knowledge through creation of new domains.

The term interdisciplinarity was for the first time coined in *Interdisciplinarity: Problems of Teaching and Research in Universities* (1972), and its author is Leo Apostel (Apostel and Vanlandschoot 1994, 9). Interdisciplinarity is understood as:

- (1) Research technique in terms of utilization of different opportunities in order to achieve specific results;
- (2) Method, that is, modality to approach specific concepts that are being explored or studied;
- (3) Type of organization of conducting research and education and form of cooperation among scientific disciplines that observe common research tasks (Šeparović and Jušić, 1982: 10).

The integration recognizes and links knowledge, data and information from different established disciplines and creates new knowledge, and quite frequently new scientific disciplines (Repko 2008: 19). The exploration of integration as “way of thinking” or type of approaching the research and resolution which enables understanding different theoretical approaches from different scientific disciplines in regard to their approach towards the research and problem resolution, enables the interdisciplinary research to be adequately complied with the theoretical approach. Usually there are three basic forms of interdisciplinarity that shape the different concepts of approaches in the research and teaching peace studies: 1) Instrumental interdisciplinarity refers to practical resolving of concrete problems where due to pragmatic reasons, different knowledge and different disciplinary methods are used which are integrated in the process for purpose of more efficient resolving of the problem; 2) conceptual interdisciplinarity directed towards integration of knowledge from different disciplines for purpose of reasoning and analysis of problems that do not belong exclusively to one scientific discipline; and 3) vertical interdisciplinarity that serves for reappraisal of the existing structure of knowledge and education and issues regarding values and objectives in peace science (Repko, 2008: 17–18).

### **Development of Peace Studies**

Seen through a chronological prism, the peace studies have appeared as a distinctive academic discipline after the World War II, in the 1950s of the twentieth century. Their objective is promoted with abolition of war and reduction of violence with peaceful means - i.e. the principles embedded in the UN Charter.

Actually, the prehistory of this discipline gives a different perspective. Namely, the first footsteps towards peace studies were made indirectly thanks to the international relations within which study of war and peace became a central issue right after the end of the World War I. The birth of international relations as a discipline of the political sciences provided an initial base for studying peace. As a result of a number of initiatives some institutions were founded in that period (such as the German International Peace Academy in 1930 and establishment of the first chair of peace research at the University of Lyons in 1931).

The development of peace studies to great extent was a result of the activism of the modern peace movements with transnational character. They aimed to institutionalize the institutions for peace and the newspapers. The consolidation and expansion of the peace studies was done through peace education concepts, peace journalism and cultural opinion guidance. There was an evident need for provision of good information to peace study students on theories about human needs, identity, the concept of peace, structural violence, alternative economic and ecologic systems, etc.

Interdisciplinarity was one of the basic characteristics of the peace studies due to the research conducted in the first half of the 20th century. The strong influence of the technological and natural sciences was evident in the area of learning about the destructive power of weapons after the World War I, which was called "war of the chemists", (due to the use of atomic weapons the World War II was named the "war of the physicists"). At the same time, medicine became more and more important in terms of study of mental and physical consequences of war on the individual and society. Eventually, "the methodology of work" typical of medicine (diagnosis - prognosis - therapy) has been taken over by peace researchers. Most notably Johan Galtung has promoted this methodology in his research.

In addition, the social psychology and psychological research in general significantly contributed for the development of peace studies. Dollard's research (1939) of frustration and aggression is the base for Gurr's work (1970); namely, he has formulated the theory of relative deprivation that relates the appearance of violent conflicts with the

psychological characteristics of individual. This concept also made impact on Burton's views on the human needs (1990). The research of Lewin (1948) on the importance of the psychological factors in conflict with different groups had significant impact on other theoreticians (Tajfel 1970; Turner 1975) and contributed for the development of the theory for inter-group conflicts in framework of peace studies.

Finally, the political research such as the one of Brinton (1938) on the political revolution, had significant impact on theoreticians such as Dahrendorf (1957) and Tilly (1978) whose findings are later incorporated in the peace studies (Ramsbotham, 2011: 38).

Disastrous consequences of the World War II emphasized the need for a new scientific discipline which would deal exclusively with the causes of war and the assumptions for peace. The institutionalization of the peace research and the consequent creation of peace science are particularly related to the period of 1945-1965, when the informal meetings of the scientists started which subsequently resulted with formation of journal for researching peace and conflicts and formation of institute. The first more significant breakthrough happened in 1957 when a group of researchers gathered around Kenneth E. Boulding, Anatol Rapaport, Herbert Kelman, Robert Ejndzel and Dejvid Singer. They launched the Journal of Conflict Resolution. A section for Conflict and Peace Research was formed at the Institute for Social Research in Oslo.

Peace studies have spreaded throughout Europe thanks to the Programme for data on conflicts at the Uppsala University. It was followed by foundation of one more peace research institution - the Peace Research Institute at the University of Copenhagen. The Institute for Peace Research was formed in Stockholm which represented the ultimate peak of the institutionalization process. The first international association for peace research was IPRA. Johan Galtung (1964) issued the Editorial "Journal of Peace Research" and afterwards formed a Section for Conflict and Peace Research (at the Institute for Research PRIO.). Other countries also showed interest for peace research and opened adequate institutes. During the Cold war, the researchers tended to remain objective and to show that nonviolent conflict resolution is more effective than resolving conflicts with violent methods.

The peace research in regard to the chronology was initiated by Kenet Boulding, economist who dealt with preventions of war, who gave significant contribution in the area of typology of power which contributed for building the concept of stabile peace. Johan Galtung is known as a "father of peace studies" particularly because of his influence on institutionalization and development of peace research (Ramsbotham, et al 2011:44). John

Barton gave his particular contribution in the peace research with the introduction of theories about the human needs and the concept for deep rooted conflicts, prevention of conflicts and conflict resolution. From the very beginning, the peace studies rely more on individuals and groups as reference objects (Ejdys, 2012), that is, primarily relying on: social psychology, sociology or political anthropology.

