



SECURITY, REGIONAL COOPERATION AND REFORMS

-Kosovo and Macedonia-



SECURITY, REGIONAL COOPERATION AND REFORMS

-Kosovo and Macedonia-

IMPRESSUM

Title:

Security, Regional Cooperation and Reforms
-Kosovo and Macedonia-
Kosovo-Macedonian Security Forum 2018

Publisher:

Konrad Adenauer Foundation, Republic of Kosovo
Faculty of Security Skopje of St. Kliment Ohridski University, Republic of
Macedonia
AAB College, Republic of Kosovo

For the publishers:

Johannes D. Rey, Director of the Konrad Adenauer Foundation in the Republic of
Kosovo and in the Republic of Macedonia
Prof. D-r Nikola Dujovski, Dean of the Faculty of Security, Skopje
Prof. D-r Lulzim Tafa, Rector of the AAB College, Pristina, Republic of Kosovo

Chief and Responsible editor:

D-r Marjan Gjurovski, Vicedean for science and development at the Faculty of
Security, Skopje

Translation:

Tiina Fahrni

Computer and printing:

Vinsent Grafika - Skopje

Edition:

100 copies

The book can be downloaded free at:

<http://www.kas.de/mazedonien/en/>
<https://www.kas.de/web/kosovo>

With the decision no. 08-893 / dated 25.10.2018 of the Professional Council of the Faculty of Security of Skopje at the "St. Kliment Ohrid" - Bitola University, the project "Strengthening security through cooperation between Kosovo and Macedonia" and the Kosovo-Macedonian Security Forum 2018 were approved. All rights are protected.

Note:

The views and opinions expressed in the publication are those of the authors and do not necessarily reflect the official position of the Konrad Adenauer Foundation, the Faculty of Security, Skopje and the AAB College, Pristina

KONRAD ADENAUER FOUNDATION, PRISTINA REPUBLIC OF KOSOVO
FACULTY OF SECURITY - SKOPJE OF
ST. KLIMENT OHRIDSKI UNIVERSITY, REPUBLIC OF MACEDONIA
AAB COLLEGE, PRISTINA REPUBLIC OF KOSOVO

SECURITY, REGIONAL COOPERATION AND REFORMS

-Kosovo and Macedonia-

KOSOVO-MACEDONIAN SECURITY FORUM 2018
Pristina 2018




TABLE OF CONTENTS

FOREWORD.....6

PART I

REFORMS WITHIN THE SECURITY SYSTEM.....12

Marjan Gjurovski,

Reforms of the security system of the Republic of Macedonia.....13

Mensut Ademi,

Security sector reforms in the Republic of Kosovo 2000-2018.....27

PART II

**THREATS FROM TERRORISM AND FOREIGN FIGHTERS VS.
RESOCIALISATION AND DERADICALISATION.....50**

Zlate Dimovski,

Violent extremism as an instrument for terrorism.....51

Oliver Bačanović, Bojan Hristovski,

Deradicalisation of „foreign fighters“ as a part of the process of
resocialisation in penitentiary institutions in the Republic of Macedonia.....64

Armin Kržalić, Nedžad Korajlić,

Terrorism as a global security threat.....72

PART III
THE SECURITY DILEMMA: CHANGING STATE BORDERS
IN ORDER TO CREATE ETHNICALLY „CLEAN“ STATES
VS.MANAGEMENT OF MINORITY RIGHTS.....84

Zhidas Daskalovski,

Security dilemma: border changes to achieve ethnically “pure” states or
management of minority rights.....85

Fatmir Çollakaj,

Security Dilemma, change borders to achieve ethnically “pure”
states or manage minority rights.....100



FOREWORD

Preface to the publication Case Policies in the framework of the project Kosovo-Macedonian Security Forum 2018, organised by the Konrad Adenauer Foundation in the Republic of Kosovo, the Faculty for Security (Skopje) of St. Kliment Ohridski University, Republic of Macedonia, and AAB College, Republic of Kosovo.

The security of a state, including its citizens, economy and institutions, besides being influenced by the actions of other states, can also be affected by actions of violent non-state actors. The term „security“, in general, relates to the security of a state in the face of threats, such as terrorism, war, or espionage.

Potential causes for national insecurity include actions of other states (such as military or cyber attacks), violent non-state actors (such as terrorist attacks), organised crime, e.g. drug cartels, but also the consequences of natural disasters (such as floods or earthquakes).

Strengthening the security of Kosovo and Macedonia will have a positive impact on good governance in both states and be crucial for overcoming the consequences of several armed conflicts in both countries, as well as prevent violent incidents and acts of terrorism from occurring in the future. Security and peace are public goods, and society as a whole, just as much as every individual within it, will profit from enhancing security. Otherwise, Kosovo and Macedonia will hardly succeed in establishing and sustaining the rule of law and ensuring the development of society, economic growth, and protection of their young democracies.

Both states need to establish a functional security structure in order to achieve regional stability, to contribute to peacekeeping operations, and to be integrated into the Euro-Atlantic and European institutions. In the framework of the project, an analysis and study in three spheres related to the concept of security in both states was conducted: reform of the security sector; threats from terrorism and foreign fighters; resocialisation, deradicalisation and expanding security by means of policies in favour of the rights of minorities and the danger caused by changing territorial borders in the region. Our analyses will be presented at a joint conference during the Kosovo-Macedonian Security Forum 2018, which I suppose will be supported, as every year, by our partner, the Konrad Adenauer Foundation. In Kosovo, there will be an event for joint debates by the academic and professional public, at which the papers of this case study will be presented, in which professors from the Republic of Kosovo, the Republic of Macedonia, and Bosnia and Herzegovina have participated, who also cooperate with the institutions of those countries.

I would like to express my gratitude to the Representative of the Konrad Adenauer Foundation in the Republic of Kosovo and the Republic of Macedonia, Johannes Rey, and his colleagues in the Foundations` s Pristina and Skopje offices for the constructive support of all projects and activities by which they directly strengthen the stability, development and prosperity of the Republic of Macedonia, the Republic of Kosovo, as well as other countries of the region.

Topic 1: Reforms within the security system

A democratic and adequate management of the security system is crucial for the future of the Western Balkan. The reform of the security system cannot be considered as one single activity, but as a certain number of activities with the goal to create a reasonable operative framework for the security system within the state, in order to provide stability for the political system and the population. The main goal of the security system is to sustain peace and stability according to democratic standards. Democratic civil control over security forces is of vital importance for providing security in the interest of the citizens. Besides, a democratic decision-making process requires transparency and accountability, which implies involving the wider public. Hence, the reform of the security system includes the development of an effective civil control and building institutions which can facilitate security. The three main categories of activities related to the reform of the security system which relevant actors recommend and implement are: reorganisation of security institutions, with a main focus on developing transparent, efficient and affective security forces; strengthening the control mechanisms by promoting good governance within the security system and thereby providing efficient security forces; and the reconstruction of the security system by means of resolving urgent challenges which emerged during the period of conflict situations. During the last years, Kosovo and Macedonia have been trying to reform the sub-sectors of their security systems. We analysed the success of the reforms and the proposed new laws related to the three main categories of the security system reform.

Topic 2: Threats from terrorism and foreign fighters

In consequence of the actions of the so-called Islamic State (IS) in Iraq and Syria, the alarming global situation regarding migration has additionally deteriorated, and, at the same time, concern about violent radicalism and terrorism has increased. During the recent refugee and immigration crisis, it showed that migrants can

be terrorists, but terrorists can also be migrants in very different ways, at least one of which is relevant for Macedonia and Kosovo: namely, the danger of so-called returnees, i.e. foreign fighters who engage in acts of terrorism, including suicide attacks, after having returned to their home countries. Both countries have declared pursuing military activities in foreign countries as a criminal act. Kosovo and Macedonia have developed strategies for the prevention of terrorism and violent extremism, mainly focusing on what can be done by means of the law, the judiciary, and other official bodies. Nevertheless, there is a strong threat from terrorism in both states. In November 2016, for example, the Kosovo Police informed that they had prevented a terrorist attack on a football stadium during an exclusive match. According to the Police, the leaders were IS members from Syria. A report published by The Soufan Center reads that about 900 persons from the Western Balkans have joined the violent actions in Syria and Iraq, 250 of which have returned to their countries of origin. Persons suspected of being involved in the IS in Iraq, Syria and Afghanistan have been arrested in Macedonia. In general, these former warriors infiltrate the communities, and under some circumstances (insufficient ethnic tolerance, personal histories of ethnic violence and extremism, lengthy periods of poverty, lack of infrastructure, insufficient governmental control), they can be the source of domestic violent extremism. What do Macedonia and Kosovo have to do with regard to this problem? Is a wider society approach necessary? What measures are undertaken to resocialise and deradicalise such persons when they return to their countries of origin?

Topic 3: The security dilemma: changing state borders in order to create ethnically “clean” states vs. management of minority rights

Multi-ethnic states have a stronger legitimacy if all their citizens, not only the ones belonging to the majority, think of the state territory as their home country, accept the state`s legal system and institutions, and regard the state symbols as their own. These common goods have to be shared by all citizens. The political community of a multicultural state is equitable if it is formed of all ethnic groups living together. Its official symbols, public holidays, and cultural achievements presented in schools, as well as historical memories, should include elements of all ethnic groups living in the state in question, in order for all citizens to perceive the state as theirs. Thus, everyone would see that their right to the state is not exclusive, but that they share it with all other ethnic groups living in it. The general argument is: the better minorities are integrated, the better the inter-ethnic relations and the internal security within a state. Kosovo and Macedonia are implementing policies for improving minority rights, some of which actually have

improved the life of the ordinary members of minority groups. Other policies are being discussed at present (the Law on Languages in Macedonia and the Law on Association of Communities in Northern Kosovo), and they trigger divisions. The counter-strategy for achieving justice in multi-ethnic states is changing the borders of two neighbour states, with the goal of establishing two states that are as mono-ethnic as possible. Changing the borders, in the region and beyond, bears the risk of provoking even more demands for political autonomy and further changes of borders which would be hard to control and manage. In the face of the eventful history of changing borders in the Balkans, they would pose a security risk to the region, even if agreed on by all parties involved. It would be difficult, anyway, to form ethnically „clean“ states. No matter how small, there would still be some minorities in those states. History has taught us that there is high pressure on such minorities to assimilate – or, simply, to leave. We will analyse the present situation and the most urgent aspects of this question below.

The Editor
Dr. Marjan Gjurovski

PART I



REFORMS WITHIN THE SECURITY SYSTEM

1.1. REFORMS OF THE SECURITY SYSTEM OF THE REPUBLIC OF MACEDONIA

Dr.Sc. Marjan Gjurovski

Faculty of Security, Skopje
mgjurovski@fb.uklo.edu.mk

Introduction

“The Western Balkans” is a geopolitical umbrella term for the countries Albania, Bosnia and Herzegovina, Croatia, Macedonia, Kosovo, Serbia, and Montenegro. The term was used for the first time in the 1990ies, in order to denominate Yugoslavia minus Slovenia, but plus Albania. When it comes to politics and economy, the Western Balkan countries are often described as the “black hole” of Europe, as a result of insufficient cooperation with the rest of Europe and the slow pace of reforms directed at making them more modern and democratic.

The Western Balkan countries encompass a total area of 196,047 km² with 21,5 million inhabitants. Notwithstanding the bloody wars and conflicts in the 1990ies and the severe decrease in their economies, in the past 5-6 years, there has been significant progress, and reforms have been successfully implemented in several spheres.

Management of the security sector relates to structures, processes, values and behaviours that shape security decisions, as well as their implementation. The goal of improving security management is to efficiently and effectively “bring” security to the subjects by means of supervision and control.

The reforms within the security sector of the Western Balkan countries depend on the support of the European Union and NATO. With regard to their wish to become members in both institutions, the Western Balkan countries started to incorporate Euro-Atlantic security norms and standards. These countries are an integral part of Southeast Europe, which, linking Europe and Asia, continues to be held hostage by traditional as well as contemporary criminal phenomena (human

and drug trafficking, arms trade, presence of terrorist groups and extremist religious movements). Transnational criminal associations have better human resources and technical equipment than the state security services, and they are taking advantage of the underdeveloped security and legal regulations, the weak coordination and insufficient efficiency of the judicial and security institutions. The events at the end of the 20th and the beginning of the 21st century brought about a drastic change in the structure of threats in the region and in Europe, and they showed that, in the Balkans, the threats to constitutional values still have something to do with ethnicity. The events left their mark on security, economy, and society, so that overcoming the ethnic tensions and conflicts became the most important challenge for the state leaders. This development of the Balkans' recent history was reflected in satisfying the needs of national affiliation and the appetites for forming large mono-national states. Uproars for autonomy and independence by some ethnic groups were often accompanied by use of violence and weapons, thus contributing to an aggravation of the security situation. Local conflicts whose duration and future escalation could hardly be estimated were fought with the goal to satisfy the needs of different ethnic, cultural and religious entities. Although seemingly terminated, some of them continue to smoulder, with the potential to develop into regional threats. In addition, with disharmony among the society, loss of legitimacy by states over their citizens represented one of the reasons for the radicalisation of certain ethnic groups who felt marginalised inside their proper states. During that period, leaders in the region used to resort to violence and war as an integral part of their policies for solving inter-ethnic tensions, employing heavy doses of military rhetoric, even at the cost of losing their credibility with the citizens of the recently emerged democracies. In the course of time, the approach to solving inter-ethnic problems changed dramatically. The applied rhetoric, ideology and practice proved to have quite some shortcomings regarding interventions and establishing peace. The size, geo-strategic position, economic power and relations with the EU and NATO played a crucial role for how the individual states fitted into the European security structure. However, there is not one country in the region that can define its security interests without relating to the security challenges and interests that concern the region as a whole.

Security initiatives in the Balkans

During most of European history, the Balkans were not a coherent region. Quite the contrary, they were divided in the course of many of the continent's most crucial divisions in history, some of which affect politics in the region to this day.

In the 1990ies, the international community regarded the Balkans as a weak and derelict region, which caused some states and organisations to engage in actions directed at its stabilisation. At the same time, the countries of the region, which had been part of the Communist Block, were faced with internal challenges of a new kind: in the former system, the states had not been legitimised by elections, but there had been authority and able rule, whereas in the weak transition states, the elites mostly had legitimacy, but governments had neither authority nor the capability to rule.

For a long time, starting with the disintegration of the Socialist Federal Republic of Yugoslavia (SFRY) and caused by the specific setting and continuing instability, defining and prioritising security issues posed a difficulty of its own to every Balkan country, especially in the face of the serious nationalist standpoints of the domestic governments and the lack of communication among the countries of the region. When the conflicts were terminated and democratic processes took their course, the creators of national security policy slowly started to lose their fear of aggression from the neighbours. The potential for inter-ethnic conflicts did not fade entirely in any of the countries, however, it was largely replaced by possible threats caused by organised crime. The latter was reclaiming its network, which had been partly frozen during the time of conflicts.

After 1989, the Balkan region went through several tectonic changes, each of which had enough potential to change the essence of the system which had formerly been characteristic for the societies of all Balkan countries. After the end of communism, the new political and economic system with its democratic procedures was formally promoted, while the disintegration of the SFRY and the establishment of five countries instead of one fundamentally changed the geopolitical situation of the region and what it was considered as by the USA and the European Union.¹

Thus, security initiatives were established as a result of mutual dependence and recognition of the national interests of the Western Balkan countries, but they were also joined by other countries from the region and beyond in the role of donors, partners, or observers. We should mention the messages from the member states of the European Council at the outset of regional security cooperation, delivered at the First and Second Summit of the heads of state and government. Even though they were held at a time when war was still raging in the Balkans, they were related to the guarantees of the countries of Europe about easing the tensions

1 Pendarovski Stevo, „Megjunarodna bezbednost“, Skopje 2009, p. 203.

and preventing the conflict from spilling into other parts of Europe. However, since their security situation was completely deteriorated, no-one considered the Balkan states as serious partners for bringing back peace. In opposition to the promises of the international community about the borders that defined groups along ethnic, cultural, religious and other lines to represent links for cooperation, at that time, they rather turned out to be a source of threats to peace. The introduction of the Euroregions model laid the ground for cooperation in several areas, which marked the beginning of cross-border security cooperation, which has ever since become part of security policy in the region. Although Interpol had been operating in the region as the main representative of international criminalistic police cooperation, due to the specific forms of crime, the EU and USA installed their own regional security initiatives (first, the Southeast European Cooperative Initiative, SECI, then, in 1999, the Stability Pact, followed by some spin-off initiatives, and others). By means of the security initiatives, the partners from the EU, the USA and other countries gave a clear sign of their interest and the international community`s wish for integration and stabilisation of the Southeast European countries. It was those initiatives that brought life to the concept of promoting democratic values, good neighbourly relations and regional cooperation, aimed at long-term peace in the Balkan region. With the security initiatives, security was regarded as the most critical element which the region was short of.

Since the time even before the disintegration of the SFRY, the USA had been dominant within the international security architecture, due to the fact that the EU was lacking a security strategy. As the strongest power within NATO, the USA took up a dominant role in the Balkans, too, aspiring to indirectly protect the countries with a basis for realising its national goals and interests, especially those countries where it imposed itself as a warrantor of security or a strategic partner in the process of becoming a NATO member. Using its power and intensive diplomacy, the USA implemented some concrete actions for ending escalated conflicts and preventing new ones, which provided them with a good deal of authority in their relations with the Western Balkan countries. Some of them maintained a certain distance, while others developed closer relations with the USA and NATO, which had a positive impact on their Euro-Atlantic integration. From those relations arose the initiative for founding the Adriatic Charter.

The international community`s political, humanitarian, military and police missions, which, in some parts of the region, are still in place providing stability and society development, also contributed to the overall impact on the stability and security of the region.

The peace missions in the Balkans were mainly directed at establishing the rule of law by building a structured security system, implementation of legal provisions, and support of the judicial system, rather than pacifying and separating conflicting parties. Only the NATO missions and the EU`s military missions, after the adoption of the European Security and Defence Policy in 2003, showed complete results. The initiatives for regional joining of capacities for crisis management, protection, and rescue, as well as the joint regional anti-terrorist centre, laying the grounds for a joint analytic centre for the intelligence services of the countries of the region, among others, are some of the initiatives for specific changes in the sphere of security cooperation.

The need of reforms within the security system

Traditionally, the security system is understood as the sum of institutions and organisations with the monopoly on violence, which are entitled to command the use of violence or to threaten by the use of violence in the name of the citizens` rights and the state`s interests. In a narrower sense, the security sector includes the army, the police, and the intelligence services. In a broader sense, the structures that supervise and manage the security forces, paramilitary organisations, and private security structures are part of the security system, too. When there are conflicts within society, international actors are also included in the security system. It is one of the key elements in democratic societies, especially in post-communist and post-conflict transition countries, since security structures need to be completely democratic and to correspond with the public by means of parliamentary control.

In order to institutionalise a security system based on democracy and to accomplish Euro-Atlantic integration, the Western Balkan countries need to change their system of values. Besides their progress in the sphere of the legislative branch, the security institutions in the region need to be more transparent and more responsible, and to improve their capacities of implementation. Managing the security system involves structures, processes, values and behaviours that reflect the decisions on security and their implementation. The goal of improving security management is to „bring“ security to the subjects by effective and efficient democratic supervision and control.

The reforms within the security systems in the Western Balkan countries depend on support from the EU and NATO. With respect to their wish to become members

of both institutions, Albania, Bosnia and Herzegovina, Croatia, Macedonia, Kosovo, Serbia and Montenegro have started to incorporate Euro-Atlantic security norms and standards. All these countries have developed a security legislation. The following aspects relate to the legislative process, but also actual down-to-earth proceedings:

- » **Defence:** Legislation which regulates defence and control mechanisms is established in all countries. Transparency and public communication on this topic may vary from relatively closed to temporarily open. Generally, defence reforms are based on defining new ideas, goals and tasks for the armies of the region.
- » **Espionage:** In all countries, intelligence agencies have introduced control mechanisms and a framework for their jurisdiction. However, reforms of the intelligence agencies are afflicted with the legacy of centralised governments, a lack of resources as well as unsatisfactory performance of the supervisory institutions.
- » **Police:** Police services, sometimes used in the role of a private army of the regime in power, are trying to develop a type of reasoning in which the police is a public service. All states, with the exception of Bosnia and Herzegovina, have carried out police reforms and developed strategies, in some of which the concept of community policing plays a crucial role. However, police services mostly are still centralised, public responsibility is not yet developed. In the Republic of Macedonia, changes in public security are taking place, based on clearly defined priorities in the adopted strategy for reforms and changes in the Ministry of the Interior.
- » **Border management:** The goals, such as decentralisation, depolitisation, decriminalisation and demilitarisation of the border management, have been incorporated in the legislation of all countries. However, significant practical changes to border management, where transparency and responsibility continue to be scarce, still need to take place.