The most important concept of the peace studies is linked with covering human needs, which is foremost linked with psychology, which represents an important evidence for the interdisciplinary nature of the peace studies. Besides many additions and modifications of the theory of needs of Maslow, it represents the key link between the psychology and the peace studies.

Interdisciplinarity is the destiny of all who deal with peace studies. The peace studies are defined as interdisciplinary approach that deals with searching modalities for elimination and avoiding violence.

### **Reasons for Interdisciplinarity**

The main question behind interdisciplinarity today is why interdisciplinarity becomes more dominant scientific approach? Several scientific factors may be recognized which have impact in this regard, such as: great scientific discoveries, globalization process, application of research work and the business on the science.

Big scientific discoveries may not be approached strictly in a monodisciplinary way, but they require interdisciplinary approach. The second reason is the globalization process, which has growing impact on the peace science and the work of the academic community in the world. In this sense there are intensive communication contacts and cooperation among scientists from all over the world. The consequence of that is bringing scientific disciplines closer –interdisciplinary scientific approach. The third reason for interdisciplinarity is the need for applied science. Šeparović and Jušić point out that the development and the need for interdisciplinarity depends on the increasing of the number of scientific disciplines, and the need of applied science. It develops as a result of the need for organizing and managing scientific activity towards specific social objective through coordination of two scientific areas towards higher level of abstraction (Šeparović and Jušić 1982: 12).

The integration of knowledge in peace science is a process which follows every aspect of the profession, from the beginning of the professional work until the shaping in educational and scientific basis. The integration represents a process that assumes at least two parts or elements that are combined in a way which functions well (Hornby 2005, 807),



namely linking the parts enables creation of one unity (Webster's new encyclopedic dictionary, 1993.:523; Anicand Goldstein, 1999.:598; Barker, 1999.:244).

The integration of knowledge may be observed on two levels. The first level is comprised of knowledge "*external*", *heterogenic sources*, special scientific disciplines. Most frequently we speak about the concept of interdisciplinarity which in broad sense refers to parts of different areas of knowledge or (scientific) disciplines, or any dialogue in the broad sense of meaning, established between the disciplines (Moran 2002; Hornby 2005.:809) in the area of scientific research, projecting or practical action (Anic and Goldstein, 1999.:600).

The second possible level for integration of knowledge is in frames of the peace science that incorporates a number of areas of work, and different theoretical schools without single framework that unites them (Martinović 1987; Payne 2001; Howe 2003). In this context we use the term eclectism taken from philosophical discussions. Eclectism is a conceptual approach that does not hold rigidly to a single paradigm or set of assumptions, but instead draws upon multiple theories, styles, or ideas to gain complementary insights into a subject, or applies different theories in particular cases.

*The negatively colored approach* would mean uncreative and uncritical utilization of different ideas without creation of new elements or authentic concepts (Martinović, 1987.; Anic и Goldstein, 1999.:355; Howe, 2003.), while the *positive challenge* is used for utilization of ideas and methods which can be from any source in order to do something in the best way or in context of peace science, the most useful ones for specific intervention (Barker 1999, 146) in a concrete specific situation (Rosen 1988; Payne 2001.).The integration will be of heterogenic sources in corpus of the peace science which follows the profession from the very beginning.

Interdisciplinarity is criticized because it represents an approach towards the highest level of abstraction because it integrates theory and concept on higher levels than the individual disciplines and therefore interdisciplinarity may be linked with globalization process which has impact on linking and reshaping the knowledge, with criticism that interdisciplinarity is a form of colonization.

But interdisciplinarity is positive effort and challenge for future development of the science, and the development of social and humanistic disciplines. In essence there is a need for expansion and promotion of the existing domains of knowledge which is considered as positive etymologic value. Interdisciplinarity develops due to the perception that traditional work may not be done in isolation for purpose of resolving key problems. Scientists believe

that problems in the society may be resolved with utilization of the interdisciplinary approach.

There is evident and continuous integration of knowledge in the peace science studies. Little or insufficient attention has been paid on integration of knowledge and providing answers to the following questions: What is the objective of the separate knowledge, what sources of knowledge are relevant for the peace science? When and how is possible to integrate knowledge in peace science? What are the consequences on the profession, its efficiency, identity, practical specialization and education of the future professionals? What are the criteria for integration of knowledge?

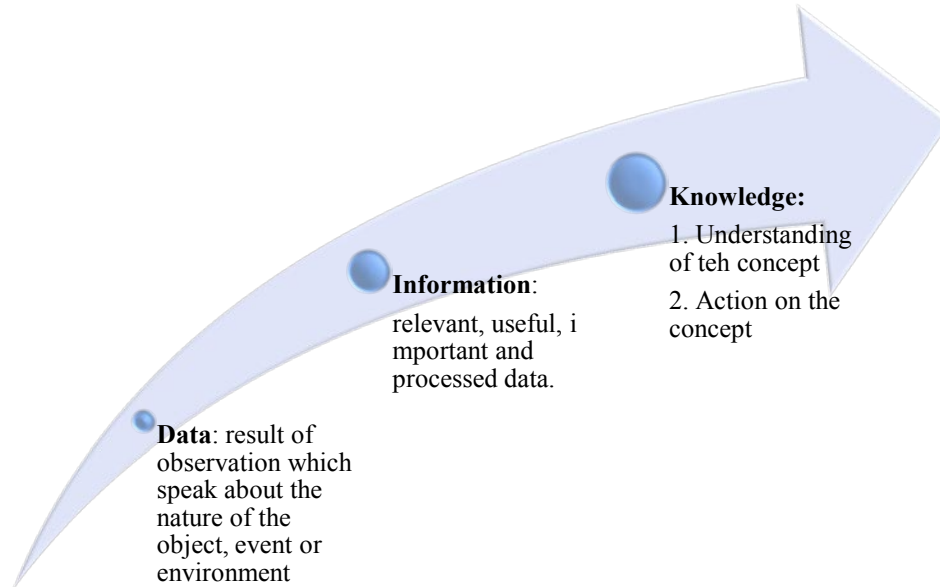
### **What is Interdisciplinary Approach in Peace Teaching?**

The interdisciplinary approach in the peace teaching enables linking contents from different disciplines (subjects) in logical whole organized around a single problem or topic which unites knowledge from different disciplines which is used to throw light on a specific problem or topic which is being researched.

The interdisciplinary teaching is always thematic because it links and organizes thematic contents which are similar or common in different disciplines. Thematic teaching: links content in one whole with utilization of different methods, communication of representatives of different disciplines which are logically best understood a whole.

The development of the knowledge in sciences today is seen as a result of gradation which starts with data, develops in information inferred from data and from system of information it turns in two dimensions – knowledge: understanding and action on the concept (Fricke, 2009).

*Figure 1. Development of knowledge according to Fricke, (2009: 132-133).*



Peace students are educated about these two levels of knowledge utilization, which are recognized also in the peace science, offering them a third one which emphasizes the ethical dimension (Gambrill, 2006).

The students of peace studies are introduced to theories for peace, as follows:

Theories that analyze the man in general, the genesis of the problem, the general theory of the social system (Compton and Galaway, 1989.) theories **on peace**, and scientific areas that explain concepts that are subject of interest for peace science.

Theories that understand the nature of the profession: theories for **peace** that explain the nature and the role, theories for peace that explain and describe the profession, the objectives and effects, that is the relevance of the profession, theories and methods and practicing peace and standards for quality professional attitude.

Heteronomic knowledge may be implemented in the domain of knowledge on peace whether if it's about understanding a concept or process which is substance of interest for the profession, or adoption of skills, techniques and methods for work or ethical principles of the profession. In the process of education, the students are introduced to the fact that sometimes there is knowledge which is not easy to be accepted. Sometimes it can be stated that it is uncritical undertaking different ideas and their collection in incoherent base of

data on peace, and on the other hand it represents a creative process which enhances the competencies of the students.

The introduction of individual elements from different intellectual areas has impact on the professional development of the students, and the development of sensitiveness and creative utilization. It enables development of creative thinking and active adoption of knowledge which contributes for building standards which is the main tendency of the peace science. The students have critical perception on the implications of different theories in order to overcome fads and "inevitable acceptance".

In regard to setting the desired objectives of the profession itself, it is necessary to be in the boundaries of the competencies of the own profession, when we speak about sub-specialization and knowing the available resources and methods, techniques and skills that can be used in the area of peace science, as well as the ones that can be taken from other scientific disciplines which are useful for accomplishing the set objectives.

### **Utilization of Knowledge in Peace Science**

In modern scientific theories on interdisciplinarity today we speak about it as well developed area for scientific research. We say that this is widely acceptable model of knowledge evolution, instead of the past model of specialization of knowledge which contributes for better efficiency in terms of practical utilization of knowledge. Today we speak about interdisciplinary cooperation, increased social responsibility with emphasis on the context and dependency on concrete utilization of knowledge.

In order to be able to understand the frames in which the knowledge is integrated, we will try to explain the knowledge in peace science. Knowledge means all skills that are gained in the education or the experience in the wider context. Knowledge is comprised of all information, understanding or experience (Hornby, 2005.:854), that is, understanding and possessing information about something).

In the information science most frequently there is hierarchical structure where at the bottom of the pyramid is the processing of data (at the lowest level) where the main product is characteristics of the object, events and the immediate environment, and above them you find information which is relevant, useful, important and processed data (Fricke, 2009.:132-133). The second standpoint is focused on the objective of the knowledge: to understand the concept (to know it) and to determine possibility for undertaking action for this purpose (know-how) (Fricke, 2009) as the philosopher Francis Bacon claims that the knowledge is power (according to Kalin, 2003).

Peace students will learn to recognize the risks and problems that people encounter having in mind the deep and complex structure. What is a human being – there can be philosophical or theological answer (it is a human being which is free), naturally – scientific (it is a complex network of chemical reactions), culturally –historically (homo homini lupus or "a man is a wolf to another man"), socially-politically (human being politician) etc. None of the answers is absolute. All the answers contribute to learn more about a human being. So from aspect of interdisciplinarity it is to determine which discipline serves as best source to obtain information about the issue/problem. The interdisciplinary education of students on peace contains the following elements in the programme:

- Politics, philosophy, military science, history, sociology, economy, technical science, moral and science on international relations, conflict and the elements of peace;
- Psychology (development psychology, types of communication with persons at risk)
- Pedagogy (social pedagogy, pedagogical communication or communication skills, recognition of defection ...).
- Psychiatry (recognition of psychologically traumatized person) and
- Law (family law, process and material law, different judicial and extrajudicial procedures where the person can appear in different roles, punishment and violations of material law).

The interdisciplinarity in education of peace students means leaving the framework of one scientific discipline, and the peace students have the opportunity to obtain knowledge from different scientific disciplines that ensure multidisciplinary approach. The integration and the upgrading of the knowledge will enable capacity building of the students, and understanding of the mutual implications and links, understanding of the topics which are of importance for enhancing interpersonal interpretation and cooperation.

At the end, when we have elaborated a possibility for rational understanding of the relationship between the peace science and other sources of knowledge, we propose several criteria that need to be taken in consideration when we use knowledge from external sources outside the profession:

1. Specific standards for the peace science;
2. The rationale for using the knowledge.

3. The clear base of the primary discipline in regard to the subject of interest or the boundaries between them.
4. Characteristics of the professionalsthat have access to the knowledge and their relationship.
5. Values and importance of active learning and critical opinion in take over and utilization of knowledge.

The interdisciplinary approach is present in the education for peace students. There are strong bonds with pedagogy, psychology, sociology, social work, law, economy and philosophy. The interdisciplinary research is more evident when we study characteristics of development research. The economic research, is the start of the development research, is complimented with the research of sociological types of the development, and today we frequently come across social-psychological research of development.