The fall of the Berlin Wall and the unification of Germany marked the end of the world's division into two halves. In the Balkans, the end of this division was incorporated by the disintegration of the SFRY. After the problems caused by the dissolution of the federal states and the euphoric phase of nationalism, transition processes began in all spheres. Integration into NATO and EU were the first priority of politics of most of the formerly socialist countries' leaders. The

passage from planned to market economy was the most grave transformation in that sphere. Political achievements of the formerly socialist states largely depended on how the economic reforms were conducted. Today, we can observe that some countries have succeeded in completing the transition, while others are still at it, but reaching the end, and yet others are still trudging the bended road of post-socialism, somehow trying to catch up with the other European countries. Doubtlessly, we can say that most of the Western Balkan countries relate(d) to the latter. This leads to the conclusion that it is in this region that we will witness the finale of the consolidation and democratisation process in Eastern Europe. History will show whether this radical turn of the East European countries was expected and whether the subsequent necessary transformation was successful.

Too great were the expectations that the reforms in the security and defence sector that took place from 1989 to 1997, immediately after the changes, would be sufficient to reposition them and their main actors and to guarantee their adequate behaviour within the newly established, formally democratic societies. The process of reforming the security sector did not progress in the way not only the reformers, but also the observers had thought in the first place. In general, very little had changed on the practical level, and the initial reforms hardly contributed even to cosmetic changes. This became evident from the continuing domination of the former state security services and intelligence agencies within the security and defence sector, even after 1991, which is a problem that dominated the agenda of the Western Balkan countries until lately, when the dynamic of transformation of state security was defined.²

The reforms within the security sector of the Republic of Macedonia

The concept of the reforms within the security system is crucial for the post-war and, as in the case of Macedonia, transition societies. Even if it is theoretically not accomplished, it is of great practical significance, since it can be seen as an indicator for the success of the transformation process.³

2 Islam Yusufi, "Reform Processes in the Security Sector and their Influence on Security Governance". The article was presented at the Second annual conference on human security, organised by HUMSEC in Sarajevo, 2007, p. 5.

3 „Bezbednost zapadnog Balkana“, statija-koncept reforme sektora bezbednosti, Nr. 11, Belgrade 2008, p. 4.

The reform of the security system includes all strategic documents, reforms of the police, the judiciary, prisons, intelligence services, control mechanism, as well as a defence reform. In Macedonia, there has not been any significant progress concerning the hierarchy of strategies: first comes a new concept of national security and defence, followed by the subordinate police reforms and the strategy for integrated border management. A new system of crisis management has been established for the coordination of security operations and intelligence services. There is some progress regarding depolitisation and transparency of the security system, but that is not sufficient.

According to international observers, the situation is currently improving, notwithstanding the sporadic incidents with elements of inter-ethnic and political violence. Macedonia is facing the fundamental challenge of improving how the security structures are dealing with their main tasks, both during times of peace and states of war. The reform process is influenced by two major trends: post-conflict reconstruction measures since 2001 (demobilisation and disarming), and processes directed at harmonisation with NATO and EU.

The security reforms are aimed at several goals. The President of the Republic of Macedonia, for example, has been provided with a broad range of defence authorisations. His function as supreme commander of the armed forces has to be clearly specified. In the case of Macedonia, this role of his seems to have been exaggerated, especially during times of peace, when compared to the other bodies of state power (the Assembly, the Government, the Ministry of Defence and the General Staff of the Army of the Republic of Macedonia), based on leading, managing and commanding the Army. Hence the necessity to clarify his role of supreme commander during times of peace, and under the conditions of a parliamentary system. The outstanding position of the President as a supreme commander is typical rather for a presidential system, but at the same time, his position is not used for creating the security police, even though Republic he has direct powers. That is why, instead of the President, the Government of the Republic of Macedonia should be responsible for the adoption of strategic security documents.

In its role as legislative power, the Assembly should use its primary function within defence and defence policy with more energy and firmness. It is typical for a parliamentary system to apply its control function, which is why the need for strengthening this function within the security system arises in the course of reforms. In the case of the Republic of Macedonia, the Assembly's control function cannot be perceived at all.

As for the Government of the Republic of Macedonia, its overall rights and obligations related to security and security policy have to be reconsidered, edited according to norms, and implemented effectively. It is important to revive the function of coordination which the Government should have within the overall security system, as its original right. In fact, the Government provides the unity of the state institutions and interests, which, in turn, are crucial for the security of the Republic of Macedonia. This coordination should be applied to the sphere of security and defence to the maximum, because the Government is, in fact, the institution that has to realise good cooperation among all elements of the security system. In the case of Macedonia, it cannot be perceived who determines the security policy and who is coordinating its implementation.

The General Staff of the Army has to adapt to and commence the tasks of professionalisation, readiness to combat, and commanding the Army of the Republic of Macedonia. Staff in charge of carrying out their duties within the Army must not be involved in everyday politics or political parties. Reforms have to be directed at intensifying the professionalisation process, improving the standards according to NATO`s, and preparing the Army for full membership in NATO. Redefining is needed when it comes to the relations between the President, the Minister of Defence and the Chief of the General Staff, the President, the Government and the General Staff; as well as the President, the Government and the Intelligence Agency.

The National Security Council has not yet taken up its proper place in the process of implementing a unified security system. One solution would be to adopt a specific law which defines the competencies of this Council.

In the Republic of Macedonia, the problem of coordination of the security structures, or the so-called security community, remains to be solved. The idea behind establishing the Centre for Crisis Management might have been to task it with the coordination of the security community, as an integral part of the concept of a unified system of national security. However, at the time being, this body is not yet delivering the desired results, so that future efforts have to be directed at making its functions operable. The coordination of the security community has to be established in an appropriate way which is compatible with other countries, e.g. by establishing a committee for security and security policy.

Conclusion

An impetus for efficient security reforms in the countries of the Western Balkans is their focus on EU and NATO integration. Strategic reforms in the security sector are necessary, with the aim to adapt to the models in the Member States. However, the Balkan countries cannot carry out the changes on their own, without support and help from others systems for collective security. Hence the necessity for NATO and EU to regard this part of Europe as a priority and thus continuously monitor the stability of the Balkans as an unstable European region. The Balkan countries are aware that only by building good neighbourly relations and international cooperation regarding the creation of global security as well as risk and danger management, an efficient security system can be set up, protected and advanced. The goal of the reforms is to establish professional security and defence forces which will provide security as well as the implementation and rule of law according to national legislation, having in mind the regulations and practices of the EU Member States. The further development of the security system mainly depends on new challenges and threats, but also on the ability to identify their factors and sources. If a security system does not go through the process of reform and enhancement, this can be a serious threat to its own citizens as well as for the security and image of a region that wants to show the world that it is democratically oriented and has overcome its past.

Enhancing the Republic of Macedonia`s security concept will allow the country to cope with new and broader potential threats to security, such as the ones arising from certain economic developments, destruction of the natural environment, actions against human rights, and migration movements. An analysis of the sectors, separately and as a whole (military, political, economic, ecological, societal), according to the broad security concept in the Republic of Macedonia, leads to the conclusion that they could operate in several ways (on their own, together, and partly independently), depending on the specific factors and circumstances in which they create and carry out their actions. As for national security, the elements of security policy, security structures, defence capacity, etc., are logically linked to security, survival, peace and defence, but, according to an understanding of security in the broader sense, cannot in any case be valid for just one of these elements. Applying adequate security concepts in the Republic of Macedonia depends on the security challenges which the state is facing, as well as on the factors that contribute to a successful implementation of the basic concepts in the security system. This is the second hypothesis that

can be drawn from the documents which the security policy of the county is based on. Thus, the key question for true security system reforms in Macedonia is whether the model of change in the national security will be accepted. In fact, this means taking a political stance in the state and its institutions, developing a political culture with respect to security sector management, strengthening the concept of integral security according to the risks, dangers and security policy, and introducing changes to the jurisdiction and the security policy which will put emphasis on these standpoints in the Republic of Macedonia. With the suggestions for changes in certain bodies and segments, the security system as well as the implementation of security policy will progress.

The integral concept of security is the key to a systematic approach to security challenges, to defining the security development and to shaping a society`s perspectives, on a regional as well as international level.

The integral concept of security is the most acceptable, given that it refers to an overall and complete concept of security, from all facets of armed and non-armed threats to the realisation of complete and universal security on all levels and in all segments of the life and actions of man and society. The elements of integral security are as follows: first, it is a condition of the Republic of Macedonia and its society in which there is no actual danger to its peaceful and independent development. Second, integral security refers to the overall activity of all organised forces within society in terms of preventing and fighting all kinds of destructive action of external or internal factors, as well as eradicating or completely eliminating destructive or destabilising influences which are already active. Third, integral security is a certain system or organisation comprised of separate elements, all of which are carrying out their particular security function, while all together are regulating the general function, which efficiently protects the basic values of the state and the society. And fourth, finally, depending on the source of threat or destabilisation of the Republic of Macedonia, integral security is affected by international (collective, joint, regional, global and cooperative) security, which is very closely linked to internal security (individual and national). The national security of the Republic of Macedonia ranges among the problems which people are faced with as individuals. In the modern democratic society that the Republic of Macedonia is today, the need for a balance between the state (politics) and security is evident.

The security of the Republic of Macedonia is a precondition for successful external and internal stability and for a universal development of its institutions and citizens. The current arrangement of the country's security system does not offer adequate answers to the crises, threats and dangers. The necessity of stability and security imposes the need to build appropriate security policies by means of new strategies, doctrines, and concepts.

The Committee for Security and Security Policy has to become the new governmental instrument which will maintain itself as a unified body as it focuses on strategic political decisions. One of the indicators of this political unity is determined by the general political discussions in the executive branch. When a coalition government is in power, for example, its credibility will be determined by its intervention in the security policy, if it adopts the role of a mediator between the quarrelling coalition partners. In this case, coordination has to be driven by the principle of binding responsibility, which means that all government ministers are obliged to support the decision taken. The government has to hold primary responsibility for the national cooperation of the security policy, which means that a clear decision-making system on the collective and individual level is key. Reaching a political decision requires serious preparation from the administration in order to have good alternatives and implementation. To this end, the government needs to establish good cooperation among the different agencies, and the competent ministries need to establish a structure and procedure for adopting decisions. Current structures are mostly built around the highest level of the executive branch, lacking instruments for the coordination and preparation of the security policy. In order to overcome this lack of coordination and harmonisation in the implementation of security policy, a solution must be sought, which can be a prerequisite for respecting the principles of carrying out the activities of national security and security policy with all available resources and all factors of state power. In order to do so, it is necessary to adopt a special regulation, i.e. legal solution to regulate the coordination of the security institutions and the intelligence services, which will have no effect without an overall implementation of the policy and if information is not evaluated and fed back to the system in order for it to react.

This regulation, i.e. legal act or by-law, has to be helpful for the collection of information, its evaluation, and draft decisions. Additionally, a special body, such as a joint Analytic Centre, needs to be established, in the hierarchical responsibility of the Deputy President of the Government for the Political System,

which will provide coordination and unification of all intelligence capacities. This should provide an optimal security evaluation, followed by creating an efficient security policy. This regulation shall define the duties of the Analytic Centre, which will observe the implementation of the adopted decisions by the President of the Republic of Macedonia and the President of the Government in the area of security, implementation of the security policy, its enhancement, harmonisation of the activities of the intelligent services, and the preparation of the sessions of the Government and the Security Council. In general, the Analytic Centre should be linked to the new Committee for Security and Security Policy, which will be headed by the Deputy President of the Government of the Republic of Macedonia for the Political System. It should play a coordinative role and have the following competencies: to give instructions and to examine the organisation of the work of the institutions within the security system, to continuously evaluate the threats to internal and external security, and to deal with the problems it will be responsible for. This means that the Committee for Security and Security Policy with the Government will have to be implemented in the following spheres: information exchange, joint use of databases, interaction of operative and investigative actions in the field, and keeping up with the security policy.

Finally, I would like to stress that by finalising the reforms within the security system, we should reach the desired results, but in order to do so, it is necessary to reach political agreement and to intensify the efforts for a unified concept of integral security, as well as to establish so-called useful relations between all types of power within the Republic of Macedonia.

Literature:

- » Stevo Pendarovski, „Megjunarodna bezbednost“, Skopje, 2009;
- » Jordan Spaseski, „Makedonija – stolb na bezbednosti i mirot na Balkanot“, Skopje, 2005;
- » Bakreski O., Miloševikj, M., „Sovremni bezbednosni sistem – komparativna analiza na zemjite od Jugoistočna Evropa, Skopje, 2010;
- » Islam Yusufi, “Reform Processes in the Security Sector and their Influence on Security Governance”, article presented at the Second annual conference on human security, organised by HUMSEC in Sarajevo, 2007;
- » „Strategija za nacionalna bezbednost na Republika Srbija, Belgrade, 2009;
- » „Godišnjak reforme sektora bezbednosti u Srbiji“, Centar za civilno-vojne odnose, 2009;

- » „Bezbednost Zapadnog Balkana,, Nr. 11, Belgrade 2008;
- » Strategija ya nacionalna bezbednost na Republika Crne Gora.
- » Context Analysis &Chronology of the Security Sector Reform in Albania 1991-2009“-INSTITUTE FOR DEMOCRACY AND MEDIATION- ALBANIA;
- » Caparini Marina,“ Security and conflicts”, 2003;
- » Internet site of „Centar za civilno-vojne odnose: <http://www.ccmrbg.org/Novo/3991/Predstavljene+analize+konteksta+reforme+sektora+bezbednosti+u+zemljama+Zapadnog+Balkana.shtml>
- » Fittipald Mariangela, “Reforme sigurnosnog sektora I mediji u BIH- put ka uspješnom upravljanju sigurnosnim sektorom”, стр:5, <http://www.css.ba/docs/Media&SSReformBOS.pdf>;
- » Official site of the Police department of Montenegro: <http://www.upravapolicije.com/navigacija.php?IDSP=5>.
- » <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>.

1.2. SECURITY SECTOR REFORMS IN THE REPUBLIC OF KOSOVO 2000-2018

Dr. sc. Mensut Ademi

*AAB College - Faculty of Law - Prishtina
mensut.ademi@universitetiaab.com*

Introduction

One of the current challenges faced by Western Balkan countries is formal cooperation between the countries of the region and the improvement of their cooperation, especially when it comes to the very weak transparency of the security sectors of the entire region, according to some regional statistical data. This leads to the emergence of a fundamental problem, as law enforcement agencies in the security sector have no information on which security sector is responsible for which area, related powers, and who controls which sector.

The absence of transparency of law enforcement agencies and security sectors in general, is a real obstacle to even more effective national oversight of these sectors. Lack of transparency leads to worsened public perceptions, resulting in the loss of citizens' trust in these institutions. A number of Western Balkan countries, including the Republic of Kosovo, have emerged from a post-conflict environment, which is why discussions on security in general and security sectors in particular are primarily fueled by ethnic nationalism, and this is a barrier to the overall cross-sector cooperation between Western Balkans countries, and in particular with the newest Balkan state, the Republic of Kosovo.

Security sector reforms in the Republic of Kosovo have always been assisted by internationals. They started in 1999, and continued in 2008, 2012 and 2018, but the legislation still requires harmonization with regards to constitutional duties and obligations of the national security sector, focusing on transparency, accountability, national monitoring and international cooperation. All security institutions, from their establishment until now, have failed to assume all responsibilities under their mandate, due to the fact that the Republic of Kosovo

declared its independence in 2008, and this is the year when democratic control and monitoring of our country's security sector was first put in place.

Security institutions in the Republic of Kosovo protect the public safety and rights of everyone in the country.

1. What do we mean by security sector in the Republic of Kosovo.

The security sector in Kosovo is comprised of a number of institutions and mechanisms, which are composed of security sectors and sub-sectors, through which their mandates are functionalized.⁴ Their powers and prerogatives are defined by the Constitution, and are further supported by laws and regulations.

Among the most important institutions or mechanisms are the Assembly, the President, the Government (the Prime Minister and relevant ministries), the Kosovo Security Council, the Kosovo Police, the Kosovo Security Force, together with the Kosovo Intelligence Agency. As will be explained below, not all security institutions have the power to use force or to receive executive mandates. Currently, the only local security institution in Kosovo that has the right to use any kind of physical force is the Police, making it the most important local security institution.

1.1. Which are the security sectors in the Republic of Kosovo?

As noted above, the purpose of this research is to carry out a comprehensive study of security sector institutions in terms of Kosovo's security needs and their functioning in a transparent, legitimate, affordable and accountable manner.

Given the dynamics of the functionalization of these sectors, as well as the problems that emerge in each country regarding the definition of mandates and key tasks of each security sector, some of them should initiate restructuring processes, which would help the government to be more efficient and enhance (maximize) its services to citizens in a legitimate and financially viable manner,

4 R. Maslesa, Security System Theories, lectures at AAB University, Prishtina, 2009, pg. 18.

avoiding duplicated and overlapping services, and avoiding competition between institutions providing security for Kosovo's citizens.⁵

Beginning in 2012, security sectors in the Republic of Kosovo have started reforms in several phases:

Table 1

Phase I	Included the creation of the process structure, staff allocation for the structure/process, definition of planning assumptions for the process	Phase IV	Included a detailed analysis of the current capacities of state security institutions and agencies, as well as defining appropriate and unnecessary capacities and reflecting the necessary capacities;	Phase VII	Required the presentation and adoption of SSSR recommendations	Phase X	Includes the continuation of implementation of new laws and, where necessary, the enhancement or reduction of institutional capacities
Phase II	Defined the strategic objectives of the Republic of Kosovo; security and defense policies; analyzing risks and potential threats to the security of the Republic of Kosovo;	Phase V	Included the definition of roles and missions, structures, names, and locations/sites of all security sector institutions and agencies	Phase VIII	Requires the drafting of the new National Security Strategy of the Republic of Kosovo		
Phase III	Described the future architecture of the security sector, as well as capabilities and capacities (all institutions and agencies identified security sector challenges as defined in advance);	Phase VI	Included impact analysis and financial viability;	Phase IX	Includes the proposed amendments and the adoption of the new legal framework;		

5 Each Ministry or Agency included in the Strategic Security Sector Review (SSSR) was required to establish working groups within their institutions. Then, security institutions developed scenarios to identify new potential demands and shortcomings in the capacities and capabilities of security sector institutions to deal with and react to possible crises in Kosovo. In addition, the Terms of Reference defined the tasks of the working groups and the manner of coordination of the results of their work with other coordinators from other Ministries, the Inter-Ministerial Coordination Group (IMCG) and the Steering Committee.

1.2. Kosovo Security Force

The Kosovo Security Force (KSF) is a new, professional, multi-ethnic, lightly-armed and uniformed Security Force, subject to democratic civilian control. Currently, the KSF has the duty and obligation to carry out crisis response operations in Kosovo and abroad, civil protection operations within Kosovo, and assist civilian authorities in responding to natural disasters and other emergencies. The KSF shall represent and protect all people of Kosovo.⁶

1.2.1. KSF Legislation⁷

Law No. 04/L-177 on KSF deployment abroad; Law No. 04/L-084 on pensions of KSF members, Law No. 04/L-089 on Humanitarian Mine Clearance, Law No. 03/L-213 on the KSF reserve component, Law No. 03/L-082 on service in the KSF, Law No. 03/L-045 on the MKSF, Law No. 03/L-046 on the KSF.

Anticipated legislative measures related to the transformation of the KSF into the Kosovo Armed Forces:⁸

- a) Amendment of the Constitution of Kosovo for the new mission of the KSF, respectively for the transformation into Kosovo Armed Forces;
- b) Adoption of the Law on Amending and Supplementing the Laws related to the Kosovo Armed Forces - the purpose of which is to define the new mission of the Kosovo Armed Forces, in defense of the integrity and sovereignty of the Republic of Kosovo, as well as the role and competences of the democratic civilian control chain of these forces;
- c) Law on the Commissioner of the Kosovo Armed Forces.⁹

6 <https://www.mksf-ks.org/?page=1,666#.W9taB5NKjcs>

7 <https://www.mksf-ks.org/?page=1,73,,> because of the limited pages we cannot mention the KSF regulations.

8 Government of the Republic of Kosovo, National Program for the Implementation of the Stabilization and Association Agreement, March 2016, http://www.mei-ks.net/repository/docs/1_pkzmsa_miratuar_nga_kuvendi_final_.pdf.