The curriculum of the Institute for Security, Defense and Peace Studies (which is an integral part of the Faculty of Philosophy in Skopje) is grounded on the interdisciplinary approach. The courses and syllabuses obviously aim at analyzing economic, societal, political and cultural development on one hand, and the limiting factors affecting peace and progress - on the other. As an illustration, one could point out the following features: in terms of demographic trends, particular attention is paid migratory movements and their impact on peace and conflict both on a national level and internationally. The protection of cultural heritage and management of possible threats take also significant part of the study program. Religion is studied from a specific peace prism and through the idea of inter-feith dialogue and interculturalism. When it comes to the natural habitat, students of this Institute are introduced to management of natural resources in the line of sustainable development. In addition to the study of theories of peace, peaceful conflict resolution, international law, the students are offered a range of electives, such as humanitarian interventions, global security threats and international and regional security, but also syllabuses on identity and conflict and transitional justice.

The analysis of the curriculum shows that the fundamental academic disciplines that are central for these studies are the following ones: international relations, political science, social psychology, law and to some degree natural sciences (such as mathematics, statistics and IT). Students acquire knowledge, skills and capabilities that would enable them to share international standards characteristic for peace studies in the most prestigious universities.

Higher education in the field of peace studies is a novelty for post-conflict and transitional states, such as Macedonia. In this case, it has been a lucky circumstance that the peace studies are established on undergraduate, graduate and PhD level at a Faculty of Philosophy that by its nature represents a mini-university and cherishes interdisciplinary and transdisciplinary approaches. Thus there is almost inevitable interaction between the students and professors from various institutes. Education of young people in the field of peace studies provides a solid ground for further development of research and academic work beyond academia. The graduate students may give active contribution and get professionally engaged in the civil society, local self-government, media and state institutions. However, there are still no peace research institutes in the country. Research teams could work on eradication of any form of structural or cultural violence and on creation of positive peace.

### **Conclusion**

This paper attempts to define the concept of interdisciplinarity as a specific scientific approach aimed towards integration of knowledge from different disciplines, for purpose of resolving specific problems and tasks. This problem is set in the context of peace studies with special emphasis on the peace studies in the Republic of Macedonia.

Since its beginnings peace studies have been opened to other scientific fields and disciplines. As a result they have gone through a significant academic development. The openness to other disciplines and knowledge they provide together with the joint cooperation are essential conditions for critical thinking and creative research. It is the best way to develop methodology and theory through expansion of the academic boundaries and promotion of new positive epistemological values.

We also recognized and pointed out specific factors which were considered as main causes for wide expansion and popularity of this approach in the academic and research community. Peace studies are simultaneously research-oriented and devoted to teaching. As such they represent a continuous activity directed towards obtaining knowledge in different intellectual areas for the sake of promotion of positive peace and sustainable development.

The integration process needs to be systematic and detailed as elaborated in this paper. It is the only way to provide answers to a vast range of unanswered questions, such as: What are the possibilities for integration of knowledge in the peace education? How knowledge in different areas can contribute for improvement of competencies of the

students in peace studies? What is the process of integration of knowledge on peace in other fields of social sciences? The contributions and knowledge in the area of peace have impact on other scientific and intellectual areas.

### **Bibliography**

1. Apostl L. and Vanlandschoot, J. (1994.) "Interdisciplinarity: The Construction of Worldviews and the Dissemination of Scientific Results". *Issues in Integrative Studies* (12): 9-22. URL: [http://www.units.muohio.edu/aisorg/pubs/issues/12\\_apostel.pdf](http://www.units.muohio.edu/aisorg/pubs/issues/12_apostel.pdf) (20.10.2015.)
2. Barker, R. (1999). *The Social Work Dictionary*. Washington: Nasw Press.
3. Collingwood, P. & Davies, M. (2008). "Introduction: Knowledge, theory and social work practice – An easy access approach". In: Davies, M. (ed.), *The Blackwell Companion to Social Work*. Malden: Blackwell Publishing, 1-9.
4. Compton, B. and Galaway, B. (1989). *Social work processes*. Belmont: Wadsworth Inc.
5. Ejodus, F. (2012). *Međunarodna bezbednost: Teorije, sektori i nivoi*. Beograd: Službeni glasnik i Beogradski centar za bezbednosnu politiku.
6. Galtung J. (1969). "Violence, Peace and Peace Research". *Journal of Peace Research*, 6(3).
7. Gambrell, E. (2006). *Social work practice: A critical thinker's guide*. Oxford: Oxford University Press.
8. Fricke M. (2009). "The knowledge pyramid: a critique of the DIKW hierarchy". *Journal of Information Science*, 35 (2), 131 - 142.
9. Howe, D. (2003). *Uvod u teoriju socijalnog rada*. Beograd: Naučno istraživački centar za socijalni rad i socijalnu politiku.
10. Kalin, B. (2003). *Filozofija*. Zagreb: Školskknjiga.
11. Martinović, M. (1987). *Znanstvene osnove socijalnog rada*. Zagreb: Narodne novine.
12. Martinović, M. (1994). "Bitna obilježja autentične teorije socijalnog rada". *Ljetopis Studijskog centra socijalnog rada*, 1 (1), 7-17.
13. Moran, J. (2002). *Interdisciplinarity*. London: Routledge. *Ljetopissocijalnograda* 2010., 17 (2), 171-194 str. 192 članci
14. Payne M. (2001). *Savremena teorija socijalnog rada*. Banja Luka: Filozofski fakultet
15. Ramsbotham O., Woodhouse T. and H. Mial. (2011). *Contemporary conflict resolution*, 3<sup>rd</sup> Edition. Cambridge: PolityPress.



16. Rosen, H. (1988). Evolving a personal philosophy of practice: Towards eclecticism. In: Dorfman, R. (ed.); *Paradigms of Clinical Social Work*. New York: Brunnel / Mazel Inc, 388-413.
17. Repko, A. F. (2008.) "Interdisciplinary Research – Process and Theory". London: Sage, URL: [http://www.sagepub.com/upm-data/23223\\_Chapter\\_1.pdf](http://www.sagepub.com/upm-data/23223_Chapter_1.pdf) (20.10.2015.)
18. Šeparović, Z. and Jušić, B. (1982.) "Mogućnosti, granice i dometi interdisciplinarnosti". In: Šeparović, Z. and Jušić, B. (ur.): *Interdisciplinarnost – znanost, obrazovanje, inovacija*. Zagreb: Društvo psihologa Hrvatske, Pravni fakultet, Centar za stručno usavršavanje i suradnju s udruženim radom.