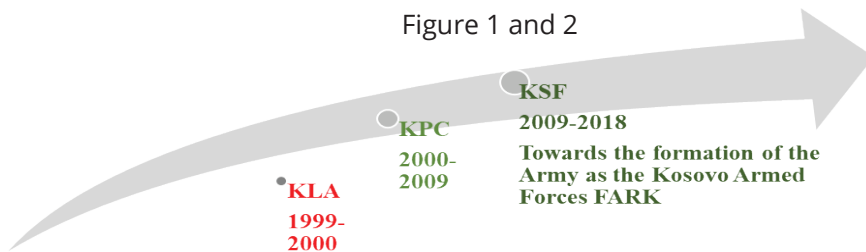
9 Law on the KSF, Art. 10.2, A small number of staff, lightly-armed and with small caliber weapons, with limited objectives and under the supervision of the NATO/KFOR presence in Kosovo, are indicative that the KSF is developing as the structure that generates security in the region. Indeed, there is no expectation that the role of the KSF could be modified in the next five years, as the Law on the KSF explicitly provides that, "A full review of these definitions will be undertaken no earlier than 5 years from the date of entry into force of this Law".

1.2.1. Reforms from the KLA to the KPC and the KSF

After the end of the war in 1999, the United Nations Security Council adopted Resolution 1244, which finalized the withdrawal of Serb-Yugoslav troops from Kosovo, but also demanded the demilitarization of the Kosovo Liberation Army (KLA) and the return of all of displaced persons in Kosovo. Resolution 1244 foresaw the deployment of the UN civilian administration in Kosovo, known as UNMIK, as well as the NATO military mission, in order to establish peace, order and security in Kosovo (UNSC Resolution 1999). During the period of international administration, Kosovo's undefined political status turned the Kosovo security sector into a top priority for international actors. Resolution 1244 was the *raison d'être* for the Special Representative of the Secretary-General (SRSG) to have reserved powers for this sector, which were held until Kosovo declared its independence on February 17, 2008.¹⁰

Between 1999 and 2008 were gradually established security sector structures, such as:¹¹

- » The KPS, Kosovo Police Service - Until 2006, around 7,000 (seven thousand) police officers were educated and trained in this institution.¹²
- » The KPC, Kosovo Protection Corps, which was established as a result of the demilitarization of the Kosovo Liberation Army (KLA), which had an important role, especially in civil defense tasks.¹³



10 Reserved Responsibility is a definition used by UNMIK to mark the executive authority of the SRSG on key areas in Kosovo; KCSS_shqip_final_325152.pdf.

11 UNMIK's reserved security responsibilities have made it impossible to implement some key principles of the SSSR, especially democratic control over security institutions. Under the legal framework, the Provisional Institutions of Self-Government (PISG) had neither executive nor supervisory powers in relation to the KPS, KPC and the judiciary. This situation didn't enable efficiency or transparency, which resulted in the absence of any measurements of the security sector's performance volume. Moreover, during the first period, parliamentary oversight over the KPS, KPC and other security institutions, was not functional.

12 Considering that its operations started at a time when few other institutions were established, it can easily be considered as one of the most successful institutions in post-war Kosovo. Undoubtedly, this is attributed to the OSCE efforts to build and strengthen local institutions. Journal published by the OSCE. 5th Edition, No. 2, June 2006

13 The text will refer to the KPS (Kosovo Police Service) or KP (Kosovo Police), which is the same institution, but it changed the name from KPS to KP in 2008.

Since the declaration of independence of 17 February 2008, the legal framework permits the completion of the security sector infrastructure in accordance with Kosovo's requirements and needs. Under the Constitution, "the Republic of Kosovo has power over law enforcement, security, justice, public security, intelligence, civilian emergency bodies and border control in its territory".¹⁴



The Kosovo Security Force (KSF) represents one of the sectors established after the independence of Kosovo as legacy of the KPC, and to date, in 2018, it has almost the same civilian mission similar to the former Kosovo Protection Corps; BUT, in October 2018, the MKSF (Ministry of Security Force) has filed a proposal with the Assembly of Kosovo to proceed with the amendment of legislation on the KSF, so that from a civilian mission it acquires the mandate for a

military mission, which means turning the KSF into the Kosovo Armed Forces (FARK).¹⁵

The KSF structure is considered quite unique compared to other similar institutions in other countries of the region. The KSF is multi-ethnic, BUT the lack of cooperation and dynamic deterrence by the Serbian state have led to

14 Constitution 2008: Article 125; simply put, the security sector had become part of the responsibilities of the Kosovo government. However, EULEX's role of in terms of security issues and KFOR's peace-keeping and peace-building mandate were widely accepted. The established International Civilian Office (ICO) had the powers, in the capacity of 'watchdog' of the implementation of Ahtisaari's provisional solution, to intervene in case of changes, or more specifically, of inconsistencies in the development of the security sector. The justice sector remains one of the weakest sectors in the post-independence period (EULEX, 2009: 4) Despite the growing efforts of the international community, to date results remain limited, keeping the public dissatisfied with justice (BIRN, 2009: 8).

15 Kosovo Assembly MPs approved in principle, on Thursday, three laws on the transformation of the Kosovo Security Forces (KSF) into military forces. On the law on the Ministry of Defense voted 101 present MPs, from a total of 120 MPs of the Assembly. 98 of the present MPs voted in favor of the bill.

psychological or physical pressure on KSF members of Serb nationality.¹⁶ The process of building KSF structures is still under development, and the Ministry of the KSF (MKSF) has identified the first step towards the creation of its structures. The basic structure of the KSF consists of 2,500 regular members and 800 reservists, who wear uniforms, emblems, and are lightly armed. In 2018, to the KSF was donated a large number of motorized military equipment by KFOR, from the German and American contingents.¹⁷

KSF credibility at the national level

According to a survey conducted by the Institute for Criminalistics, Criminology and Security Studies, from 2009 to 2016, with 4500 respondents, including all regions of Kosovo and all nationalities, when asked how much they believe in state institutions, the KSF and the Ministry for the Kosovo Security Force (KSF), the KSF is the most credible for the citizens of Kosovo, at **65.4%**.¹⁸

2. Kosovo Police

The Kosovo Police Service was established on 6 September 1999, under the United Nations Security Council Resolution 1244. The Ministry of Internal Affairs was established under UNMIK Regulation 2005/54. Its establishment was approved on December 20, 2005 (de facto established in March 2006). The Kosovo Police, according to the Constitution of Kosovo, is responsible for maintaining public order and security throughout the territory of the Republic of Kosovo.

16 <https://telegrafi.com/policia-serbe-arreston-nje-pjesetar-serb-te-fsk-se->; <http://abc-news.al/arrestohen-5-serbe-u-benin-presion-anetareve-te-forcave-te-sigurise/>.

17 The Ministry for the Kosovo Security Force (MKSF) has announced the hosting of the delivery-receipt event of the donation of the German KFOR to the Kosovo Security Force, in the amount of 329,281.78 Euros.

The German donation, received today at the 'Adem Jashari' barracks in Prishtina provides the KSF with 44 vehicles and other equipment

18 M. Ademi, M. Budimlic, Fear of Crime, 2009-2016, Prishtina.

2.1. Reforms and control of the Kosovo Police (KP) from 1999 to 2018

Table 2

Directorates	Department
Regional Police Directorate - PRISHTINA	Operations Department
Regional Police Directorate - MITROVICA-SOUTH	Investigation Department
Regional Police Directorate - MITROVICA-NORTH	Borders Department
Regional Police Directorate - GJILAN	Support Services Department
Regional Police Directorate - FERIZAJ	Human Resources Department
Regional Police Directorate - PRIZREN	
Regional Police Directorate - PEJA	
Regional Police Directorate - GJAKOVA	

After the end of the war in 1999, it was necessary and indispensable to form the security sector that is now represented by the Kosovo Police, and the developments are visible by 2018.

Police organization and police leadership, under new social conditions, require the transformation of the entire pyramid model into a new model of the police organization. This transformation into increasingly open and complex social relations, coupled with a good design of police policies and strategy, will allow for police leadership to be based on scientific premises, which will contribute to the quality of leaders and is of particular importance for this structure at all levels. In this sense, we must return to the necessary preconditions for successful leadership and achievement of the goals of the police organization, with the fundamental tendency that leaders shall strengthen, with their own capabilities, the police force's belief in their fundamental duty to safeguard internal security.¹⁹

The Kosovo Police should be guided by the right knowledge and properly constructed professional relationships, with noble morals and human sensibilities, and through such features it must build a strong pillar and intertwine the internal

¹⁹ <http://www.kosovopolice.com/>

organizational tissue of the police structure. The Kosovo Police (KP) possesses the aforementioned premises, and through them we can talk about police leadership that has the ability to prevent and fight, responsibly and creatively, against negative and devious phenomena in our society in the Republic of Kosovo.

The Kosovo Police, during these transition years, has been specialized and equipped, by many friendly states of the Republic of Kosovo, with modern equipment for the prevention and fight against criminality in general, and at the same time it has been assisted in setting up the most adequate structure to protect freedoms and human rights.²⁰

One of the key factors, "Corruption", is very low in the KP departments, excluding certain individuals who penetrated the KP as members from 2000 to the last two generations of 2018, who were members of paramilitary or military groups and committed crimes during the recent Kosovo war 1998-99, individuals who come from organized crime groups from the 1990s and after 1999, who often degrade the KP's image. All this has happened as a result of inadequate vetting of such individuals by the competent international bodies.²¹

The Kosovo Police Inspectorate (KPI) is an independent monitoring mechanism of the police, and has two main functions:

- » *inspecting the manner in which the KPS performs its duties and a limited area of management functions in the context of adaptation, effectiveness and enforcement of applicable laws,*
- » *conducting reviews of all complaints of misconduct by KP police officers, regardless of their ranks.*

The Inspectorate functions in three levels:

- » *Reports related to specific incidents,*
- » *Thematic reports related to dynamic and static topics*
- » *Ordinary inspection,*

This transformation into increasingly open and complex social relations, coupled with a good design of police policies and strategy, will allow for police leadership

20 R. Maslesa, Security System Theories, FKKN, Sarajevo, BiH.

21 <http://klankosova.tv/njeri-nga-perdhunesit-e-vasfije-krasnqiqit-ishte-polic-i-kosoves-per-16-vjet/>

to be based on scientific premises, which will contribute to the quality of leaders and is of particular importance for this structure at all levels. In this sense, we must return to the necessary preconditions for successful leadership and achievement of the goals of the police organization, with the fundamental tendency that leaders shall strengthen, with their own capabilities, the police force's belief in their fundamental duty to safeguard internal security.

2.2. KP regional cooperation

Regional cooperation between the security sectors in general, and particularly between regional police forces, is of utmost importance, because it is considered as a key point for the integration of the Western Balkans into the European Union. In many security initiatives and arrangements, the KP has proven to be cooperative, but in most cases, it has not benefited as much as the countries of the region from several international projects created by the European Union in order to deepen the integration of law enforcement institutions from the countries of the region.

A key obstacle to achieving the goals of the KP is the denied membership in "INTERPOL" and "EUROPOL", both international organizations with the mandate to prevent and combat criminality.

The KP must get participate in Regional Police Initiatives - it is necessary to identify the ways to include Kosovo in regional security initiatives, and to think about key initiatives such as:

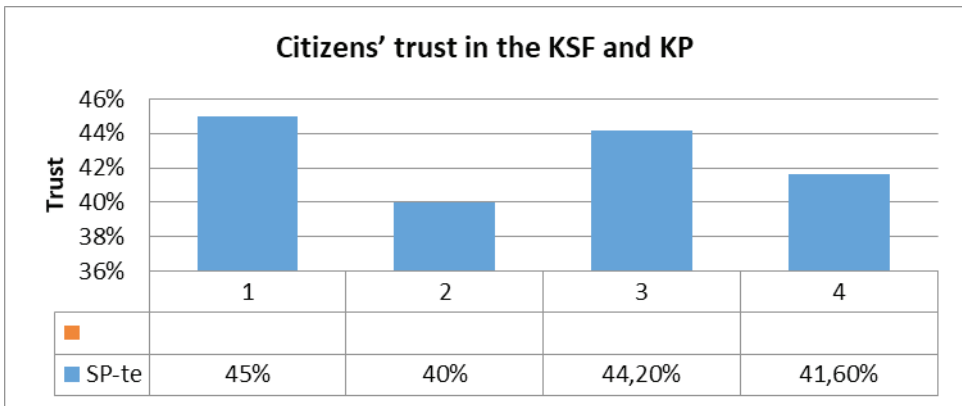
- » Police Convention, SELEC,
- » Southeast Europe Police Chiefs Association and various international forums.
- » Promotion of bilateral police cooperation - identification opportunities for bilateral police cooperation, focusing mainly on cooperation with the Serbian Police. The most concrete goal is to advocate for bilateral police cooperation in order to combat cross-border challenges and risks.²²

22 <http://www.qkss.org/sq/Projektet-aktuale/Kosova-ne-Kontekstin-e-Bashkepunim-it-Rajonal-Policor-677>

2.3. KP credibility at the national level

Kosovo citizens were surveyed in 2016, 2015, 2014, 2014, through the scientific research on the fear from crime, from which the data on the extent citizens trust the Kosovo Police have been extracted. These results are presented in the following table 3.

Table 3



3. Kosovo Intelligence Agency

The Kosovo Intelligence Agency (KIA) was established by the Kosovo Assembly, on May 21, 2008.²³ The KIA has been established as an agency for security and intelligence in Kosovo. The KIA is a legal entity mandated to operate throughout the territory of Kosovo. The KIA collects information about threats to Kosovo's security. Threats are qualified as threats to the territorial integrity, institutional integrity, constitutional order, stability and economic development, as well as threats to the global security. The KIA has no executive functions.

Given the fact that Kosovo Intelligence Agency is one of the internal intelligence agencies with the lowest level of transparency in Western Balkan countries, and on the other hand it is the security institution with the lowest level of trust from Kosovo citizens, it is imperative to undertake rapid steps towards increasing the transparency and public accountability of this institution.

²³ Law No. 03/L-063.

In order to achieve this goal, it is recommended to undertake these actions to supplement the content of the official KIA website: a) *Presentation of the budget, in the same format as the one presented in the Law on the Kosovo Budget*; b) *Presentation of public procurement data*; c) *Presentation of the general declassified opinion of KIA finance audits by the Inspector General*; d) *Presentation of the organizational structure*; and e) *Presentation of Annual Public Reports*.²⁴

3.1. Control of the Kosovo Intelligence Agency (KIA) and the Kosovo Police (KP)

Control and verification constitute one of the most sensitive issues related to the credibility and functioning of the security sector in Kosovo, and in legal terms this is regulated by the Law on the Classification of Information and Security Verification, as well as the Law on the Kosovo Intelligence Agency. However, the practical implementation of this legal framework has caused numerous concerns within political and institutional actors, including the Kosovo Assembly, but also the European Commission.²⁵

This verification system is based on two laws: Law No. 03/L-178 2010 on the Classification of Information and Security Verification, and Law No. 03/L-063, 2008, on the Kosovo Intelligence Agency.²⁶

However, there is a problem here with who controls and oversees the work of the KIA. This is exercised by the Parliamentary Commission on the Oversight of the KIA, whose mandate is defined by Law No. 03/L-063 of 2008 on the KIA, including the handling of cases of suspicions regarding the legality of the conduct of KIA employees.

3.2. KIA's transparency

The fact that KIA has the lowest credibility of all security institutions among Kosovo's citizens, is quite disconcerting. Although the reasons for this low level of trust among citizens can only be assumed, it is undeniable that enhancing the public transparency of the KIA could, on the one hand, increase the level of trust

24 Intra-governmental cooperation is also a legal obligation, Article 8, Law No. 03/L-063, Law on the Kosovo Intelligence Agency, http://www.aki-rks.org/2008_03-L063_al.pdf, 2008.

25 http://www.kipred.org/repository/docs/OBSERVERI_-_VOL_I_-_N03._Shqip_-_Final_147110.pdf

26 Law on the Kosovo Intelligence Agency, http://www.aki-rks.org/2008_03-L063_al.pdf.

and, on the other, it would also enable public accountability, which would enhance the level of democratic governance of the security sector in general.²⁷

One of the steps that the KIA needs to undertake to increase its credibility, and which would increase the transparency and accountability of the KIA, is the publication of the Annual Report, as is the case in Croatia, Central Europe and Baltic countries. Despite the fact that these reports differ in their content, they generally present security risks and threats to their countries, the outcomes of the activities, presented with figures and narratively, to address these risks, cooperation with other national security institutions and intelligence services, international cooperation, external and internal oversight, personnel management, and the budget.²⁸

3.3. KIA credibility at the national level.

Kosovo citizens were surveyed in 2016, 2015, 2014, 2014, through the scientific research on the fear from crime, from which the data on the extent citizens trust the Kosovo Intelligence Agency have been extracted. The data, by years, are: 2016 - 25%; 2015 - 21%; 2014 - 26%; 2013 - 28%

4. Private Security Sector in the Republic of Kosovo.

Private Security Services (PSS) began their operations in the Republic of Kosovo almost a decade ago, much later than in other parts of the former Yugoslavia. The long period of tense relations with Milosevic's regime and the difficult political situation hampered the overall social development. The end of the Kosovo war in 1999 brought market economy and pluralist democracy, as well as contemporary human security practices. Private security initiatives began to rapidly emerge at a time when the newly-born police structures were trying to secure law and order. Most of the PSS were established by former Kosovo Liberation Army fighters, former Yugoslav People's Army officers, and individuals who had worked on security issues.²⁹

27 See the section: Analytical Review of Public Opinion Survey, Security Sector Observatories No. 1, 2, and 3

28 Article 2, Law No. 03/L-063 on the Kosovo Intelligence Agency, http://www.aki-rks.org/2008_03-L063_al.pdf, 2008

29 SSPIU, (Security Services Provider Investigation Unit) Kosovo Police Unit for Inspection of PSCs, December 2008. However, it is estimated that 10 companies are not conducting any activities, although they have obtained licenses. They may not be able to cope with the open competition.

Based on the fact that the Republic of Kosovo's population is dominated by younger ages and the race to be employed in one of the security sectors in the Republic of Kosovo is very intense, the private security sector has developed is highly developed in our country, although we haven't fully harmonized our legislation with the European Union acquis. The currently provided Private Security Services (PSS) range from the classical physical protection of private and public properties, to close protection of VIPs, protection of "properties of strategic importance" and security of cultural and musical events.

While PSS development is expanding and contributing to the creation of a safer environment in Kosovo, we should be very careful, because if we do not take a number of appropriate measures to amend the current legislation, we will have illegal activities from the private security sector or individuals specialized in specific areas as security experts.

The presence of PSS on the ground, directly or indirectly, helps law enforcement authorities in maintaining peace and security.³⁰

4.1. Control of private sector security reform and legislation.

According to official data, there are 3750 registered security guards. However, even the responsible persons don't deny the fact that their effective number is large. Based on the information received from PSS, from official records and also by calculating possible practices (which should be explained in other relevant sections) we estimate that there may be about 4000 to 4,500 individuals employed by PSS. It is almost impossible to establish the exact number of people employed for a variety of reasons.³¹ The privatization of the security sector was swiftly conducted in the immediate post-war period, and in 2000, UNMIK's administration took measures and adopted the first act to regulate this sector in Kosovo.³²

PSS licensing processes, vetting of each individual involved in PSS and, most importantly, prohibition of possession of weapons from local PSS and regional

30 http://www.qkss.org/repository/docs/Vler%C3%ABsimi_i_kompanive_private_t%C3%ABsiguris%C3%AB_641794.pdf

31 Review of the Internal Security Sector in Kosovo, Publication: Private Security Companies, p. 112, 2016

32 UNMIK Regulation 2000/33

companies, such as those from countries of the former Yugoslavia and neighboring countries.³³

At the beginning of 2007, the MIA established a working group for drafting the Draft Law on Private Security, chaired by a MIA representative, including representatives of the Kosovo Assembly - the Security Commission, the OSCE Representative, as well as representatives from PSC associations.³⁴ It was suggested that this law should match the legislation of the EU member states, and this working group focused on the Slovenian model, as a member country of the EU and as one of the states of the former Yugoslavia, with supposedly similar conditions to those of Kosovo.

This draft law was heavily modified, starting with its title. To simplify it, the title "Draft Law on Private Security" was modified to "Draft Law on Private Security Companies", which was followed by modifications to the general provisions, thus reducing the target group to only regulating SPCs and excluding other security providers outside the scope of these companies. These fundamental modifications and disagreements over the issue of possession of weapon were enough to return the bill to its sponsor (MIA) for its re-drafting.³⁵

In Kosovo, the Assembly Commission responsible for PSS oversight is the Commission on Internal Affairs and Security. In addition to its oversight role of security institutions, this commission should also exercise control and demand accountability for PSS activities. There have been some attempts by some of the members of this Commission to take part in the drafting the law and listen to PSS opinions. Indeed, this is considered as the first step towards detailed control of the private security sector.³⁶

Private security sector reforms are urgently required, ranging from the amendment and harmonization of PSS legislation with the EU acquis, the assessment and monitoring of PSCs, the monitoring of PSS employees. The data

33 Section 2 of the UNMIK Regulation

34 UNMIK Regulation 2000/33 on the Licensing of Security Services Providers in Kosovo and Regulation of Their Personnel, Article 1

35 Interview with Emrush Xhemajli, Member of the Assembly of Kosovo, Commission on Internal Affairs and Security, 16.01.2009; Taking into account that the name of the law has been modified along with the general provisions, the draft law should be returned to the sponsor, http://www.qkss.org/repository/docs/Vler%C3%ABsimi_i_kompanive_private_t%C3%AB_siguris%C3%AB_641794.pdf

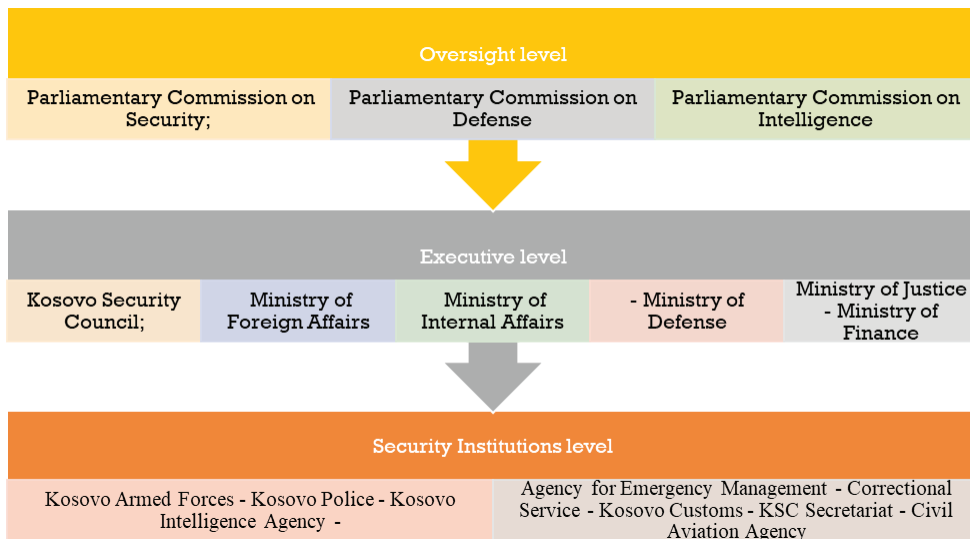
36 http://www.qkss.org/repository/docs/Vler%C3%ABsimi_i_kompanive_private_t%C3%AB_siguris%C3%AB_641794.pdf

show that the PSCs mandate is regulated according to the legislation of their country in the following categories: Static Security Private Security, Dynamic Security Private Sector, Bodyguard Security Private Sector, Investigative Security Private Sector (Detective), Corporate Security Private Sector and Forensic Security Private Sector.³⁷

4.2. Credibility of private security sector at national level.

Kosovo citizens were surveyed in 2016, 2015, 2014, 2014, through the scientific research on the fear from crime, from which the data on the extent citizens trust Kosovo Private Security Companies have been extracted. The data, by years, are: 2016 - 45%; 2015 - 40%; 2014 - 44.2%; 2013 - 41.6%.

5. Security Sector Architecture in the Republic of Kosovo



37 M. Ademi, Private Security Sector in the Republic of Kosovo under Regional and European Legislation, ASKK, 2010, Prishtina.

Opportunities

This paper identified the real opportunities for emergency reforms in the security sectors, both public and private, when dealing with multiple internal risks, including ethnic and religious extremism, natural disasters, unexploded ammunition/improvised explosive devices, small arms distribution, organized crime, inadequate economic development, unemployment, sluggish security/justice institutions, corruption, contested/unresolved borders, and misuse of natural resources. All such risks can threaten security, rule of law, and may undermine the country's image abroad. Based on the above data, it is suggested to:

- » Adopt adequate scientific methodologies for assessing the work of security sectors.
- » Increase the capacity and commitment of civil society actors to strengthen democratic oversight over the security sector.
- » Strengthen the private security sector.

Priorities of security sectors in the Republic of Kosovo

- » Protecting citizens and the territorial integrity of Kosovo;
- » Drafting and strengthening the legislation in force, and enforcing laws;
- » Harmonizing and drafting national strategies in the security sector.
- » Consolidating and further developing security and defense institutions and instruments;
- » Harmonizing legislation with EU and NATO standards;
- » Developing, establishing and strengthening intelligence services in the interests of security, and to combat terrorism, organized crime and corruption;
- » Investing in professional education and training in security sectors;
- » Encouraging the development of scientific research and the development and use of new technologies in the field of security.
- » Developing and training of the private security sector.
- » Identifying smart and qualified students in the security sector, starting with practical tasks.

Recommendations

- » The Constitution of the Republic of Kosovo and relevant legislation should be amended to reflect the Strategic Security Sector Review Recommendations.

- » In order to facilitate the implementation of the recommendations contained in the SSSR, the Security Council should provide professionals who shall lead the process of reviewing the current National Security Strategy and drafting a new National Security Strategy, as well as establish a working group to monitor the implementation of this strategy.
- » The Review and publication of the National Reaction Plan must be made no later than the previous calendar year.
- » Draft the National Defense Strategy Document. The document will describe how the Ministry of Defense and the Kosovo Armed Forces will support the implementation of national interests and objectives set out in the National Security Strategy.
- » The National Defense Strategy must describe how the future security environment would affect the planning of the Ministry of Defense and Kosovo Armed Forces. Furthermore, the organizational structure of the Ministry needs to be clarified, how it operates to enforce the Minister's oversight, to manage, administer and guide the policies on the future military force.

Acronyms

MKSF – Ministry of the Kosovo Security Force;

KSF – Kosovo Security Force;

LFC – Land Forces Command;

CMC – Civilian-Military Cooperation;

EB – Engineering Battalion;

NGOs – Non-Governmental Organizations;

NALT – NATO Advisory and Liaison Team;

LMT – KFOR Liaison Teams;

JRD – Joint KFOR Response Teams;

G9 CFT – Department of Civilian-Military Cooperation in the Land Forces Command;

KLA – Kosovo Liberation Army;

KPC – Kosovo Protection Corps;

KARPNS – Kosovo Agency for Radiation Protection and Nuclear Safety;

ANSA – Air Navigation Services Agency;

CAA – Civil Aviation Authority;

EMA – Emergency Management Agency;

EMS – Emergency Medical Services;

EBRD – European Bank for Reconstruction and Development;
EULEX – European Union Rule of Law Mission;
EUSR – Special Representative of the European Union;
FIU – Financial Intelligence Unit
IMCG – Inter-Ministerial Coordination Group;
ICR – International Civilian Representative in Kosovo;
ISG – International Steering Group for Kosovo;
ICO – International Civilian Office;
KAPS – Kosovo Academy for Public Safety;
KIA – Kosovo Intelligence Agency;
KSC – Kosovo Security Council;
MEF – Ministry of Economy and Finance – now Ministry of Finance;
KP – Kosovo Police;
MEST – Ministry of Education Science and Technology
MESP – Ministry of Environment and Spatial Planning
MFA – Ministry of Foreign Affairs
MIA – Ministry of Internal Affairs
MF – Ministry of Finance;
MoH – Ministry of Health
MoI – Ministry of Infrastructure
MoJ – Ministry of Justice.
PfP – Partnership for Peace;
ACCVK – Association of Criminologists, Criminalists and Victimologists of Kosovo.

Bibliography

1. Ahtisaari, M., 2007, Comprehensive Proposal for the Kosovo Status Settlement, http://www.unosek.org/docref/Comprehensive_proposal-english.pdf
2. Bryden, A. & Hanggi, H., 2004, Reforming and Rebuilding the Security Sector.
3. Dagand, S., 2008, The Prospects for a future Kosovo: The role of the Security Sector Reform, European Security Review, ISIS Europe, 38.
4. DCAF & UNDP, 2008, Public Sector Security Oversight, Handbook for Civil Society Organizations.
5. J. Ahic, Private Security System, authorized lecture, AAB University, Prishtina.

6. Kai Aide K, Kosovo Report, 2005
7. N. Germann and Timothy Edmunds (eds.) Towards reform of the security sector in post-Cold War Europe: Evaluation Framework (DCAF/BICC), pp. 161-174.
8. N. Korailic, D. Muharremi, Criminalistics, FKKN, BiH.
9. N. Korailic, D. Muharremi, Criminalistics, Prishtina,
10. R. Halili, Criminology, Prishtina.
11. V. Latifi, Crime Fighting Policy, Prishtina.
12. R. Maslesa, Police and Society, AAB University, Prishtina.
13. R. Maslesa, Security System Theories, FKN, Sarajevo, BiH.
14. V. Latifi, Crime Fighting Policy, Prishtina.
15. V. Vula, M. Ademi, Cyber Crime, Prishtina.
16. Von Bredow, Wilfried and Germann, Wilhelm N. (2003). 'Assessing success and failure: practical needs and theoretical answers.

Publications and legislation

1. ACCVK, Association of Criminologists, Criminalists and Victimologists of Kosovo.
2. Draft Law on Private Security, 2008
3. EULEX, Program Report, July 2009, <http://www.eulex-kosovo.eu/en/front/>
4. FRIDOM, Functional Review of Kosovo Police, DFID Kosovo,
5. International Crisis Group, 2000, What happened to the KLA? Europe Report
6. International Crisis Group, 2005, Bridging Kosovo's Mitrovica Divide, Europe Report No. 165
7. International Crisis Group, April 2004, Collapse in Kosovo, ICG Europe Report No. 155.
8. Human Rights Watch, Failure to Prevent Ethnic Violence in Kosovo, Vol. 16, No. 6
9. Interviews with Focus Groups
10. Interview with Abedin Hasani, Director of "Besa Security"
11. Interview with Agim Musliu, "South East Europe Security",
12. Interview with Agron Isufi, Director of "WDG" and Chair of the Association of Private Security Companies
13. Interview with Bahri Arifi, Director of "Delta Security"
14. Interview with Grant Cambridge, Manager at "Henderson"
15. Interview with Heinz Schneider, Head of Public Security Development

Sector,

16. ISSR, 2006, Internal Security Sector Review, UNDP and Kosovo Government.
17. United Nations Security Council, Resolution 1244, 10 June 1999
18. KIPRED, Mapping out the Current Parliamentary Oversight of the Security Sector in Kosovo, 2008
19. Kosovo Constitutional Framework, UNMIK, Official Gazette, 2001
20. Kosova Press 2009, Draft Law on Private Security Companies in Kosovo, 2008
21. Constitution of the Republic of Kosovo
22. Constitution of the Republic of Kosovo, Assembly of Kosovo, Official Gazette, 15 June 2008
23. Law on the Kosovo Security Force, Kosovo Assembly, Official Gazette, June 15, 2008
24. Law on the Kosovo Police, Kosovo Assembly, Official Gazette, June 15, 2008
25. Law on the Police, Kosovo Assembly, 2008
26. Law on the Service in the Kosovo Security Force, Kosovo Assembly, 2008
27. MIA, Kosovo Integrated Border Management Strategy, April 2009
28. OSCE, interview with Nuredin Ibishi, security expert
29. Reports and Magazines
30. UNMIK Regulation 2000/33 on Licensing and Regulation of Private Security Companies, UNMIK Regulation 2001/7 on the Authorization of Possession of Weapons
31. Balkan Investigative Reporting Network, Monitoring of Kosovo Courts, June 2009, Prishtina.



PART II



THREATS FROM TERRORISM AND FOREIGN FIGHTERS VS. RESOCIALISATION AND DERADICALISATION

2.1. VIOLENT EXTREMISM AS AN INSTRUMENT FOR TERRORISM

Prof. Dr. Zlate Dimovski

Faculty of Security, Skopje
zdimovski@fb.uklo.edu.mk

Introduction

The terms violent extremism³⁸ and radicalisation³⁹ which, in their last phase, can manifest in the form of terrorism, are getting more and more acute, hence they have to be studied and examined. Radicalisation as a multi-level process often starts from society, as a consequence of a variety of factors. Security services are actively observing the phenomenon and the level of radicalisation of persons and groups, while the judicial institutions take up the role foreseen by criminal law in case grounds for suspicion of a criminal deed arise. After sanctioning those who have committed crimes and sending them to prison, a new process begins, which should be directed at deradicalisation and resocialisation of the convicts. This new segment of the overall scientific sphere of extremism and radicalisation leading to terrorism represents a new challenge for modern democratic societies. It can be traced back to some changes in the criminal codes of several European countries, which in turn lead to the imprisonment of a large number of participants in the wars in the Near East. The profile of convicts originating from that region was unique, unlike anybody else's, which is why the need for a special approach arose, in order to prevent additional self-radicalisation, i.e. unsuccessful resocialisation and reintegration as well as influence on other convicts. In April 2017, a symposium on this topic was organised by the USA, with the participation of many countries from the region, at which experiences and challenges of the approach towards

38 Intolerance, implacability (concerning the behaviour, a standpoint, etc. (Golem leksikon na stranski zborovi i izrazi, p. 314, Velika Širilova, Toper 2001); exaggeration, intolerance, implacability in deeds and behaviour, mostly in politics (Tolkoven rečnik na makedoniski jazik, Institut za makedoniski jazik „Krstе Misirkov“, tom I, p. 591).

39 Thorough, profound, fundamental change (Golem leksikon na stranski zborovi i izrazi, p. 783, Velika Širilova, Toper 2001); fundamental changes and acceptance of radical measures (Tolkoven rečnik na makedoniski jazik, Institut za makedoniski jazik „Krstе Misirkov“, tom V, p. 13).

convicted terrorists and foreign fighters, extremists,⁴⁰ and radicals⁴¹ as well as the influence they exercise on their fellow convicts, were discussed. Additionally, the problems with citizens of the Republic of Macedonia's neighbour countries, who are „exporters“ of radicals and extremists who are activated as foreign fighters, were stated. The numbers are provided below.

Foreign fighters 2012 – 2016

<i>country</i>	Foreign fighters 2012 - 2016	returnees	killed	staying in Syria / Iraq
Albania	140	44	20	76 (including 12 women and 32 children)
Bosnia- Herzegovina	240	56	70	114 (including 53 women and more than 40 children)
Macedonia	140 - 150	72 - 86	25	more than 25
Kosovo	316	117	58	141
Montenegro	20	-	5	15
Serbia	43 - 100	11	11	21

Table 1. Number of „foreign fighters“ (radicalised persons)

The large numbers of persons who have left for the battlefields of the Near East is alarming, as are the numbers of returnees, who incorporate a special threat. The trend of women and children joining is especially dangerous, and there are three reasons for this: in order to help and support their near ones who are already there, for economic reasons, and for ideological reasons: radicalised persons who believe in their mission. Notwithstanding the reasons for their presence, all of them represent an actual security threat. The need for an overall perception of the problem causes us to thoroughly examine this security phenomenon. The theoretical concept for this can be explained using the following model, which has been adapted from Fathali Moghaddam's so-called staircase model. Moghaddam is a professor and director of the University of Goergetown's (USA)

40 A supporter of extreme attitudes, extreme measures; a follower of extremism (Golem leksikon na stranski zborovi i izrazi, p. 314, Velika Širilova, Toper 2001)

41 A person who is striving towards radical changes or the destruction of a certain situation; a member or follower of a radical party (Golem leksikon na stranski zborovi i izrazi, p. 783, Velika Širilova, Toper 2001).

Conflict Resolution Program. In his model, he uses the metaphor of a staircase which is growing narrower, leading to terrorist acts at the top of the pyramid. The staircase leads to higher levels. Whether a person remains at a certain level or will continue to the highest one depends on the possibilities offered by the level. As the individual is climbing the stairs, he/she perceives less and less choices (the stairs are getting narrower and narrower, and therefore returning is becoming more and more difficult), until the sole possible result is self-destruction, the destruction of others, or both. This kind of concept of behaviour called „tree of decisions“ has proven a powerful instrument in psychology.⁴²

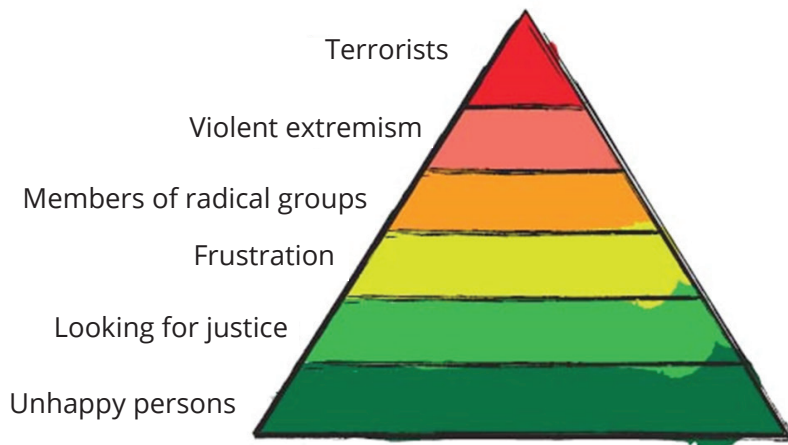


Image 1. Model of radicalisation leading to terrorism: Moghaddam`s pyramid

According to this model, radicalisation is a process. Every individual has to make a step or several steps of radicalisation. Meanwhile, it is very clear that the process of radicalisation is not an automatic process, but means that a larger group of persons stop the process and remain at each level or turn back to a lower one.

Moghaddam`s model does not fully cover the process of radicalisation in the case of independent warriors (lone wolves). They might feel connected to certain groups or ideologies and might even have been members of some groups, however, they act independently, without any direct external or hierarchical order.

42 „PERT“, Prevention from violent extremism and radicalisation leading to terrorism by police community work, a project of the OSCE and the Macedonian Ministry of the Interior, 2014.

It also has to be mentioned that not everyone goes through the phases according to this or any other model established as a result of scientific psychological security studies. Some persons, after having reached a certain level, will leave and reintegrate into society, while others will continue the process of radicalisation. The ones who go through the entire process are quite likely to be involved in violent extremist or terrorist acts.

Anti-terrorist measures and actions

With regard to current needs, the legal and institutional capacities of the system of national security are constantly being enhanced, a common defence strategy is being adopted, and efficient and functional mechanisms for dealing with current threats and challenges are being developed. The prevention and early warning system regarding possible dangers and risks to national security is continuously being applied, as well as ways of fighting, protection, and criminal prosecution of persons who engage in anti-constitutional activities. For successfully fighting terrorism and violent extremism, a set of factors needs to be harmonised:

- » the political factor, evident in the provisions of the fight against terrorism;
- » legislation (legal dispositions);
- » institutional capacity;
- » integrity of the authorities involved in the fight against terrorism;
- » tactical and operational capacities for action.

In this context, the Republic of Macedonia has taken concrete steps. Firstly, at the political level, regardless of the long-lasting political crisis, some strategic directions for covering current trends in threats to security, as well as adequate procedures according to the respective dynamics, were confirmed.

In order to harmonise national legislation with international and other documents, the legislative branch has started to adapt the former regarding the fight against terrorism. As for this, I assess that the political atmosphere was and is favourable for dealing with the challenges that arise from terrorism and violent extremism. To this end, the Republic of Macedonia has adopted amendments to the Criminal Code and changed the regulation regarding so-called „terrorist crimes“. Until 2008, there was one incrimination (paragraph 313, Terrorism), but further paragraphs have been added ever since: 313: Terrorist threat to the constitutional arrangement of the country; 394a: Terrorist organisation, 394 b: Terrorism, and 394 c: Financing terrorism. Today, the Criminal Code of the Republic of Macedonia includes five crimes of explicitly terrorist character:

- » international terrorism (paragraph 419),
- » threats to persons under international protection (paragraph 420),
- » taking hostages (paragraph 421),
- » hijacking an airplane or ship (paragraph 302), and
- » threats to the security of air traffic (paragraph 303).

The systematic order of the crimes can follow various criteria. The Macedonian legislator has applied a system in which the crimes are classified according to the targets of protection, as well as other internal systematisation criteria. That is why the mentioned crimes belong to different chapters (entities of classification):

- » crimes against the state (Chapter 28),
- » crimes against humanity and international law (Chapter 34),
- » crimes against security and public transport (Chapter 27).

In addition, paragraph 322a was introduced: „Participation in a foreign military, police, paramilitary or para-police formation“. The paragraph is proof of the efforts put into the fight against violent extremism leading to terrorism. It reads: „A person who illegally creates, organises, recruits, transports, organises transport for, equips, teaches or in any other way prepares a person or group for the participation in a foreign military, police, paramilitary or para-police formation, in organised groups or as individuals, outside the territory of the Republic of Macedonia will be sentenced to at least five years of prison.