## ***TRANSITIONAL JUSTICE BETWEEN RETRIBUTIVE AND RESTORATIVE JUSTICE***

Oliver Bačanovikj

Faculty for Security, St. Kliment Ohridski University

bacanovicoliver@gmail.com

### **Abstract**

*The text aims at defining the concept, the elements and the relationship between restorative and retributive justice in the context of transitional justice. The basic hypothesis is that the goals of transitional justice are broader than those of the retributive justice, or better - it is a more complex phenomenon that cannot be reduced to criminal charges and trials. It corresponds to the nature of the societies in transition from authoritarian regimes and/or post-conflict societies that face challenges, such as: providing satisfaction of the victim, active engagement of all the participants in the restorative process (i.e. the perpetrator, the victim, and the community), reform of the institutions as well as the system as a whole, and finally -reconciliation as a precondition for the achievement of the final goal i.e. enduring peace. All this requires performing complex and long-term activities, but provides for a final and significant result – the reconstruction of the society through the rule of the law, democracy and the respect of human rights and freedoms.*

**Key words:** transitional justice, restorative justice, retributive justice, post-conflict societies, post-authoritarian societies.

### **Introduction**

*Those who do not remember the past are doomed to repeat it.*

George Santayana

In the second half of the 20<sup>th</sup> century, particularly from the 1970s onwards, the world witnessed a raise of numerous intra-state conflicts. There were mass abuses of human rights;<sup>1</sup> and by default they were a result of the armed violence or the terror of the

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<sup>1</sup> Although every context is unique, post-authoritarian or post-conflict transitions have one thing in common, which is precisely the legacy of mass violations of the human rights. This refers to the

authorities (in the authoritarian regimes). Mass violations of human rights and war crimes have been taking place before, during, or after the fall of the regimes or even the end of armed hostilities between the conflict parties. A key feature of these developments is the mass violation of human rights<sup>2</sup> that was taking place among people who used to live together as family-members or members of the same communities in close relationships. Normalization of life in the post-conflict period not only called for establishing so-called traditional or retributive justice but also for re-establishment of the societal relationships for the sake of the present generations of people, and even more - for the future ones. According to the transitional justice scholars and experts, in such situations it is necessary to create conditions that would facilitate the long process of reconciliation.

The historical roots of transitional justice can be traced back to the Nuremberg trials, and even earlier. Yet, the expression of *transitional justice* was not inserted into the contemporary political lexicon all until the early times of the post-Cold War. (Freeman 2007, 7) However, the concept got its full significance only at the end of the Cold war in the view of the vast number of bloody intra-state conflicts. Hence, from a perspective of the UN, transitional justice is the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation (UN 2010, 2). According to the International Center for Transitional Justice (ICTJ), transitional justice refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms. The extents to which these measures are realistically feasible are always determined by the objective context in the respective societies as well as to some subjective factors, such as the genuine devotion to the idea of reconciliation.

Retributive justice is a theory of justice that considers punishment, if proportionate, is a morally acceptable response to crime, by providing satisfaction and psychological benefits to the victim, the offender and society. Restorative justice is an approach to justice that focuses on the needs of victims and offenders, instead of the need

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transitions towards democracy in Southern Europe during the 70s, in Latin America during the 80s and in Eastern and Central Europe in the 90s. The same applies to the post-conflict transitions in Guatemala, Sierra Leone, and the countries of former Yugoslavia.

<sup>2</sup> The literature from this field uses simultaneously the terms "violation" and "abuse as synonyms. The same has been done in this paper as well.

to satisfy the rules of law or the need of the community to give out punishments. Victims are given an active role in a dispute and offenders are encouraged to take responsibility for their actions, "to repair the harm they have done - by apologizing, returning stolen money, or (for example) doing community service". Restorative justice is based on a theory of justice that focuses on crime and wrong doing as acted against the individual or community rather than authorities. Restorative is usually practiced not only as an equal element of transitional justice (in addition to the retributive justice) but also as a more important one. In addition to addressing the mass violation of human rights, another ground for transitional justice is the need for a holistic approach in its application which implies "combination of telling the truth, criminal charges, remembering, reparation and institutional reforms; this, indicates that the various strategies of facing the past are interconnected." (Simpson, Hodžić and Bickford 2012, 10).

„Although transitional contexts evoke a broad spectrum of moral, legal, and political dilemmas, the challenge of facing the past is inevitable. This is because in these contexts, the pursuit of justice is most frequently a top priority, but capabilities to reach the justice are typically at, or near the bottom – either because of the insufficient capacities and political will, or because of a combination of these factors." (Freeman *ibid.*) This is one of the contradictions of the post-conflict period or the period of transition: on the one side, there is a need to repair the damage caused by the conflicts, to overcome the harm and suffering by the victims and to restore the peace and harmony between the conflicts sides; but on the other side, vulnerability of the post-conflict situations and suffered human and material losses slow down the process and the willingness to achieve the transitional justice, which, in pursuit to the material and formal truth is faced with internal discrepancies.

### **The Concept of Transitional Justice**

In this part of this paper the question of defining the concept of transitional justice is addressed. The basic premise is that it is a relatively new and insufficiently known concept both in the public and academic community in the Republic of Macedonia. Interestingly, the term itself evokes certain dilemmas. The efforts to study this concept as

an academic discipline or a research subject,<sup>3</sup> at least when it comes to the Macedonian higher education system are apparently at their very beginnings.