The Law on preventing money laundering and financing terrorism, the Strategy on the fight against terrorism, the Strategy for dealing with violent extremism, and the Strategy for preventing money laundering and financing terrorism have been adopted. This was realised in accordance with the UN Security Council`s Resolution 2178 (2014), which condemns violent extremism and proposes active measures for its eradication. Among other things, it summons the UN member states to enforce border security and to carry out controls in order to find and arrest foreign fighters who are travelling to or from war zones. And, most importantly, it imposes on the member states to fight violent extremism. In the face of terrorism having increased during the last few years, the European Commission (EC) adopted a double set of measures to improve the way this threat is dealt with. According to the EC`s report, foreign fighters have been involved in at least six terrorist attacks on EU territory in 2015. The Commission stated that „existing provisions have to be harmonised, taking into account the changed security situation regarding terrorism in Europe“. Thus, the Republic of Macedonia

became one of the countries that have incorporated the international documents in their legislation.

Apart from this, as an expression of political will for the fight against terrorism, the Republic of Macedonia also established some institutions in addition to the existing ones. That is how the Office for Prevention of Money Laundering and Financing Terrorism (now Financial Intelligence Office) and the Finance Police were founded, as part of the Ministry of Finances. These two new institutions are involved in the process of „fight“ against terrorism and violent extremism, in addition to the existing ones, which are the Ministry of the Interior, the Office for Public Security and the Administration for Security and Counter-intelligence, the Intelligence Agency, the Ministry of Foreign Affairs, the Public Prosecutor`s Office for Organised Crime. Civil society organisation are part of these institutions, which are especially important in the fight against radicalisation and the process of deradicalisation, as well as the Islamic Religious Community, and the units of local self-government. The establishment of the National Coordination Body for the Fight against Terrorism and Violent Extremism and Cooperation at the Regional and International Level was considered of special importance.

The Office for Public Security and the Administration for Security and Counter-intelligence, which are part of the Ministry of the Interior, are actively participating in early detection, analysis, and assessment of potential threats and risks to security from persons who proclaim extreme standpoints and show extreme actions, participate in foreign paramilitary or para-police forces, as well as persons who are proclaiming or practising terrorism. Any forms of illegal proceedings in the penitentiary and correctional institutions, as well as stirring up national or religious hate and intolerance, as well as violent disruption of the constitutional order are in the focus of the security interest.

In accordance with the confirmed forms and methods of work of the Ministry of the Interior, independently or in cooperation with the Republic of Macedonia`s other competent institutions, measures and activities are continuously carried out:

- » proposing initiatives for national legislation to be adapted to and harmonised with international documents;
- » support of and active participation in the education of staff, as well as rising the awareness about the process of radicalisation and terrorist behaviour and educating staff with regard to adequate competences and abilities;

- » improving preparedness of the special units for immediate action in case of the problems mentioned;
- » active participation in regional bodies for dealing with certain types of organised crime and terrorism (Migration, Asylum, Refugees Regional Initiatives; Southeast European Law Enforcement Center), making bilateral agreements with the neighbouring and other states, as well as active participation in international bodies in the area of security;
- » identification of persons exposed to the risk of radicalisation;
- » systematic actions of interdisciplinary cooperation with the administrations of prisons and profiling individuals and patterns of behaviour in order to track radicalised persons and prevent the level of radicalisation of the fellow prisoners, as well as devising a plan for deradicalisation;
- » counselling and sharing experiences of all security services, with the aim of preparing a plan for reintegration and deradicalisation of persons in the penitentiary institutions.

Implementing these measures means respecting the basic human rights and freedoms in accordance with the international conventions and protocols that have been incorporated into domestic legislation. Hence, preventing extremist and radical actions which lead to terrorism as well as further recruitment is one of the basic principles in the fight against these security phenomena and the fight against violent extremism. At the time being, in the Macedonian prisons, there are 25 prisoners and sentenced persons who have been in the Syrian war zones. Hence, prisons are also institutions that participate in the fight against terrorism.

Inside these institutions, whose capacities have already been increased, when persons are taken into custody, their accommodation is taken into consideration: participants in the same actions are not accommodated within the same, but in different units. Attention is paid so that these persons share an accommodation with only one or two other convicts. The prison police is responsible for the choice of accommodation. The members of the prison police work with these persons and, at the end of their working day, pass their remarks on them to their superior, who, in turn, informs the director of the institution.

The procedure that is now being adapted according to the Rabat Memorandum and the Rome Memorandum is already well designed. It is about prophylactic measures concerning prisoners and tracking their activities by means of the prison staff continuously working with them, as well as the Islamic Religious Community, their families, and other factors, according to actual needs. After the sentence

comes into legal force, the individual has to serve it. During admission, the person is placed in the admission unit where they stay for 15 to 30 days. During this time, the sentenced person is introduced to the house rules of the penitentiary institution and, within the first 24 hours, will have a medical check by the prison medic. From the very start, the prisoner is controlled by qualified staff: a social worker, a teacher, a psychiatrist, and a prison medic, who assesses the risks based on some techniques and methods in order to get precise information about the prisoner, and as much as possible. Later, the achieved results will be taken into account for establishing the convict`s treatment and his classifications in a specific prison unit. For the classification, the following data is considered:

- » the type and nature of the crime;
- » the motives for the crime and the culprit`s standpoint regarding the deed;
- » the convict`s age;
- » former convictions/sentences; the way in which the convict bears his sentence in the beginning;
- » the condition of the convict`s health, the psychological, educational, social and security characteristics and needs of the convict.

If the convict is assessed as representing a high risk, then the next step will be high-risk assessment of the convict, which consists of three parts: the first one refers to the criminal background of the convict, so that one can get a picture of the types of previous and current crimes. The second part is related to important events in the convict`s life, and the third part serves the aim of completing the picture of the convict with regard to the current risk of any kind of injury. Those persons are accommodated in the respective prison unit. A professional teacher and a member of the prison police work with those persons every day, and both of them fill out reports daily. These convicts share a room with no more than two other persons who are chosen by the prison police. Considering the complexity of extremism and radicalism as security phenomena that can lead to terrorism, but also have an impact on other segments of society, it is obvious that it is absolutely necessary to strengthen the collective action not only on the side of the security services, but also on the side of all involved parties and actors within society.

At this point, I would like to acquaint you with a successful identification action involving radicalised persons who were radicalising other individuals. This action was successful regarding the adequate use of operational, tactical and technical methods and means, as well as investigative measures and activities. I will only explain the main characteristics of the crimes within the operation „Cell“.

After the application of broad operational and tactical, technical, and investigative methods and means, as well as the collection of enough evidence, an accusation was brought and accepted by the public prosecution. The „Cell“ process took place on March 25th, 2016, and six of the suspects were sentenced to prison. All of them pledged guilty and reached an agreement with the prosecution. On May 16th, another five suspects (Isa Fuga, Abdullah Abdullahi, Erol Rustemi and Stefan Stefanovski) also declared themselves guilty, even though they had first pledged not guilty. The profiles of the 11 sentenced persons are listed below. The diversity of the profiles of the accused in the „Cell“ case shows that the staircase of violent extremism is not characteristic of a certain profile of people with a certain kind of past. This destroys to some extent the supposition that violent extremists and foreign fighters originate from the poor, are not very educated and have a criminal record. We see that these characteristics are not the rule, but can be accurate in some specific cases. The fact that the „Cell“ involved a doctor, a state official, a goldsmith, many old as well as many young people, shows that it is not correct to build stereotypes beforehand.

The persons accused of this action were:

Rexhep Memishi, 36, an imam at the notorious Tutunsus mosque from Skopje. He was sentenced to 7 years in prison for recruiting people for foreign paramilitary organisations according to paragraph 322 of the Criminal Code. Memishi, married with two children, did not have a criminal record. He was considered the main recruiter for the IS in Macedonia.

Ahmet Darlishta, a 32 year old state official, sentenced to five and a half years in prison for organising and financing recruitment and transport of fighters for foreign paramilitary organisations according to paragraph 322 of the Criminal Code.

Sejfulla Evdemovski, 32, sentenced to 5 years in prison for logistic support and an attempt at participating in foreign paramilitary organisations according to paragraph 322 of the Criminal Code. He had tried to join the war in Syria, but was arrested at the airport in Istanbul and brought back to Macedonia.

Resul Saiti, 22 years old, the youngest one of the group, sentenced to 5 years in prison for logistic support to Macedonian citizens who joined the war in Syria according to paragraph 322 of the Criminal Code.

Fazli Sula, a 23 year old goldsmith, sentenced to 5 years in prison for participation in foreign paramilitary organisations according to paragraph 322 of the Criminal Code. He travelled to Syria from Skopje airport on 21 February 2015. He uploaded pictures of his stay to his profiles in social networks.

Muhamed Shehu, 27 years old, unemployed, from Gostivar, sentenced to 5 years in prison for participation in foreign paramilitary organisations according to paragraph 322 of the Criminal Code. He had no criminal record before. Just like Fazli Sula, he uploaded pictures of his stay to his profiles in social networks.

Isa Fuga, 24, from Skopje, no criminal record. He was sentenced to 4 years in prison for participation in foreign paramilitary organisations according to paragraph 322 of the Criminal Code.

Abdullah Abdullahi, 27, from Tetovo, a married father of five children. He had no criminal record. Sentenced to 3 years and one month in prison for participation in foreign paramilitary organisations according to paragraph 322 of the Criminal Code.

Erol Rustemi, 36 years old, unemployed, sentenced to 6 years in prison for organising the transport of foreign fighters and for participating in foreign paramilitary organisations according to paragraph 322 of the Criminal Code.

Muhamed Imeri, a 38 year old taxi driver from Skopje. He was sentenced to 2 years in prison for participation in foreign paramilitary organisations according to paragraph 322 of the Criminal Code.

Stefan Stefanovski is the only ethnic Macedonian sentenced in the „Cell“ case. A 32 year old medical doctor. During the process, he referred to the Hippocratic vow, stating that there was nothing bad in offering medical help to people, regardless of their religious, racial or national affiliation. He was sentenced to two years in prison for participating in foreign paramilitary organisations according to paragraph 322 of the Criminal Code.

Fazli Sula, a goldsmith of 23, sentenced to 5 years in prison for participation in foreign paramilitary organisations according to paragraph 322 of the Criminal Code. He travelled to Syria from Skopje airport on 21st of February 2015. He uploaded pictures of this stay to his social network profiles.

Conclusions, observations and suggestions

The efforts of the international community are going in the direction of creating legal possibilities for unhindered activities by the services, in favour of applying the laws, even by intensifying sentences and the qualification of actions that serve as preparation of a terrorist activity as punishable, thus strengthening general prevention. The activities will have to be intensified, however, in the near future. Awareness of all actors about the dangers from the activities of radical structures and their engaging in concrete terrorist acts has to be achieved.

The number of terrorist acts has grown enormously, and the efforts will have to be directed at early detection, warning, identification of the actors, and engagement of all forces and means vis-à-vis radicalised persons who are practising terrorist activities.

What has to be done in the near future:

- » Promotion of theoretical and empirical studies by the academic community, in cooperation with the national institutions competent for handling violent extremism and radicalism, and drawing adequate conclusions for actual dangers, risks, and threats for national security. Such results will give a picture of the actual conditions and for giving directions for further proceedings.
- » Necessary implementation of continuing joint seminars for staff of the security institutions for prevention and eradication at the regional (mainly with the neighbouring countries) and international level in order to harmonise the approach, develop a high degree of cooperation, share information, exchange experiences, and build mutual trust.
- » It is necessary to continue and develop inter-institutional cooperation in the frames of the states, by sharing and exchanging good practices and experience.
- » Strengthening and developing the capacities and resources of the local prevention councils, citizens` consultation groups, and religious communities, in order for them to introduce measures and activities for the prevention of violent extremism and radicalisation of individuals and groups.
- » Designing a sociological profile by all institutions involved at the national level, with the aim of identifying the motive and background for committing terrorist acts.

- » Active inclusion and engagement of young people and youth organisations, families, women, religious, cultural and education leaders and civil society in dealing with conditions that are conducive for the spreading of violent extremism.
- » Designing an instrument for assessing the risk of returned foreign fighters and accompanying family members and following their behaviour, way of life, contacts and relations, with special focus on children returned from conflict regions.
- » Emphasising the need to form a special department or body within the prisons for tracking and analysing information about persons, resources and capacities involved in the process of radicalisation and spreading extremist ideology.
- » Assessing the conditions and possibilities for the development of an adequate rehabilitation, resocialisation and reintegration programme for returned foreign fighters while they are in prison and afterwards, lead by the government institutions, but in cooperation with partners from civil society, the academic community and relevant experts.

Literature:

- » Antoni, Dž, Skoti, Zaštita na funkcionerite i megjunarodniot terorizam, Kultura, Skopje, 2004.
- » Armstrong, D., Farel, T., Maingauška, B., Upravuvanje i opor vo svetskata politika, Magor, Skopje, 2009
- » Brisard, C., Terrorism financing, roots and trends od Saudi terrorism financing, USA, 2006
- » Gelke, A., Novata era na terorizmot i megjunarodniot politički sistem, Magor, Skopje, 2009
- » Dimovski, Z., Ilijevski, I., Megjunaroden terorizam, Fakultet za bezbednost, Skopje, 2011
- » Dojčinovski, M., Odžakov, F., Razuznavački operaciji, Solaris print, Skopje, 2010
- » Kotovčevski, M., Borba protiv terorizmot, Makedonska civilizacija, Skopje, 2004
- » Dronzina, Z., Ženskiot samoubistven terorizam, Voeno izdatelstvo, EOOD, 2008
- » Elzeser, J., Kako je džihad stigao na Balkan, Jasen, Beograd, 2006

Internet sources:

- » FATF, GAFI, The Financial War on Terrorism, A Guide by the Financial Action Task Force, 2004, from http://books.google.com/books?id=aOQedIRh9sUC&printsec=frontcover&source=gbs_slider_thumb#v=onepage&q&f=false
- » Hopkins, R., Bruce, The Tax Law of Charitable Giving, Fourth edition, John Wiley & Sons, Inc., Hoboken, New Jersey, 2010, from http://books.google.com/books?id=FSukktE0GQwC&printsec=frontcover&source=gbs_slider_thumb#v=onepage&q&f=false
- » Vaccani, Matteo, Alternative Remittance Systems and Terrorism Financing, Issues in Risk Management, World Bank working paper No. 180, The World Bank, Washington, 2010, from http://books.google.com/books?id=bjk0t1i9djkC&printsec=frontcover&dq=Alternative+Remittance+Systems+and+Terrorism+Financing&hl=mk&ei=XDkaTM2DJ8-isQahhMm0Bg&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCIQ6AEwAA#v=onepage&q&f=false [accessed on the 10.06.2010]
- » Gurule, Jimmy, Unfunding terror, The Legal Response to the Financing of Global Terrorism, Edward Elgar Publishing Limited, Northampton, 2008, from http://books.google.com/books?id=tYHi5qBaM7MC&printsec=frontcover&source=gbs_slider_thumb#v=onepage&q&f=false
- » Pieth, Mark, Financing Terrorism, from http://books.google.com/books?id=kQYqAxp7WoC&printsec=frontcover&source=gbs_slider_thumb#v=onepage&q&f=false

2.2. DERADICALISATION OF „FOREIGN FTIGHTERS“ AS A PART OF THE PROCESS OF RESOCIALISATION IN PENITENTIARY INSTITUTIONS IN THE REPUBLIC OF MACEDONIA

Prof. Dr. Oliver Bačanović

*Faculty of Security, Skopje of „St. Kliment Ohridski“ University, Bitola
bacanovicoliver@gmail.com*

Bojan Hristovski,

master student at the Faculty of Security, Skopje

Introduction

The participation in foreign paramilitary formations and terrorist organisations is not a new phenomenon, but it has gained new momentum since the beginning of the conflict in Syria and Irak in 2011. Since then, a large number of „foreign fighters“ have followed the call of the „Islamic State“ and other extremist groups. Based on political and ideological goals and attracted by heavy propaganda „in the name of Islam“, they were radicalised in different ways and recruited in their home countries. The danger of the „foreign fighters“ as a phenomenon became acute after their return to their countries of origin, where different activities related to violent extremism, religious propaganda and terrorist acts have been carried out.

Namely, between 2014 and 2017, there were terrorist attacks in the name of the „Islamic State“ in several EU states which former „foreign fighters“ directly or indirectly participated in.

However, the activities of the „foreign fighters“ are not decreasing in intensity, even if they are locked up in penitentiary institutions. Experience has notably shown that „foreign fighters“ do not leave behind their extremist and criminal behaviour, nor the ideology: on the contrary, they continue, they reorganise, they educate themselves and build networks with the other terrorists and criminals while they are serving their sentence.

Religious indoctrination, i.e. radicalisation can also be observed in Macedonia`s penitentiary institutions, and young persons from 18 to 24 are considered a group of risk prone to external influence.⁴³

That is why dealing with the „foreign fighters“ is a huge challenge, also since they, most often, do not consider themselves criminals, but believe their sentence to be unjust, based on their ideology and cause.

Dealing with them is a complex matter, since their motive for committing the crime they have been sentenced for is specific. That is why one has to start from the fact that everything that has been learned with „feeling“ is „rooted“ in the brain and can literally change cognition on the level of neurons. According to this, the system of belief is said to be extremely strong in terrorists, and they defend it with great emotional intensity.⁴⁴

Dealing with convicted „foreign fighters“ in the prisons is a means of resocialisation, i.e. a process in which different measures and methods are used to realise the main goal of modern penitentiary `resocialisation and, in its framework, deradicalisation of this category of convicts.

Resocialisation of convicts who are „foreign fighters“ is generally directed at their so-called **deradicalisation** and **disengagement from violence**.

Deradicalisation is a process in which attitudes are changed. It is a cognitive process with the aim to dispose of a person`s extremist attitudes and replace them with more moderate ones. Additionally, in theory and practice, the process of **disengagement from violence** is applied, which can happen at the same time as deradicalisation, sometimes even independently. Namely, disengagement from violent methods is not always paired with deradicalisation. Actually, in many successful cases of deradicalisation (change of violent extremist beliefs), violent behaviour was stopped, but the attitude did not change.⁴⁵

43 In the Macedonian prisons and penitentiary institutions, a tendency has been observed according to which the danger of extremism is most probable with men from 18 to 24, said Minister for Justice Renata Deskoska at an international conference in Skopje on the topic of prevention of violent extremism, radicalisation and deradicalisation in the Western Balkan countries, as well as resocialisation of former prisoners. <https://telma.com.mk/vo-zatvorite-postoi-potentsijalna-opasnost-od-radikalizam/pristapeno-na-1.11.2018>

44 Dr. Rupali Jeswal: Treatment of offenders, with focus on terrorists in prison

45 Ibid.

The treatment of „foreign fighters“ in penitentiary institutions in the Republic of Macedonia

„Foreign fighters“ as a phenomenon and the risk that their actions create in the countries of origin has not left out the **Republic of Macedonia**. In the last years, a total of **154** Macedonian citizens who have participated in the conflict in Syria and Iraq have been identified, **35** of which have been killed. According to available information, **80** Macedonian citizens have returned from Iraq and Syria to the Republic of Macedonia.⁴⁶

Many of the returnees from Iraq and Syria arrived before the paragraph „Participation in foreign military organisations“ was introduced in the Criminal Code.⁴⁷ After the new provisions in the Criminal Code came into force, several actions for suppressing the „foreign fighters“ were carried out, which finally resulted in legal sentences for 25 persons. They are distributed to different penitentiary institutions of the Republic of Macedonia, where they are not separated from the other convicts, and neither is communication among them being made impossible.

There is no confirmed strategy for the classification and physical distribution (accommodation) of convicts who have been „foreign fighters“, and additionally, it must be stressed that there is **no special programme for the resocialisation (deradicalisation) of this group of convicts in the Republic of Macedonia**.⁴⁸ This fact is especially worrying because five of the convicted „foreign fighters“ have already been released without having been included in an adequate treatment programme.

According to the information gained from the study,⁴⁹ one can say that the persons who have served their sentence are not deradicalised. On the contrary, some of them continue contacting with like-minded persons and visit lessons of radical imams.

46 <https://telma.com.mk/vo-zatvorite-postoi-potentsijalna-opasnost-od-radikalizam/pristapeno-na-1.11.2018>

47 Law on changing the Criminal Code, „Official gazette of the Republic of Macedonia“ Nr 132, 05.09.2014.

48 We would like to note that, during a discussion with a representative of the Sanctions department, we were informed that a working group for devising such a programme has been formed.