A logical sequence would call for defining the concept as universal, and a basic point of reference should be the corresponding international acts. Hence, primarily we take into consideration the UN document on transitional justice from March 2010 - "Guidance Note of the Secretary General: United Nations Approach to Transitional Justice". In this document transitional justice is considered an integral part of the UN framework for strengthening rule of law. It is also emphasized that the UN Charter represents the normative base for promotion of transitional justice along with the four pillars of the contemporary international legal system: international human rights law, international humanitarian law, international criminal law and international refugee law. In this document issued by the Secretary General, transitional justice is defined through its constitutive elements: judicial and non-judicial processes and mechanisms including prosecution initiatives, the truth-seeking, reparation programs, institutional reforms, or appropriate combinations of some of the elements mentioned above. Regardless of the chosen combination, it must correspond to international legal standards and duties. The Secretary General also points out to many other significant issues that have to be embraced by transitional justice. It reflects the necessity of a holistic approach to its application. Namely, transitional justice requires the roots of a conflict to be taken into account, and refers to the violation of all rights, including civil, political, economic, social and cultural rights.<sup>4</sup> In its effort to address a vast spectrum of violation of the rights in an integrative and independent manner, transitional justice can contribute to the achievement of broader goals of prevention of future conflicts, peace-making, and reconciliation. These goals actually point to the complexity of the demands put in front of the transitional justice. They confirm that transitional justice is not reducible only to retributive justice (i.e. only to penalization) and, in our opinion, they are considered as mission of transitional justice. The UN document invokes various instruments to establish rights and duties related to *the*

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<sup>3</sup> A good example in this sense is the new study program *Criminology and criminal policy* at the Faculty of Security in Skopje that includes a syllabus on the transitional justice. Another example is the curriculum of the Institute for Security, Defense and Peace Studies at the Faculty of Philosophy in Skopje, which also includes such a syllabus.

<sup>4</sup> Obviously transitional justice refers to a much broader list of human rights that goes beyond crimes against humanity, genocide and war crimes, determined by the International Criminal Court). In other words, it refers to domains of human lives in cases when human rights are massively violated.

*right to law, the right to the truth, the right to reparation and the guarantee of non-recurrences of violations (duty of prevention).* Furthermore it states that the processes of transitional justice should provide that states involved conduct investigations and prosecutions for mass violations of human rights and serious violation of international humanitarian law include also sexual violence.

When it comes to the scholars who put efforts to define the concept of transitional justice, for illustration, we refer to several with no intention to give a comprehensive overview of theoretical literature. The approach of Freeman (*ibid.*) is interesting both from a point of view of defining and classifying transitional justice. According to him, transitional justice is a new discipline in the framework of the broader domain of human rights. Although he does not elaborate this approach in more detail, one can still sense that he calls for further development of what he calls a “new discipline”. He does not argue about its independence in relation to other disciplines concerned with issues of human rights. Other authors talk about several aspects in the studying of the transitional justice within already established scientific disciplines. “Even though it is focused on the global rule of the law, transitional justice became an interdisciplinary field which embraces: *criminology, international law, sociology, anthropology, psychology, and public health*, related to the intersection of democratization, protection of human rights, and reconstruction of the country after the conflict” (McEvoy, 2007: 412). The interest of the different disciplines discloses competitive perspectives (each from its aspect and its subject of interest) related to strategies for suppressing escalation of violence, healing i.e. recovery of victims, and achieving social peace, as well as the will to embrace them in global discourse (cited according to Humphrey 2010, 12).

Transitional justice is focused on the challenges of societies in transition – regardless of whether they transit from war into peace or from authoritarian power into democracy – when they are required to manage the legacy of mass violation of human rights. Transitional justice as a discipline can also be applied in other contexts, including situations when countries with a long tradition of respect of the rule of law face the temporally distant heritage of committed crimes (Freeman *ibid.*). This means that transitional justice has universal applicative value.

According to another activist and journalist approach, “transitional justice, an area which studies the ways of proceeding past violations of human rights in societies in transition, is one of the most important instruments of the process of democratization led by the international organizations, because it may work as an efficient catalyst of the post-

conflict reconciliation and stabilization." (Balkanska tranziciona pravda 2012).<sup>5</sup> This definition emphasizes the leading role of the international organizations, which is disputable having in mind that many definitions of the transitional justice insist it has to be conducted by the respective states and their institutions and other subjects as the only way to achieve reconciliation and enduring peace. Yet, in the quoted definition it is very important that it sees transitional justice as "one of the most important instruments of the process of democratization" and as "an efficient catalyst of the post-conflict reconciliation and stabilization."

Transitional justice is not a particular type of justice but an approach for achieving justice in times of transition from conflicts and/or countries in repression. This is an attempt at achieving responsibility and recompense for victims, where transitional justice helps in recognizing of the rights of victims, promotion of the truth created by the civil sector and strengthening of the democratic rule of law. Transitional justice refers to a set of judicial and non-judicial measures implemented in various countries with the aim of recompense of damage from the heritage of the mass abuse of human rights.

From what we have said so far, it is logical to ask: which societies need transitional justice, and what are their main characteristics? One can conclude that these are societies in which there was a mass and systematic violation of human rights caused in wars/conflicts or totalitarian systems. In this context, the question arises whether the application of traditional justice represents an appropriate "purification" or "aeration" of the system of justice, i.e. does it imply a need for radical changes in the entire system? In the post-conflict period, the state bears responsibility to thoroughly reform its institutions because in the past they were directly involved in mass violations of human rights or were incapable to prevent them. They are expected to provide guarantees for respect of human rights in the future i.e. to prevent any reoccurrence of new wave of abuse in the future. In this context is also the question about the elements of transitional justice. Systematic violations of the human rights have an impact on the immediate victims, and also on the society as a whole. In response to these responsibilities, the task of the state is to guarantee that violations will not be repeated and thus there is a special responsibility in reforming institutions which were either involved or incapable to prevent from abuses.

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<sup>5</sup> <http://www.balkaninsight.com/rs/balkanska-tranziciona-pravda/sta-je-tranziciona-pravda>  
(accessed on 6 December 2015)



**Goals of transitional justice:** Hartmann (2012) offers an all-embracing definition of the goals of traditional justice. According to her, traditional justice, in addition to *criminal prosecutions, reparation, obstruction of impunity and promotion of the law*, also includes goals which refer to the truth-telling, peace-making, promotion of the culture of respect of human rights and democracy, preserving the memory of the victim and restoring of the dignity of the victim. All of these represent preconditions for reconciliation.