49 We are referring to the study made by Bojan Hristovski from the Faculty of Security in Skopje, which he realised in the framework of his master`s thesis with the title „Deradicalisation of „foreign fighters“ as a part of the resocialisation process in penitentiary institutions in the Republic of Macedonia, in the direction of preventing terrorism“.

For the rehabilitation of the „foreign fighters“, i.e. the implementation of an adequate programme for deradicalisation, it is necessary to have a fully functional penitentiary system, taking into account not only the staff and technical capacities, but also the indispensable coordination and cooperation.

One of the characteristics of the conditions in the penitentiary institutions in the Republic of Macedonia is that the number of prisoners is too high, compared to the disposable resources (overcrowded prisons),⁵⁰ with the addition of further problems, such as a lack of staff, inadequate professional skills and training, as well as insufficient and inadequate premises. It must be added here that the staff in the prisons is not trained at all in dealing with „foreign fighters“ or terrorists. At the same time, the number of convicts in the treatment groups led by resocialisation officials largely exceeds the official standards, which significantly lowers the quality of the treatment.

Based on international as well as our own experience, we can state that the lack of staff and adequate training regarding the recognition and suppression of radical behaviour, profiling and efficient treatment of the „foreign fighters“ can increase the threat of violent extremism and make it impossible to carry out specific programmes for the process of resocialisation (deradicalisation).

According to the findings of theory as well as practice, the time of admission to the penitentiary institutions („Institutions“) is a highly important link in the process of resocialisation. At the same time, according to the requirements of the current legal provisions, the Institutions must have departments for the admission of convicts (admission departments), but in most of them, they are lacking, which represents a huge additional burden for the educational staff.

We can also state that an interdisciplinary examination of the personality during admission allows a partial classification regarding leadership qualities, weaknesses related to subordination to external influence, ideological convictions, risks, etc. However, even if a full profile of the convict is established, the detected characteristics are not always taken into account for individualising the treatment and the accommodation. One reason for this which needs to be stressed is the lack of strategies and programmes for dealing with „foreign fighters“ as a specific category of convicts.

50 Ibid

At the same time, the principle of individualisation during the time of imprisonment leads to the necessity of an appropriate instrument for assessing the risk that a convict emanates. The instrument that is used in the Macedonian Institutions measures and assesses the risk of recidivism and the needs of the convict, but does not assess the risk of possible influencing (including radical influence), the dangers for the prison environment (for staff and fellow convicts), or the risk of committing terrorist attacks during the time of imprisonment, etc.

The imprisoned „foreign fighters“ in the Republic of Macedonia enjoy all amenities, just like the other convicts, without surveillance, control, or risk assessment. Namely, almost all „foreign fighters“ imprisoned in the Macedonian Institutions enjoy the right to free weekends, visits by family and friends, access to literature, as well as other amenities.

Additionally, misuse i.e. taking advantage of the weak control mechanisms in the prisons has been reported. Namely, the prisoners find ways to illegally bring mobile phones into the prisons and to use them, as well as other means of communication. Almost half of the „foreign fighters“ in the Republic of Macedonia have been reported to use mobile phones.⁵¹

As for coordination and cooperation related to dealing with „foreign fighters“, we can state that in the Macedonian legislation there is no provision that regulates the cooperation among the competent institutions: the Department of Security and Counter-Intelligence at the Ministry of the Interior and the Sanctions department at the Ministry of Justice.

Although this is essential, there is no formal institutional mechanism for a fast, efficient and reciprocal sharing of information relevant for the competent institutions. That is why, in practice, there are problems concerning coordination, profiling of the convicts during their admission to the admissions department, creating and implementing an efficient treatment programme, risk assessment, classification and accommodation, suppression of radicalisation, etc.

51 In the framework of the study mentioned, which included the screening of 21 files of „foreign fighters“ (out of a total number of 25 who are serving their sentence in prison), 11 had been punished with disciplinary measures for breaking the house rules of the Institution by possessing and using a mobile phone.

The Macedonian penitentiary system does not have an organised intelligence mechanism for the collection and analysis of relevant security information.

Starting from the religious element connected to the motive for the crimes the convicts have committed, one negative circumstance which influences their cooperation with the prison staff is that the Islamic Religious Community in the Republic of Macedonia has never been involved in the activities related to the deradicalisation of violent extremists in the prisons, although there have been various attempts from their side to suggest projects and proposals concerning the resocialisation of „foreign fighters“.

Conclusions and suggestions for improving the efficiency of the Macedonian penitentiary system concerning the deradicalisation and resocialisation of „foreign fighters“

In order to build an efficient penitentiary system in which prison sentences are an appropriate means for deradicalisation and resocialisation of the convicts, according to international norms and good practice examples in different countries, it is necessary to introduce concrete measures and activities.

When it comes to convicts that are „foreign fighters“, it is not only necessary to design an **appropriate rehabilitation (deradicalisation) programme**, but also to introduce all essential conditions for its implementation in practice.

Namely, in the context of security, it is inevitable to deal with „foreign fighters“ after their imprisonment in the penitentiary institutions, too. The inadequate treatment **in the prisons** can be reflected to a significant extent in many spheres of security: especially, **the inadequate treatment of „foreign fighters“ in the prisons can produce new terrorists. If the imprisoned „foreign fighters“ are treated as terrorist, we will create more and more radical terrorist.**

Sturdy resistance to extremist ideology is necessary, with the aim to unmask it and show its true nature, applying the means of moderate ideology. An important precondition for this is to get support from the convicts themselves, by building up confidence, gaining their attention and interest in the process of resocialisation, and then, as a result of well-organised and well-considered (planned and programmed) efforts, to change or to influence a change in the direction of their thoughts, their attitudes, etc.

The organised approach in the treatment will be provided by programmes for deradicalisation which have to include different **measures for stimulation** of the convicted „foreign fighters“, such as facilitating education and achieving capabilities, better health conditions, conclusion of marriage, etc., for which there is certain international experience.

For the treatment, the **time needs to be organised and filled with activities** with positive content, in order to provide efficient penal adaptation and successful resocialisation. In order to reach this goal, the experience of best practices from successful programmes for deradicalisation and disengagement from violence must be considered.

It would be of great importance for the treatment to contain special programmes for deradicalisation with activities which include **participation of the family members of the convicts, but also families of victims of terrorism**, as well as other **influential persons from the social, political and cultural sphere**. It is also possible and even recommended to involve **deradicalised and rehabilitated former extremists and terrorists from the Republic of Macedonia and from abroad** in these processes.

The **cooperation with the Islamic Religious Community (IRC)** as a legal representative of Muslims in the Republic of Macedonia has to be continuously improved, as well as its **involvement in the processes of deradicalisation within the process of resocialisation**. The cooperation with the IRC as one of the key factors of promoting a moderate version of Islam compatible with the Macedonian society has to be realised not only for general eradication of violent extremism in the state, but also in the specific approach during the process of deradicalisation of „foreign fighters“ in the penitentiary institutions, as well as for the protection of vulnerable groups from radicalisation.

In cooperation with the IRC, the competent institutions need to start activities for creating a concrete strategy and a plan for following activities of radicalisation and violent extremism on the internet, as well as taking countermeasures for eradicating the harmful phenomena mentioned. A list of forbidden written and electronic literature (internet) has to be continuously kept up to date, and adequate technology as well as necessary training of the prison staff in identifying the use of forbidden means of communication has to be provided.

In order to provide more efficient treatment, better internal cooperation, detection, managing and eradication of activities related to violent extremism, it is indispensable to create an organised and efficient system of collection, analysis, and assessment of knowledge within the penitentiary institutions. It is also necessary to design and use special screening instruments for the assessment of the recidivism risk, especially in the case of convicts leaving the institution for taking free weekends or other amenities.

Prison staff that works with convicts who are „foreign fighters“ needs to be appropriately trained to carry out the concrete deradicalisation programme, and to acknowledge, identify and eradicate activities related to violent extremism and radicalisation.

With the aim of establishing efficient coordination and cooperation among the departments including a precise definition of responsibilities, as well as ways and forms of mutual information and action, it is necessary to make appropriate **normative changes**.

Activities motivated by violent extremism in all their different forms are a reality within the modern society which is not likely to disappear in the future. The process of deradicalisation of „foreign fighters“ is very hard, and its success is unknown. Some extremists may never change their radical attitudes or refrain from violence, but by no means should this lead to discouragement or renouncement from working with them in the prisons. At the contrary, the states, within the limits of their possibilities, capacities and financial power, continuously have to work on the improvement of the conditions in the penitentiary institutions, as well as finding new solutions for successful rehabilitations of „foreign fighters“, with the main goal of eradicating violent extremism and terrorism.

2.2. TERRORISM AS A GLOBAL SECURITY THREAT

Dr. Sc. Armin KRŽALIĆ

Faculty of Criminal Justice, Criminology and
Security Studies at the University of Sarajevo
akrzalic@fkn.unsa.ba

Dr. Sc. Nedžad KORAJLIĆ

Faculty of Criminal Justice, Criminology and
Security Studies at the University of Sarajevo.
dean@fkn.unsa.ba

Introduction

The expectation that globalization could reduce the gap between the rich and the poor is a wrong premise, just like the expectation that terrorism could disappear in the new world order. Because of that, we view terrorism as a huge challenge to global security and a global security threat. When talking about terrorism as a global security threat, we view terrorism as an agent, because terrorism is neither a philosophy nor a movement. Such deliberation is shared by Šikman as well, who views terrorism as a global security threat to the world, considering that terrorism is one of the most dangerous forms of security threat to the state, region and international community as a whole, and, as such, represents a significant security threat to certain states and a global threat to the security of the international community.[□]

If, viewed from different perspectives (which we will analyse below) an act is considered as terrorism and liberation at the same time, we chose not to define it as terrorism. In this paper, we will research the history of terrorism, misuse of terrorism by dishonourable politics, and through the analyses of renowned authors, explain what is behind the slogans: „War against terrorism“, „Unity of a nation“, and „War for justice“. We will not analyse and list all the definitions of the mentioned term.

Meaning of the word „terror“

The word „terror“ originates from Latin, and it forms the base, or the root, of the word „terrorism“. However, we can trace the origin of this word to the Indo-European root „tras“, which means “shivering caused by fear”. It is obvious that it is about a planned use of violence or violent threats to fulfil political, religious or ideological goals. According to the dictionary of foreign words (Klaić, 1985), “terror” indicates provoking fear, horror, dread, use of physical violence to destroy enemies, while the term “terrorism” means the conduction of terror, governance with intimidation, tyranny; destruction of enemies using the cruellest means (persecution, oppression, killing, etc.). Modly and Korajlić view terrorism as an “act of intimidation, violence directed towards viewers, including those in political and media life”.[□] According to them, contemporary terrorism is a danger for innocent people. To simplify, a more concise understanding of the mentioned words is given by Abazović, who says that “terrorism is a crime, and nothing but a crime, terrorists are criminals, and nothing but criminals (they are not idealists, nor heroes, nor freedom fighter, nor protectors of religious or national interests, nor..., nor...)” (Abazović, 2012).

Terror as a weapon for oppression and wars

Terror as a weapon for oppression and wars was used throughout history, starting with Plato, Aristotle, and Cicero, who celebrated the murder of unjust rulers, calling for other Romans to join them in their celebration. The Romans believed that killing unjust rulers (tyrant kills) was the best venture, especially if the killer was close to the tyrant.¹ Most of the contemporary theorists connect the word “terror” (terreour, terror) to the events during the French Revolution (1789 – 1795) to point out the state of general fear developed intentionally for political purposes. The people who advocated the revolution, and upon its realization, proudly called themselves “real terrorists” (vraishommes de terreour). During this period, the term “terrorism” appeared, marking the activities of the new government. This term was transferred to the rest of the world. The famous English philosopher of the XVIII century, Edmund Burke, labels the protagonists of the French Revolution as terrorists. In a similar context, terrorism refers to the forms of violence the French government executed upon political opponents, nobles, their families and sympathizers, but also common folk.² This points out that terrorism gained a political dimension. Another confirmation of the appearance of the political dimension of terrorism during the period of the French Revolution can be found

in Maximilien Robespierre, the author of the Human Rights Declaration and one of the most eminent persons of the French Revolution. In his attempt to justify the revolutionary terror of the Jacobins, he steadfastly conducted his motto that “the Revolution government is despotism of freedom against tyranny”. Therefore, in the name of freedom, he insists on the despotism of the rulers, and despotism is only one form of state terrorism, or terrorism of the governing ideological or political elite, or oligarchy.³

Terrorism, as a form of combat, is used by certain groups to achieve goals which are mostly impossible to identify. However, in most cases, behind a terrorist act stand political issues. We can see that the term terrorism has been long known, and it represents a historical phenomenon. As such, it has no dimension or borders in time and space, it can occur anywhere at any time, and be spread on a local, regional or global level. Terrorism reached its peak during the middle of the XIX century in Western Europe and Russia. It was manifested in violent attacks, from assassinations of highly ranked persons to planting of explosive devices. It is believed that, only in Russia, more than 7000 officials security persons were killed, including the emperor.⁴ The anarchists called themselves terrorists without any shame and viewed their tactics openly as terrorism. Furthermore, we can mention the assassination of the Austro-Hungarian archduke Franz Ferdinand, which started the avalanche of the First World War. Dominique Venner views this act as a break of the idea that monarchy should be restored in the empire where Slovenians, Croats and Bosnians will be united in an autonomous community, while Serbs lost the only person who could potentially stop an armed conflict between Austria and Serbia.⁵

By the end of the XX century, systematic terrorist attacks appeared as a means of terror, but to an extent that the modern era had not seen. Systematic terrorist attacks were used during the war in Bosnia and Herzegovina and were mostly directed against civilians. The experience of the citizens of Sarajevo, Bihač and Tuzla shows that the Army of Republika Srpska exposed them to what were systematic terrorist attacks, which resembled an extended terrorist campaign in terms of their aftermath.⁶ Instead of the famous terrorist car bombs (like the one used by the Provisional IRA in London), the explosions were caused by grenades, and single attacks on civilians were conducted by snipers. On the psychological side of such acts, we can find elements of terrorism. This was especially expressed in the conscious choice of children as sniper targets. The reason for this was not the fact that the children would have a role in war, but on the contrary, killing children was believed to be an efficient way of spreading fear and discouragement

among the population. Broader war goals were achieved with terrorist violence. As a result, until the cease-fire at the beginning of 1994, one or two children were killed daily in Sarajevo by the occupying army (the army of the Republika Srpska, chetniks, mercenaries and volunteers), and it is believed that 20-25% mostly suffered because of the snipers. The final verdict for Dragomir Milošević, the general of the army of Republika Srpska, by the Hague Tribunal, tells the story of the four-year blockade⁷ and terrorising of Sarajevo. General Milošević (68) was declared guilty in November 2009 in five points of the indictment: terrorising the population of Sarajevo, killing civilians, and other inhuman acts during the artillery and sniper campaigns on civilians in Sarajevo, from the position of the Sarajevo-romanijski corps of the Army of Republika Srpska, which was under his command between 1994 and 1995. Also, the Hague Tribunal declared Ratko Mladić, the war commander of the Army of Republika Srpska, guilty in eight points of the indictment, such as terrorising civilians in acts of breaking martial law, attacks on civilians, and taking hostages as acts of breaking martial law.

Therefore, the question arises whether these characteristics of terrorism change over the years, as a form of terror, and if a change in the future is probable?

Panta Rhei – everything flows if you wait long enough

Terrorism has not changed much during the last century, and hardly at all in the last 25 years. The first aeroplane hijack occurred in 1931, while terrorism reached its peak with the first hijacking with the goal of political extortion in 1968. The first car bombs were used in 1947 in Palestine, while the first terrorist bomb on an airplane exploded in 1955. At that time, the first ultra-left groups like the Red Brigade and the Red Army Faction emerged in Europe, whose actions showed that terrorism was a means of their politics, and that their goal was destruction and intimidation of the capitalist order. This period ended at the beginning of the 1980s. The disclosure of confidential documents of some intelligence and counter-intelligence agencies showed that, during the Cold War, a great number of terrorist organizations had been under the control of the security systems of both blocs, with the purpose to achieve goals at the expense of the opposing side.

After the end of the Cold War, and the weakening of the mentioned groups, it can be said that it was obvious to look for the emergence of a new security problem. Israel did not stand still, and with USA and France as its allies, it invaded Lebanon,

thus marking the beginning of the Lebanon Civil War, and it clearly picked the side of the Christian forces, which created and intensified the opinion that the USA and the West are enemies of the Muslim civilisation. Obviously, this was not enough, and they went on to raise the tensions between India and Pakistan in terms of Kashmir and Jammu, in order to create circumstances where the Muslim world is not only in conflict with the West, but also with the Hindu and Orthodox civilisation. These events overshadowed the terrorist acts conducted by racist right-wing groups in Austria, Germany, Sweden and elsewhere, against Muslim citizens, as well as gang street attacks in Marseille, Berlin, Oslo, and Stockholm.⁸

By analysing the religious background of the terrorist attacks in the far past (long before Islam, which is often marked as one of the main motive generators for such attacks), we have found out that the earliest terrorist activities were conducted by the Sicarii (Greek – sikarioi, “people with daggers”)⁹, as an extreme fraction of the Jewish Zealots.¹⁰ This Jewish group led an open campaign against Roman rule in Palestine, against all Jews who cooperated with Roman government, and against Mongols. In Masada, during 73, they used to commit suicide rather than to surrender to the Roman army.¹¹ In India, during the VII century, a religious cult existed which spread terror with ritual killings of people and sacrificing them in honour of the Hindu goddess of fear, Kali. Outlaws, killers, the Hashashin (Arabian – hashshashun, “hashish users”, “killers”) were a sect which operated from 1090 to 1256. Their mission was to spread fear among enemies by means of terrorism and to assassinate their key political figures. Most of the time, they infiltrated the enemy lines where they themselves would suffer during the mission, which they were prepared to do. A group with the same name started to spread from the Alamut Castle, “the eagle’s nest”, in the north of Persia, near the Caspian sea, and they found first support among the mountain tribes who were beyond any political influence. These killers based their empire on the ideology of Ismailism,¹² a group which tergiversated from the universal mission of Islam and the authentic learning of the Islamic religion. Among their victims were highly ranked Muslims, Christians, Jews, and others (the Seljuq vizier Nizam al-Mulk, crusaders, Conrad of Montferrat, the king of Jerusalem, while Salahuddin, an Islamic general, managed to survive)¹³. The Hashashin Empire was destroyed during the Mongolian conquest, but the group has survived even up to date. They have managed to establish a rule system again and found their place in Persia (Syria and Iran), and, with their persuasive abilities, in India among the Khojas.

The terror tactics, Israel was successfully gaining independence even before WWII, in the Palestinian rebellion against British rule. The riots were led by the Jewish

terrorist organisations Irgun and Stern Gang. These organisations were still active during the war, and tried not to stand out in their activities, but already during 1944, three bombings took place at the same time, and two years later, the King David Hotel was mined, where the British central office was located.¹⁴ These actions resulted in solidarity with the groups fighting for freedom, and they received support and help from mighty allies. During 1948, this process ended the British rule in Palestine, but released the volcanic core, that is, brought the foundation of Israel. Similar terrorist attacks encouraged other groups to use similar methods in the future. Modern Israel has not stopped using these methods, even from the position of a country (terrorism through revenge, aggression and terror among Palestinians). In February 1994, the Jewish extremist Baruch Goldstein, the follower of rabbi Kahane, massacred 29 people in a crowded mosque in Hebron, and a year later, Prime Minister Yitzhak Rabin was killed by a Jewish extremist who claimed to fulfil God's orders. Without doubt, Israel is one of the leaders in terms of state terrorism. This has led to Palestinian terrorist attacks on the Israeli population almost daily, because they see Israel as their enemy.¹⁵

Next to Israel, when talking about the religions of the Middle East, it is necessary to mention that the Arabian political sentiment was moulded by French and British colonialism, and the Arabian failure to prevent the establishment of Israel as a country. The relationship of Israel towards Palestinians, in later times, as well as direct help from the USA in their efforts, would aid the emergence of Arabian jihad¹⁶ which would later become Al-Qaida.

Arabian jihad fought against foreign occupiers and communist forces in their homeland, and spread jihad back in their homes. However, this approach changed after February 23, 1998, after the establishment of the World Islamic Front, when Osama bin Laden declared war against Jews and crusaders. With this movement the priority shifted from "the nearby enemy" to "the far enemy". Not long after this instruction, the Al Qaida started attacking targets beyond Muslim territory. Thus, on August 7, 1998, a double bombing of US embassies in Nairobi and Dar es Salaam marked a new milestone in the operations of Al Qaida. This meant that the defensive operations on Muslim soil shifted to attacking operations on non-Muslim soil.

Next to the above mentioned, it would be completely absurd to put an equality sign between the Islamic faith and the terrorism of extremist groups which act in the name of "Arabian jihad". We called it the "Arabian jihad" knowingly, because

what its members do in their operations (killing innocent people and disrupting peace on Earth): such crimes and criminals have no place in Islam. This is a barbarian and ignorant concept.¹⁷ Islam has a universal mission which is reflected in liberating all humans of serving anyone else but God. In other words, the mission of the people is to end all injustice on Earth by aspiration to God. This included and includes abandoning violent political systems which prevent people from choosing their faith. Islam could not and cannot be forced upon anybody, but this does not mean that Muslims need to tolerate political and material forces which deny human freedom to Muslims and other citizens. Islam is not a heritage of a certain race or country: it is the religion of God and hence intended for the whole world. The Jihad, in the meaning promoted by Islam (the Great Jihad), represents non-violent aspiration to live a normal Muslim lifestyle, in accordance with God's will, which includes the five pillars of Islam.¹⁸

Another interpretation is especially manifest in the USA, where mass media rushed to the conclusion that it was one Islamic group that stood behind the bombing in Oklahoma. The situation is not better in Europe. Such one-sided reporting provides a great media space, even though, in many cases, news and facts are not verified and hence wrong. These reports can be characterized as "if an explosion or a bombing happens anywhere, at any time, Islamists or Islamic terrorists stand behind them". This attitude is hypocritical and does not help in solving the terrorist attack issues.

However, not everyone has such an attitude. There is a great number of researchers and scientists in the world who tend to remove the religious prefix from terrorism. We are part of this group, and with this paper, we would like to give our contribution to the hypothesis.

In their the book "Terrorism - a New World War", two of the world`s leading authors, Lloyd Pettiford and David Harding, try (and, in our opinion, successfully), to remove the prefix "Islamic" from the word terrorism. They consider that this title is not suitable for terrorism. They do not contest that Islam, if misused, is used as fuel in recruiting suicide bombers in the occupied Palestinian territories, but at the same time, they argue that Jewish terrorist groups are often "fed" by Judaist doctrines.²¹ A whole spectre of left-wing teaching, the Christian doctrine, right and left-wing orders of Latin America, "participated" in the creation of ideological profiles of different forms in terms of terrorism, especially during the XX century. Because of that, according to the authors, any emphasis of the Islamic component in terrorism is not fair.

In contrast, the fact that terrorism, especially during the last few decades, has often occurred in countries where Muslims are in the majority or that the perpetrators of terrorist acts were mostly Muslims, tells more about the harsh conditions in that part of the world, about living with almost no freedom of choice, a deep feeling of injustice that has spread among the population which feels betrayed by the regimes in their countries, but also by the part of the world which likes to call itself free or democratic, thinking firstly about USA.

Noam Chomsky, one of the opponents of the USA foreign policy, when referring to the dishonest politics of the American government towards Central America, claimed that the USA are the leading offender in terms of human rights and the instigator of terrorism in the world. In a book that he wrote during the Cold War, "The Culture of Terrorism" (1988), Chomsky claims that "Regan's administration developed a complex international terrorist network, without a precedent in history as far as I know, and used it in various purposes".

Lloyd Pettiford and David Harding consider it to be necessary to avoid the polarisation of "us" and "them". In terms of terrorism, there are no "only good" and "only bad" guys. When talking about terrorism, the causes cannot be found only in the evil, nor is the solution only in the good. *"The causes are in the multiple evil of world politics. Unless these issues are dealt by those who have power, unless there are more good deeds, terrorism will be our faith".*²²

If we compare the book "Terrorism - the New World War" with the work of Noam Chomsky, "Pirates and Emperors, Old and New", where he, discussing terrorism, harshly criticises the American foreign policy (which he has been doing for many years now) on the one side, and with the short essay of Samuel Huntington, "The Era of Muslim Wars", on the other, we can see that Lloyd Pettiford and David Harding try to place themselves somewhere inbetween. Surely, their opinions are closer to Chomsky, their left-wing background can be distinguished, but not in the way Chomsky does it, especially not concerning his harsh critique, focused entirely on the USA. However, unlike Huntington, this duo of authors does not accentuate the prevailing Muslim fault in the story, making it only a small part of the discussion on terrorism. This is exactly the difference regarding Chomsky, who, notwithstanding his "Anti-Americanism", flirts with the prejudices towards Muslims and the Muslim world. The opinions of the two authors is closest to Professor Howard Zinn from the University of Boston, who wrote the famous book "A People's History of the United States".

Similar to Pettiford and Harding, in his book "Terrorism and War", Professor Zinn tries to explain what lies beneath the slogans: "War against terrorism", "Unity of a nation" and "Just war" by means of questioning the contemporary political and social issues of the modern world: globalisation, militarisation, democracy and citizen rights, media manipulation and the arrogance of the government, etc.

Having mentioned Huntington, it is necessary to understand how he views terrorism and whether terrorism has a place in his analysis. In his paper "The Clash of Civilisations", he advances the view that "direct conflicts between great states can develop a huge level of violence, and the same could happen with conflicts on the divisions where great countries of different civilisations help their smaller allies form the same civilisation."²³ This opinion confirms that changes in terrorism can occur almost or exactly at the same time as any other form of violent political conflicts anywhere in the world.

Next to the mentioned authors, there are those who support the view that terrorist acts are connected to social and political movements. They consider terrorism to be a product, not the initiator of such movements. To be more precise, such terrorist actions are a final indicator of political changes.²⁴

Conclusion

When considering security implications of the new reality, it will be necessary to develop international laws in the future, in terms of defining new rules and standards in the fight against politically motivated violence and terrorism. Of course, we should not lose sight of the fact that these efforts will be under the influence of globalisation and that it will resort to the means of coercion. The fact is that globalisation has practically changed terrorism inside the international community, and it will be hard to reach simple and unique rules.

Viewed from a global perspective, management of state or interstate legal answers to terrorism cannot only be concentrated on "order", because political violence is an unwanted, but maybe even a chronic consequence of different interest groups. Such sources of conflicts need to be narrowed down to a frame which enables a dialogue.

This deliberations on terrorism and the opinions of the authors mentioned, with their considerable left-wing, and, in moments, American attitude when discussing

the causes of terrorism, can be something others will not agree with. Does the goal justify the means? Is the danger real? And is there enough real danger to justify spending 10 billion²⁵ Dollars which could be used somewhere else? There are many causes of suffering, torment and death which could surely be reduced by investing in their prevention and solution. Let us take traffic accidents as an example (42.420 dead in USA during 1997²⁶), diseases (in the USA, 725.790 people died as a result of heart diseases during 1997, and 537.390 died because of cancer²⁷), or even victims of “regular” murders (15.551 died in the USA during 1995²⁸). Based on these facts, we consider that investing in any of those areas would save many more lives than investing in the prevention of a hypothetical danger of terrorism. However, considering the authors whose opinions we discussed above leaves the possibility that they might have been wrong in certain assessments, and that they were too strict toward certain phenomena of the part of the world we call democratic.

Therefore, this paper is dedicated to the discussion of terrorism and definitely has the goal to make you think. The words of Professor Howard Zinn, spoken after September 11, 2001, can be of great help for this: *“To try and explain and understand terrorism does not mean to look for justification for its existence. However, if you never try to explain anything, you will comprehend nothing”*.



PART III



**THE SECURITY DILEMMA:
CHANGING STATE
BORDERS IN ORDER TO
CREATE ETHNICALLY
„CLEAN“ STATES VS.
MANAGEMENT OF
MINORITY RIGHTS**

3.1. SECURITY DILEMMA: BORDER CHANGES TO ACHIEVE ETHNICALLY “PURE” STATES OR MANAGEMENT OF MINORITY RIGHTS

Prof.Dr.Sc. Zhidas Daskalovski

*Faculty of Security, Skopje
daskalovski@outlook.com*

Introduction

The enlargement of the European Union (EU) is under threat. There is little enthusiasm among European member states for further enlarging the Union. Slowing down the EU integration process in the Western Balkans has been accompanied by a decrease of investments in the region by EU member states. European states face different problems of their own making. Citizens across the continent feel less connected with the European supranational institutions and globalization processes. Economic progress has been stagnating, and populist leaders have exploited anti-elitist feelings. In the Balkans, leaders imitate and improve populist strategies. New regional powers, such as Turkey, Russia, and China threaten to take advantage of the impasse in the EU enlargement process.

Clearly, it is in the interests of the EU to foster a secure and prosperous region. One of the main concerns for Brussels is the relationship between Belgrade and Pristina. Normalization of relations between Serbia and Kosovo would aid the Europeanisation process. In the dialogue between the two governments mediated by the EU, the idea of making border changes in order to achieve ethnically “pure(r)” Kosovan and Serbian states has been recently proposed. This idea is in theory juxtaposed to the concept of introducing minority rights and accommodation of differences through various political arrangements such as consociationalism, federalism, or the integrative approach of Donald Horowitz. This paper discusses the idea of border changes between Kosovo and Serbia and argues that it is a negative and dangerous proposal for the region, arguing in favour of consistent minority rights instead, as well as improvement of their implementation and management. Both Macedonia and Kosovo need to continue implementing ethnically just nation-building policies that strengthen minority rights.

Relations between Serbia and Kosovo

Serbia has been trying to keep its policy regarding Kosovo separate from its aspiration to join the EU. However, the EU has made clear that Serbia's progress towards accession depends on improving its relations with Kosovo. Meanwhile, recognition of the independence of Kosovo could prove to be an insurmountable obstacle. Despite changes of governments in Serbia, the policy and discourse on Kosovo remains the same. It seems that no government in Belgrade will be willing to recognise Kosovo's independence in the near future. There is a risk that Serbia might abandon the accession process. If the gridlock persists, there is a risk that the credibility of the enlargement process is disputed. There is also a risk that the enlargement process will remain in doubt as long as "member states continue to make the accession process hostage to bilateral complaints, thereby undermining the element of fairness in the conditionality principle." (Fouere, 2014:8) For these reasons, EU diplomacy has been very active in improving the relations between Serbia and Kosovo. By means of diplomatic efforts, the EU has made headway in mediating the normalisation of relations between Belgrade and Pristina, including the signature of the Brussels Agreement in April 2013. Small progress has been made since. In 2018, President Aleksandar Vučić attempted to offer a new possibility of a final agreement between Belgrade and Pristina that would open the door for Serbia's accession to the EU.

There is no clear indication about which exact areas would be covered by the border changes and which demarcation lines the new borders would follow. How the borders will be demarcated, who will decide on the demarcation, and whether any international bodies or experts would be called to participate in this demarcation project is still unclear. The assumption is that the arrangement proposed by Vučić and President Hashim Thaçi would have all or part of north Kosovo 'given' to Serbia, in exchange for all or part of Serbia's remaining Albanian-majority lands, which are contiguous to Kosovo in the Preševo valley. The presumed exchange with Kosovo revolves around three municipalities in South Serbia (Preševo, Bujanovac, and Medveda) with a significant Albanian share of the local population, and three or four Serb-dominated municipalities in Kosovo's north that are contiguous with Serbia (Lipjan, Leposavić, Zubin Potok, and parts of Mitrovica.) In parallel, Serbia would accept Kosovo's independence and thus open the door to full international recognition.

Both countries aspire to EU membership, but neither is likely to accede unless they normalize their relations. The EU can only admit a state which is recognized by all of its Member States, whereas Kosovo is not recognized by five EU Member States: Slovakia, Greece, Cyprus, Romania and Spain, primarily because Serbia does not recognize it. If Serbia were to recognize Kosovo, these five states are most likely to follow suit. Negotiations are taking place under the mediation of the EU foreign policy chief Federica Mogherini. This land swap would result in fewer Serbs living in Kosovo and fewer Albanians in Serbia. Both countries would become more “ethnically pure”.

The reaction of the international community has been mixed. On the one hand, John Bolton, U.S. national security advisor, in August 2018, commented that “we don’t exclude territorial adjustments. ... we think they’ve got to solve it for themselves.” On the other hand, speaking territorial swaps between Serbia and Kosovo, Angela Merkel stated that “the territorial integrity of the states of the Western Balkans has been established and is inviolable.” Similarly, Michael Roth, Germany’s minister of state for Europe, warned of opening “Pandora’s box,” while at the 2018 Belgrade Security Forum, Sabine Stoehr, Head of the Western Balkan division in the Federal Foreign Office in Berlin, said that “we are really and seriously concerned how the aim of the dialogue has been framed, that territory is the only solution to anything, we do not believe that this will lead to a sustainable solution. Focusing on territory will lead the dialogue to a deadlock.”

Some political commentators and international figures have supported the potential territorial exchange. Charles Kupchan, former adviser to Barack Obama and now a professor at Georgetown University, has described the tentative plan as “peaceful ethnic cleansing”. Supportive of the land-swap idea, he believes “pragmatism needs to trump principle” (New York Times 2018). Commenting for Politico, Marko Prelec, professor at the Central European University, stated that there is “no solution to the Kosovo conundrum without an agreement both sides genuinely support, and a land swap is the key to such a deal” (Politico 2018). Wolfgang Petritsch, the EU’s main negotiator at the Kosovo peace talks, also backed the idea of a territorial swap between Serbia and Kosovo (N1 2018). The editorial board of *The Financial Times* cautiously supported the proposed agreement, claiming that once in place, “moving both countries towards EU membership would strengthen democratic and economic reforms, and send a broader signal that the integration of the Balkans into Euro-Atlantic institutions, however slow, continues.” (2018)

On the other hand, there were many influential voices against the proposed border changes. Edward Joseph commented in *Foreign Policy* that “there can be no deal on swapping Kosovo territory until negotiations on the Dayton Agreement Constitution for Bosnia are reopened and concluded”, and that the West “cannot afford to allow a reckless deal on Kosovo to destabilize the country which saw the bloodiest fighting” (2018). Tim Judah explains in *The Economist* that “if Kosovo and Serbia begin serious talks about a redrawing of their borders, the impact on Balkan communities apart from those in the affected parts of Kosovo and Serbia could be profound” (2018). Paddy Ashdown and fellow former EU high representatives Carl Bildt and Christian Schwarz-Schilling issued an open letter urging Federica Mogherini not to support a land swap. If you want to “go around creating mono-ethnic pockets in the Balkans, then you really have to redraw a lot of borders, and eventually [you] end up with ethnically pure states” (Radio Free Europe 2018). Carl Bildt warned that “playing with borders and divisions in the Balkans was dangerous in the early 1990s, and remains so now” (The Washington Post 2018b).

The Complexness of Macedonia

A regime change occurred in Macedonia in 2017, following the parliamentary elections of 2016, which saw the then ruling conservative party VMRO-DPMNE lose seats in the Assembly at the expense of the social democrats, SDSM. The underlying story behind the improved result of SDSM that contributed to it being able to make a coalition government in 2017 was their reaching out to ethnic Albanian voters, which was the first significant success of a non-Albanian party to get such votes since the independence. In order to do so, on its electoral platform, SDSM incorporated and improved the Albanian national agenda in Macedonia. At the elections in 2016, now Prime Minister Zoran Zaev offered redefinition of the inter-ethnic relations in Macedonia, stipulated by the Ohrid Framework Agreement from 2001.

At the elections, SDSM ran a campaign with the slogan “A Plan for Life in Macedonia”. The general promises made by Zaev were higher wages, democratization, decent jobs, and justice for all. However, SDSM had a special campaign for attracting “Albanian” voters: a promise to change the balance of power and the rights of ethnic Albanians agreed in Ohrid. Quite a few Albanians in Macedonia believed this electoral pledge as SDSM won 38,162 Albanian votes of a total of 435,079 (CRPM Study 2017). These 8.8% of the total number of votes were a significant factor for winning seats and, subsequently, for forming the new Government.

However, SDSM disturbed the plans of the ethnic Albanian parties. They reacted with radicalization, or ethnic outbidding. In the political sciences, the term „ethnic outbidding“ is defined as a situation where ethnic parties adopt radical strategies aimed at maximizing the support of voters from a particular ethnic group, representing themselves as the real fighters for the *cause*, and thus weaken the legitimacy, delegitimize the political rivals (Gormley-Heenan, MacGinty, 2008:44).

The theory of ethnic outbidding stresses that it leads to extreme competition, offering more radical options for the public policies that lead to the danger of destroying the political system itself. Ethnic outbidding happens when the politicians compete to get the support of a certain ethnic community and make requirements in favor of that community over the others. It is a process when, within an ethnic community, the political competition comes down to proving which party is the stronger defender of the community's interests (Coakley 2008). Whatever the policy or circumstances leading to ethnic outbidding, it makes ethnic negotiations almost impossible, since even the moderate ethnic elites are being radicalized, and the public discourse follows their actions. Ethnic outbidding in divided societies can have serious political consequences, and can even lead to conflicts and, eventually, to war.

As Gunter and Diamond say, “the electoral logic of the ethnic parties is to mobilize the base with polarized statements, by pointing out the opportunities that community should use, by threats...ethnic exclusivity of their political messages and their polarization effect have disintegrative effects and division of the society”(2001:23-4). Other renowned political scientists, such as Samuel Huntington, think that ethnic parties are dangerous to the democratization of a country. He even points out that many countries from the so-called “Third World” have not managed to sustain democracy due to the strong influence of ethnic parties (1991). One of the major experts on minorities and conflicts, Ted Gurr, goes as far as saying that almost all cases of civil wars in the last years have been a result of overtaking the government by ethnic parties and promoting their exclusivist political agenda.

Where is the ethnic outbidding in the Macedonian context? After the elections in 2016, the ethnic Albanian parties DUI, Alliance for Albanians, and BESA negotiated a new political agenda in Tirana, a political platform that seeks to extend the agreed reforms in Ohrid in 2001. It was announced on 6 January, 2017, as the so-called “Tirana Platform”, requiring realization of goals, “in the future government mandate and/or in each future mandate,” to increase the power of the Albanian

political entities in the country. It de facto aims to make changes in the Ohrid Framework Agreement of 2001 and redefine the Republic of Macedonia as a non-territorial federation.

The platform also foresees the promotion of the Albanians' status, i.a. by realization of the right of "equitable implementation of the multi-ethnic principle in the Constitution of Macedonia, where the Albanians are [to be] considered as state-building nation...", achieving complete language equity, the use of the Albanian language at all levels of governance, and a guarantee that it will be applied as a fundamental and constitutional right. It is foreseen that the Constitution should define the "Macedonian language and its Cyrillic alphabet and the Albanian language and its alphabet as official languages in the Republic of Macedonia", to open a comprehensive debate about the flag, the anthem and the coat of arms "in order for the state symbols to reflect the societal multi-ethnicity and ethnic equity." Within the ideas of reaching economic equity and social welfare, especially through equal regional development, the Platform demands to "create a Ministry of Political System and Inter-Ethnic Relations, as an authorized institution for recognizing the rights of the communities and stimulation of economic and social development in the underdeveloped areas", "realization of equity in the security forces, the army, the prosecutors and the courts", "taking affirmative measures to provide financing for the Albanian cultural institutions at central and local level", as well as "realization of equity at all levels of the central government and public services or stakeholders entities." With respect to foreign affairs, it requires inclusion of "Albanians in the working group for direct negotiations with Greece and Bulgaria", "collaboration with Kosovo and Albania for integrated board management", as well as "opening new border crossings." Besides the other requirements at a lower symbolic level, it insists on adopting the "Resolution of the Republic of Macedonia condemning the genocide over the Albanian people in Macedonia in the period from 1912-1956."

After the platform was made public, VMRO-DPMNE did not manage to make a coalition Government with DUI, it was SDSM who did it, bringing along the Alliance for Albanians. Meanwhile, as a consequence of the radicalization in the requirements of the Albanian political parties, a new Macedonian protest movement involving also the other minor ethnical communities was formed. It was led by artists, such as Boris Damovski, Bogdan Ilievski, and Igor Durlovski, united under the motto "For A United Macedonia", and its aim was to stop the implementation of the Tirana platform, asking the President of the Republic not to give the mandate to SDSM and legalize the coalition. The three-month protests'

culminated on 27th April when the parliamentary groups of SDSM, DUI, and Alliance for Albanians irregularly elected the President of the Assembly. A group of protesters entered the Parliament and occupied the assembly hall and press centre, and some attacked MPs from SDSM and Alliance for Albanians, including their leaders Zaev and Sela. Macedonia was very close to the worst scenario of people being killed, victims, and even a civil war. Despite their improvement, Macedonian-Albanian relations remain tense regarding specific policy issues, such as the Law on Languages, which aims to regulate the usage of Albanian in public institutions throughout the territory of the country, not just in areas where Albanians live in significant numbers.