Obviously, the main goal of the transitional justice is directed towards sustainable peace. It is also a means that helps in the democratization process through the healing of the society and reconciliation.

**Approaches to the transitional justice:** According to Michael Humphrey (*ibid.*, 12), possible approaches to the traditional justice are as follows: a way of ceasing the violence and consolidation of peace; an expression of consensus of the type "never more"<sup>6</sup> in the sense of prevention and criminal processing of crimes against humanity; an expression of the rights which go through the process of globalization, as well as its implications in the restoring of the rule of law and the political legitimacy in a post-conflict country.

According to him, transitional justice refers to a sequence of judicial and non-judicial procedures regarding crimes against humanity which came about as a result of an internal political conflict; further, he points out that transitional justice is established as a standard approach in the management of political transitions in democracy which applies comparative studying of lessons by borrowing models, as well as real engagement of practitioners and professionals from other countries who survived the conflicts; the term transitional justice also refers to approaches to the responsibility of the state and giving recognition and compensation to victims during the political transition towards democracy, with the aim of terminating the conflict (*ibid.*, 11).

Teitel (cited by Humphrey, *ibid.*) describes traditional justice as a discourse directed towards "preserving of the minimal level of the rule of law which is identified by peace." This definition is essential for what have already been said about the transitional justice.

As last, one has to pay attention to the definition of traditional justice on the part of several authors (such as Teitel, 2000; Kritz, 1995; Elster, 2004; Roht-Arriaza & Mariecurrena, 2006 - quoted by Humphrey, *ibid.*, 11), who independently point out that it

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<sup>6</sup> Project "Never more" is rather novel. It is a historical attempt to prevent brutality and it is focused on protection of the victims of severe violations of human rights. The global policy of human rights is based on a wider international consensus for obstruction of crime as an "indisputable evil" (Meister, 2005: 1 cit. according to Humphrey 2010, 16\_

refers to series of judicial and non-judicial strategies directed towards rehabilitation of divided societies through acceptance of responsibility about the rule of law and restoration of the legitimacy of the authority and administration in the state.

### **Elements of transitional justice**

According to the International Center for Transitional Justice, the procedures of transitional justice imply:

- calling the violators of human rights in the past to account through criminal charges and extra-judicial forms of investigation (such as the mechanisms for establishing of truth);
- reparation of victims and efforts for satisfaction of their needs;
- transformation of the system of security so that it can respond to violation of human rights in the past and potential elimination of the violators of human rights from the public institutions; and
- reforms of the public institutions (together with the previous point, they are institutional reforms) in order to prevent repetition of violation of human rights in the past.

Accordingly, transitional justice embraces a wide spectrum of mechanisms for seeking the truth such as initiatives for investigation, commissions and centers for education. Thus, transitional justice moves away from the previous violation of human rights and traces the way towards stable and democratic regimes based on the rule of law. We think that the last should also be observed as an element of transitional justice, which is supported by the defining of the elements of the all-embracing policy of transitional justice in which framework the fifth element is related to the Commissions for truth or other models of research and reporting on systematic patterns of abuse.

The UN document on the approach towards transitional justice defines the following components of transitional justice: judicial and non-judicial processes and mechanisms including prosecution initiatives, facilitating initiatives in the respect of the right to the truth, delivery of reparations, institutional reforms and national consultations (see the Summary of the document, point B).

### **A Short Review of the Difficulties in the Application of Transitional Justice**

Some of the generators of the crisis which hinder the development in the transitional countries during the post-conflict period and thus limit capacity of establishing justice are the following ones: acute congestion of the courts by thousands cases that involve a big number of both victims and perpetrators, and lack of objective capacity for proceeding; the dysfunctional justice system (e.g. corruptness of the police, the prosecutors, and the courts); increase of crime rate, which disperse the judiciary's capacities i.e. disengage them from the cases that derive from the conflict past; also, there are legal obstacles of justice in terms of amnesty laws, obsolescence, expiry of deadlines for complaining, or other incompleteness of the legal system, which is an obstacle in the processing of certain categories of perpetrators. Furthermore, one should add poverty, which takes on an endemic proportion in these countries.

From the said, one can point out at least three immediate consequences, which are also "an intellectual and operational starting point of transitional justice." (Freeman *ibid.*) One of the potentially positive consequences of this "imperfect" or incomplete justice is the creation of assumptions and space for extra-judicial forms of justice, in less formal forms, which are by default related to the processes of truth-seeking, forgiveness and reconciliation i.e. that are characteristic for restorative justice. This does not imply that restorative justice can substitute for retributive justice but it plays a role of a complementary factor in the post-conflict peace-building.

### **Several Notes on the Relationship between Restorative and Retributive Justice**

Through the definitions, identification of the integral parts and the relationship between restorative and retributive justice, we aimed to elaborate the transitional justice. We also aim to confirm the thesis that transitional justice has a broader spectrum of goals than the "regular" justice. It is a more complex concept and cannot be reduced to criminal charges and trials. It corresponds to the nature of the societies in transition and the requirements put in front of them, such as: satisfaction of victims, active role of all actors in the restoration process (the perpetrator, the victim, and the community), reforming of the institutions and the system as a whole, and finally – the demand for reconciliation as a precondition of the final goal – establishment of enduring peace, which require complex and long-term activities.

One of the main theoretical and practical problems refers to the relation between retributive and restorative justice in the context of the application of transitional justice. In this context, the scholars identify at least two dilemmas. The first one is related to the possibility to unite the both approaches. In this regard we invoke to Kesic's thesis according to which: the problem of combining the two models successfully on the territory of former Yugoslavia remains;<sup>7</sup> one does not know how to proceed with the restorative justice, truth-seeking and reconciliation along with the ongoing court processes. The problem is serious, because so far there is no place in the world where two models of justice function simultaneously in a successful way (Kesic 2002, 20). Although the last point may be under dispute, without putting into question the meaning and the inevitability of retributive justice, we argue that restorative justice, by its nature and features, as well as by its conception and philosophy, is more useful in the determination of facts, achievement of understanding, apology, forgiveness, and in the end - reconciliation.

Another dilemma which is pointed out when it comes to the relation between retributive and restorative justice reads: if for any cases there is a trial before court (regardless if the court is ad hoc or regular, domestic or national) then how is it possible to apply amnesty on other cases that have same or similar essence? How to facilitate the achievement of recognition or the discovery of the truth, and thus pave the way to the process of reconciliation? Kesic (*ibid.*) rightly argues: „The key question is: can crimes be processed only to a certain level and then to introduce amnesty in exchange for recognition and discovering of the truth? This would call into question the universal aspect of justice. Further, the situation in former Yugoslavia is specific because the most truth and reconciliation commissions deal internally inside only one state and its society, with a final goal of restoration of the broader social community and the local ones, and also in order to overcome deep societal divisions and to face one's own traumatic past.... The challenge for the politicians and the legal experts is huge, as well for us, the participants and the actors of the civil society; yet it is worthwhile facing.”

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<sup>7</sup> Although the article focuses on the situation in the countries of former Yugoslavia, in our opinion this question is relevant for other post-conflict societies as well.

## Conclusion

At the end, we can conclude that in the practice so far retributive justice (which is mostly achieved by court trials) has been dominant approach over restorative justice. Also, in the process of implementation, the external factor (i.e. international institutions and organizations) have often been more involved than the national subjects. This practice has surely some exceptions, such as Croatia and Kosovo where international factor has far greater impact than in Serbia. In general, there is an impression that justice was “external”, and even “imposed”. The practice that external factors solve local conflicts or problems in general, or so to say, serve as mediators, is still ongoing, even two and half decades after the independence of the former Yugoslav republics. On the other hand, there is the question of whether the declarative pledge that retributive justice should be supplemented by the processes and mechanisms of restorative justice, has been really supported. In fact, the criticisms directed towards the EU when it comes to the pledge, and even more the implementation, i.e. non-implementation of the restorative justice as a significant segment of transitional justice, and even the lack of a strategy for it, is sufficiently indicative. The study entitled “European Union and transitional justice: from retributive to restorative justice in Western Balkan” is especially critically oriented with regard to the role of the EU in the affirmation, promotion and support of the restorative justice in the post-conflict and transitional societies, by the claim of certain authors in the study that the EU does not have a strategy related to this issue and does not know how to apply the real opportunity and the good sides of the restoration and the related transitional justice (it reduces it to only one of its segments – the retribution), as well as the potentials and the capacities of the civil sector of these societies (Kostovicova 2007). “Trials in Hague and in future national courts<sup>8</sup> should lead towards “a new beginning”, where we do not refer to a reconstruction of the old state, but a reconstruction of the universal human unity. And the possibility of a new beginning is, as Hannah Arendt says in the last pages of *The origins of totalitarianism*, the biggest human ability. From political aspect, this possibility is identical with human freedom” (Kesic *ibid.*, 20).

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<sup>8</sup> National courts (or their departments) in the meantime (since the work we refer to was written) started working on such trails, but not in all states. Macedonia is among the ones where such courts have not been formed yet.

### Bibliography

1. Freeman, M. (2007), "What is transitional justice?", in: Marijana Toma (ed.), *Forum za tranzicionu pravdu*, Belgrade: FHP
2. *Guidance note of the Secretary General: United Nations Approach to Transitional Justice*, UN: March 2010
3. Hamber B. (2004) Coming to terms with the conflict in and about Northern Ireland: Lessons from the Healing Through Remembering Project, *Temida*, no. 4
4. Hartmann F. (2012), "The role and duty of the media in the process of post-war reconciliation" in: Denisa Kostovicova (ed.), *Transitional justice in the post-Yugoslavian countries: Political will and support in the public in the process of REKOM*, Forum for transitional justice, Belgrade
5. Humphrey M. (2010) "Policy of trauma and reconciliation", *Temida*, vol. 13. no. 1.
6. Kesić V. (2002) *Truth and reconciliation - Yes, please! No, thank you!* Temida, March 2002
7. Kostovicova D. (ed.), *Transitional justice in the post-Yugoslavian Countries: Political Will and Support in the Public in the process of REKOM*, Forum for transitional justice, Belgrade
8. Kostovicova D. (ed.) (2007), *European Union and transitional justice: from retributive to restorative justice*, Belgrade: FHP
9. McEvoy K. (2007), "Beyond Legalism: Towards a Thicker Understanding of Transitional Justice", *Journal of Law and Society*, vol. 34, no. 4.
10. Nikolić-Ristanović V. and J. Srna (2010) "Reconciliation with oneself and with others: From approach to model", *Temida*, vol. 13, no. 1.
11. Parmentier S., Valinas M. and Elmar Weitekamp, (2010) *Re-establishment of justice in Serbia – Reconciliation and restorative justice in a post-conflict context*, Temida, vol. 13, no. 1.
12. Petrović, M. N., (2010) *Researches on the most adequate forms of remembering the past and models of establishing trust on the territory of former Yugoslavia*, Temida, vol. 13, no. 1.

13. Puljek - Shank, A. (2007), "Trauma and Reconciliation in the compilation: Towards reconciliation". In: Helena Rill, Tamara Smidling and Ana Bitoljanu (eds.), [20 Pieces of Encouragement for Awakening and Change. Peacebuilding in the Region of the Former Yugoslavia](http://www.nenasilje.org/publikacije/pdf/20poticaja/20pieces-eng.pdf). Available at: <http://www.nenasilje.org/publikacije/pdf/20poticaja/20pieces-eng.pdf> (accessed on 1 December 2015)
14. Simpson, G., E. Hodžić and L. Bickford, (2012), *Looking Back, Looking Forward: Promotion Dialogue through Truth Seeking in Bosnia and Herzegovina*, UNDP, Switzerland