Justice in Ethnically Diverse States

Should Kosovo and Serbia as well as Macedonia seek to establish ethnically “pure” territories or attempt to achieve a just state of affairs as far as the rights of the non-majorities are concerned? In principle, a state that is ethnically diverse is more legitimate if all its citizens, not only those of the majority, consider the territory of the state their own homeland, accept the legal system of the state and its institutions, and respect the insignia of the state as their own symbols. These are goods to be jointly shared with all the other citizens. Such a state should recognize all of their cultures and all of their traditions as its own, it cannot be identified with “a single favored nation, but must consider the political community of all the ethnic groups living on its territory as constituting it” (Kis 1996, 224-5). The political community of a multicultural country will be just if it is formed from a union of ethnic groups living together. Its official symbols, holidays, its cultural goods handed down in school, and its historical remembrance will absorb something from the tradition of all the ethnic groups belonging to it, so that everyone can see the state is also theirs: likewise, everyone can see that the state is not their exclusive possession, but is held jointly with the other ethnic groups forming it.

If we are committed to treating all citizens with equal concern and respect, we must deal with the cultural preferences of minorities in an even-handed or fair way. The state has a duty to support minorities because they are in an inequitable position vis-à-vis the members of the majority. While individuals of the majority take it for granted that their language and culture appear in the public domain, the persons belonging to the minority culture cannot do so. If the individual members of majority cultures have their language taught within the educational system and there are minority persons who would like the same for their own language, then,

in order to maintain the equality of its citizens, the state should provide teaching in the given minority language. The overall argument is: the better integration of minorities, the better ethnic relations and internal security of the country. The virtues of respect and mutuality are basic virtues for any liberal-democratic polity. They are linked to basic liberal-democratic principles, "such as equal liberties, equal respect and concern and the corresponding duties of reciprocity" (Bader 2007, 181).

Nevertheless, we are all aware that well outlined and observed culturally oriented minority rights do not completely guarantee ethnic harmony. As Donald Horowitz has noted, "rights [will] form only a small part of the solution to the problems of ethnic conflict"(1997, 1985). Ethnic conflicts take place even if ethno-cultural justice is fulfilled in the cultural realm, for ethnic groups demand self-determination and justice in the political sphere, too. In fact, in most multiethnic states, the minorities demand "some form of political autonomy or territorial jurisdiction, so as to insure the full and free development of their culture and the best interests of their people....indeed, all the examples of ethnic conflict and secessioninvolve national minorities"(Kymlicka 1996: 120). More likely "more people will have to find political techniques to enable them to live together within existing states, unless they are prepared to do so much ethnic cleansing that the world will soon run out of soap" (Horowitz, 1997: 452). There are various political arrangements as far as minority rights are concerned, but all attempt to improve the just ethnic relations in a diverse state.

People, by means of their political institutions, have the right to exercise jurisdictional authority and control resources and immigration over their territory within the limits of justice (Moore 2016:223). Here it should be emphasized that, as David Miller has argued to almost universal acceptance, when we think of territory, we tend to think of it as involving a triangular relationship between three key elements: (1) a piece of land, (2) a group of people residing on the land, and (3) a set of political institutions that govern the people within the geographical domain (the territory) (2012:255). With more nations in the world than states, it is obvious that state boundaries do not and cannot match the variegated ethnic nature of the political communities that they govern. However, "we live in a world of territorial states and treat territorial boundaries and territorial rights as, more or less, sacrosanct, as something that just follows from the idea of a state-governed order" (Moore 2016:5). The more just a diverse state is, the more legitimate its rule over a given territory. Achieving ethno-cultural justice through granting cultural

rights and political arrangements that empower minorities to structure their lives in the localities with as strong a presence as they prefer, have the legitimate right to preserve the state as the basic functional unit of modern society and keep the international boundaries as they are at present.

A state that is properly liberal and adopts culturally sensitive nation building, i.e., promotes minorities' cultures, and does not pursue discriminatory settlement/migration programs nor draw administrative boundaries to the advantage of the ethnic majority, is a just state which should fight against territorial changes based on ethnic principles. The alternatives are morally unsound and practically dangerous, as territorial changes and secession could lead to endless disputes over the rightness of the frontiers and over the question when ethnic groups have the right to form an own state. An ethnic separation and secession would risk increasing global ethnic violence and international stability as well as triggering a domino effect with many new claims for separation. A "Balkanization" of the world would be the unforeseen result. Territorial division is difficult to achieve to the full extent, as there will always be ethnic minorities left behind in danger of prosecution.

Ethnically Just Nation Building in Kosovo and Macedonia vs. Border Changes

Both Kosovo and Macedonia have implemented policies that improve the rights of minority communities. Some of these policies have indeed improved the life of ordinary members of minority groups. Other policies are contentious (Law on Languages in Macedonia and Law on Association of Communities in Northern Kosovo) and politically divisive. A counter-strategy for achieving justice in multi-ethnic states is to change the borders of neighboring states in such manner that, after the changes, both are as much as possible mono-ethnic. The risk is that such border changes in the region or beyond trigger more demands for political autonomy and further border changes, which would be difficult to control and manage. Having in mind the turbulent history of the Balkans border changes, even if jointly agreed by neighboring countries, are a risk for the security of the region. In any case, it is difficult to achieve ethnically "pure" states. No matter how small, some minorities will be left within the borders of states that have modified their borders. History teaches us that the pressure on these minorities will be strong to assimilate or simply leave.

In particular, it would be very dangerous for the region if the proposed territorial swap between Kosovo and Serbia took place. The proposed exchange of territories

neglects the fact that most Kosovo Serbs actually live in small enclaves in the south of Kosovo. As the agreement would not have them living in Serbia, they would feel abandoned and probably leave their homes. Serbian Orthodox churches and monasteries will not be able to function normally without religious followers. After the exchange of territories, any remaining Albanians in Southern Serbia would also feel abandoned for not being included in the territory of Kosovo. Beyond these bilateral issues, if the agreement is made and fulfilled, there would be potential for a spillover throughout the Balkans. If Belgrade and Pristina exchange territory, this will show Croats and Serbs in Bosnia that they, too, can find a way to secede and join their ethnic kin in Croatia and Serbia, breaking up Bosnia in the process. Albanians in Macedonia and Montenegro would demand the same. Presumably, after the agreement, some people would have to leave their family homes and birthplaces. In short, there would be an exchange of populations, not just territories.

Thus, the agreement would open “Pandora’s box” in the Balkans, with the ethnically divided Bosnia-Herzegovina and Macedonia as potential flash points. As Edward Joseph argues, Albanians of Macedonia are intimately connected to their kin in Kosovo, and “no matter the pledges by Albanian leaders in Macedonia to remain in the country, the logic of secession will return, particularly once the new, ethnically homogeneous Kosovo joins up with Albania” (2018) . He underlines that the process of ethnic territorial delineation cannot be contained, because “the same alluring appeal of allowing unhappy people to depart one ethnically mixed country for a homogeneous one also intrigues the Serbs of Bosnia, the Albanians of Macedonia, and pretty much every minority in the region with an axe to grind and a population concentrated enough to advance a bid for territorial secession.” Croats would follow Serbs from Bosnia and Herzegovina, and Bosniaks would then fight to prevent the dismemberment of their shared country. Moreover, as Judah notes, “over the border Serbia would clamp down on Bosniak nationalists in Sandžak who dream of incorporating that region into a Greater Bosnia” (2018). In Albania itself, Greeks in the Southern part could reinterpret their loyalty to Tirana.

Clearly, the danger is that the process will not stop in the Balkans. The potential for unrest among ethnic minorities in Europe will increase as well. Issues such as Catalanian independence, the status of Hungarians in Romania and Slovakia, Russians in Latvia and Estonia, etc., will again flare up.

Since the risks outweigh the benefits, the agreement on territorial exchange should not be pursued. As Gordy writes, “there are almost certainly other solutions

to the dispute between Belgrade and Pristina, involving elements that have not entered the discussion very much to date: securing the well-being of citizens, enhancing security and freedom, and building relations of trust between and within communities” (2018). Trust and security, well-being of all citizens no matter their ethnic background is the concept of ethno-cultural justice which is needed in Kosovo and Macedonia for the two countries to progress and stabilize. Improving minority rights for Serbs in Kosovo and Albanians in Macedonia is crucial here. Specific policy issues, such as the Law on Languages in Macedonia and the Law on Association of Communities in Northern Kosovo should be carefully discussed and implemented with the help of EU officials within the enlargement process. These and other possible contentious issues should not be treated as zero-sum games, but as win-win possibilities for gaining trust and cooperation in the future.

Conclusion

We have elaborated on the idea of border changes between Kosovo and Serbia. Macedonia is one of the countries that could have internal problems if there were an arrangement on a territorial swap between Belgrade and Pristina. Subsequently, we have argued that the relations between Macedonians and ethnic Albanians are already fragile, and that they risk being overheated with a border changes agreement between the Presidents of Serbia and Kosovo. Other countries in the region and beyond are at risk if the agreement materializes. An alternative to territorial modifications that, in theory, leads to ethnically “pure” states is the concept of ethno-cultural justice in diverse societies, achieved by securing minority rights, inter-ethnic cohesion and political representation of the non-majority groups. Despite some failures, Macedonia has done much in that regard, Kosovo following suit. There are contentious issues regarding minority rights in both countries, but their solution would be much more beneficial than playing with fire with the proposed border changes.

This potential agreement is a negative and dangerous proposal for the region. We have been arguing in favor of consistent minority rights instead, as well as improving their implementation and management. Both Macedonia and Kosovo need to continue implementing ethnically just nation-building policies that strengthen minority rights. Having in mind that the rationale behind the idea of a territorial swap for President Vučić is the fact that it is very unlikely that the EU will include Serbia as a member if it does not establish good neighbourly relations with an independent Kosovo. One solution of the conundrum would be that Serbia

should be allowed to tackle this issue at the very end of the negotiations process. While negotiations last and the normalization of relations between Belgrade and Pristina progresses, the status of the Serbian minority in Kosovo must be upheld with special attention to the Serbian municipalities in the North. If, in due time, the situation of the Serbs in Kosovo is well accepted by the public in Serbia, there might be a window of opportunity for Belgrade recognizing the independence of Pristina at the time when the country would be acceding to the EU. If and when Serbia accedes to the EU, special control mechanism should be put in place in order to secure that Belgrade is not able to block the progress of Kosovo's accession.

References

- » Bader Veit. 2007. *Secularism or Democracy? Associational Governance of Religious Diversity* Amsterdam: University of Amsterdam Press.
- » Coakley, J. 'Ethnic Competition and the Logic of Party System Transformation' *European Journal of Political Research* 47 (2008): 766–793.
- » Fouere, E., 'The EU's Enlargement Agenda – Credibility at Stake?', CEPS Policy Brief, No. 324, Centre for European Policy Studies (CEPS), Brussels, 31 October
- » 2014.
- » Gormley-Heenan, C & MacGinty, R (2008) 'Ethnic Outbidding and Party Modernization: Understanding the Democratic Unionist Party's Electoral Success in the Post-Agreement Environment.' *Ethnopolitics* Vol. 7, No. 1.
- » Gunther, Richard and Diamond, Larry 2001. 'Types and Functions of Parties' in Larry Diamond and Richard Gunther (eds), *Political Parties and Democracy*. Baltimore and London: Johns Hopkins University Press4.
- » Gurr, Ted Robert. 2000. *Peoples Versus States: Minorities at Risk in the New Century*, Washington, D.C.: United States Institute of Peace Press.
- » Horowitz D., 'Self-determination' in Ian Shapiro and Will Kymlicka (eds.) *Ethnicity and Group Rights*, New York and London: New York University Press, 1997.
- » Horowitz D., *Ethnic Groups in Conflict* Berkeley: University of California Press, 1985.
- » Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman OH: University of Oklahoma Press.
- » Kis Janos. 1996. "Beyond the National State," *Social Research*. 63:1.
- » Kymlicka Will, "Social Unity in a Liberal State," *Social Philosophy and Policy*, Winter 1996.

- » Miller David, 'Territorial Rights: Concept and Justification', *Political Studies*, vol. 60, no. 1, 2012.
- » Moore Margaret, *A Political Theory of Territory*, Oxford, Oxford UP, 2016.
- » N1 TV, 11th August 2018, "Petritsch: Changes of Serbia-Kosovo border not a threat"
- » New York Times September 13th, 2018, "An Offensive Plan for the Balkans That the U.S. Should Get Behind"
- » Politico, 23rd August, 2018, "A Balkan border change the West should welcome"
- » Edward Joseph, Foreign Policy, 4th September, 2018, "How to Restart War in the Balkans"
- » Tim Judah, *The Economist*, February 19th 2018, "The difficulties of exchanging territory in the Balkans"
- » Eric Gordy, *Foreign Affairs*, October 10, 2018, "Why Borders Are Not the Problem—or the Solution—for Serbia and Kosovo"
- » The editorial board, *The Financial Times*, October 30th, 2018, "A Balkans plan that merits cautious backing: Proposed Kosovo-Serbia agreement has risks but could bring benefits"
- » Puls 24, 6th January 2017, "Tiranska Platforma", available at: <http://puls24.mk/mk/vesti/tiranska-platforma-integralen-tekst>
- » Radio Free Europe, 29th August, 2018, "Ashdown, Bildt i Schwarz-Schilling: Trgovina teritorijom Kosova i Srbije ugrožava BiH"
- » Smith, A. "The Ethnic Sources of Nationalism" in Brown Ethnic Conflict and International Security, Princeton: Princeton UP, 1993.
- » Carl Bildt, *The Washington Post* August 9, 2018 "Further Balkanizing the Balkans is a recipe for disaster."

(Endnotes)

- 1 Šikman, M. 2006. Terorizam – aktuelni i mogući oblici, Banja Luka: Visoka škola unutrašnjih poslova.
- 2 Duško Modly i Nedžad Korajlić, 2002. *Kriminalistički rječnik*. Tešanj: Centar za kulturu i obrazovanje
- 3 Romans appreciated the courage of Brutus in a way which saved them from the arbitrariness of Julius Caesar
- 4 The revolutionary court imposed 1380 death sentences during the first 50 days of its activity, and it is believed that during the short-lived terror period (almost two years), about 40.000 people were killed and about

300.000 were imprisoned (France, according to assessments, had about 27 million citizens at that time). The terror mostly affected the citizens and peasants, nobles and priests who were punished amounted to 8.5% and 6.5%, respectively. See: Dimitrijević, V.: *Strahovlada*, Beograd: Dosije 1997, p.117.

- 5 Vladimir Anić i Ivo Goldstein, 2000. *Rječnik stranih riječi*. Zagreb: Novi Liber, p.1473.
- 6 The anarchists assassinated the emperor Alexander II in 1881, which led to the dissolution of the organisation "Narodnaya Volya".
- 7 Dominique Venner, 2005. *Povijest terorizma*. Zagreb: Alfa, p. 34.
- 8 Max. Taylor i John Horgan, 2003. *Terorizam u budućnosti*. Zagreb: Golden marketing, p.89.
- 9 Muamer Spahić, 2014. „Opsada Sarajeva 1992-1996“. Zenica: Vrijeme
- 10 Tore Bjorgo: *Racist and Right – Wing Violence in Scandinavia* (Oslo: Tano Aschenhong 1997.).
- 11 This religious sect acted in Rome during 44 B.C.
- 12 See: Walter Laqueur: *Terrorism* (London: Weidenfeld& Nicolson, 1977).
- 13 Paul Wilkinson, 2002. *Terorizam protiv demokracije*, Zagreb: Golden marketing, p 77.
- 14 Isma'ilists – a sect which is considered to belong to the Shia, a branch in Islam. This classification, however, can be wrong. Its unique feature is rather a metaphysics of Isma'ilism. The group is a manifestation of the Persian religious system in the Islam. Islam gives them their robe, form and vocabulary, but the central idea of Isma'ilism is ancient. It is an Islamic parallel to Gnosticism (an alternative dualistic form of Christianity), and it is connected to the Hellenistic Pagan Gnosticism and Manichaeism. A further parallel to the appearance of Isma'ilism in Islam is the appearance of Manichaeism between the religions in China as a result of the influence transferred by Turks from Central Asia. This developed Ming Chiao (the religion of conscience) which is a dualistic form of Buddhism (the Buddha of Light) and Taoism. What Isma'ilists refer to as Allah (which is the name of God for Muslims) is nothing else but a first emanation or hypostasis. More about the Assassins in: Cyril Glasse, *Enciklopedija Islama*, AltaMira Press, Walnut Creek, CA, USA, 2002. (Prevod na bosanski jezik, Sarajevo: Libris, 2006. p. 271-279).
- 15 Ibid (x). 54-57.
- 16 Taken from: Denis Rižvić: *Terorizam*, www.novihorizonti.com
- 17 Ibid (v). p. 62.

- 18 This relationship resulted in the establishment and foundation of two different groups: "Al Jihad Islamiyah", which is often called Egyptian Islamic Jihad – EIJ ,and Jemmah Islamiyah or the Egyptian Islamic Group – EIG. Marc Sageman: Understanding Terror Networks, University of Pennsylvania Press 2004. p.36.
- 19 Ignorance and the state of barbarism that prevailed on the Arab peninsula before Islam
- 20 The five pillars of Islam are: belief that there is no God other than Allah, and that Muhammed is his prophet; regular prayers: five times per day; to help the poor; fasting during the month of Ramadan (the ninth month in the Islamic calendar) and Hajj – every Muslim, if able, should at least once go to Mecca during the time of the Hajj
- 21 See: Lloyd Pettifrod and David Harding: "Terrorism – New World War". Arcturus Publishing Limited , London, 2003
- 22 Ibid (xvii)
- 23 Samuel Huntington: „The Clash of Civilizations?“, Foreign Affairs, 1993., p.217-218
- 24 Sidney Tarrow: Power in Movement, New York, Cambridge University Press, 1994., p. 110–112.
- 25 As a solution for security threats towards the USA, the Clinton administration decided that 28% of the 10 billion Dollars from the budget intended for the fight against terrorism is to be directed towards the fight against chemical, biological and information terrorism during 1999-2000. See: Max. Taylor and John Horgan: Terorizam u budućnosti, Golden marketing, Zagreb 2003., p.138
- 26 The New York Times World Almanac and Book of Facts, 1999., p. 876
- 27 Ibid (xxii)
- 28 Ibid (xxii) p.880.

3.2. SECURITY DILEMMA, CHANGE BORDERS TO ACHIEVE ETHNICALLY “PURE” STATES OR MANAGE MINORITY RIGHTS

Prof. Ass. Dr. Fatmir Çollakaj

AAB College - Faculty of Law - Prishtina

fatmir.qollakaj@universitetiaab.com

Introduction

The notion of Security is pervasive throughout the written history of human society, but consistently rather undefined, simply due to the complexity and relative context of the factors and circumstances that interfere with security as a phenomenon.

Without the necessary security and without sustainable security, there can be no freedom or safeguards of human rights. In such a context, we can freely say that security's function is to serve, and is closely related to the state, since Security is also a constitutional category. Likewise, it is commonly recognized that no absolute security or absolute freedom for citizens exist anywhere. Thus, in its role of guarantor of advanced regulation of social life, the state is responsible for the security of its citizens and foreign security, by reacting in an organized manner to attacks on the territorial sovereignty, aggression or various forms of violation or undermining of the state territory.

As long as the state does not create sustainable conditions and security for its citizens, we cannot talk about individual security and freedom, nor about national security and freedom, so the challenge for new democracies and fragile states is to strike a balance between security and freedom.

Since the birth of states and to this day, the issue of borders has been a bone of contention and subject of contests and resistance that have degenerated into wars. Herodotus, in his work “Histories”, explains the reasons for war and the demands of Persian to their King Cyrus to move them to a more prosperous land, and of war as a means of realizing their expansionist goals for more prosperous lands.

Historically, wars have been waged for borders, and recent wars have, in most cases, ended with talks and peace agreements, resulting in the international and mutual recognition of borders, which often and everywhere in Europe and other continents, have divided peoples. When a considerable ethnic percentage remains on the other side of the state border, this represents the next challenge for the host country in the context of guaranteeing the rights and freedoms of minorities.

1. Security Dilemma

The dilemma concept represents ambiguity, indetermination, indecision, guesswork, etc. Usually, dilemmas appear in all segments of social life, but even beyond, in the world of ideas, mainly due to lack of consensus, resulting from the contradictions of the situation or conditions, structural and functional confusion, ambiguity or even the opposing interests of individuals, parties, partners, peoples, states.

The Security Dilemma is one of the most sensitive issues in the segment of social life in all security circles, ranging from the individual to the global one. As a paradigm, the Security Dilemma is determined by a range of economic, political, strategic, national, cultural and religious factors.

The Security Dilemma, rather the beginning of the attrition and conversion of security to its opposite, to uncertainty, is more pervasive in the so-called weak states, including the states of our region to a certain extent. "They lack effective institutions, the monopoly on the instruments of violence, and consensus on the idea of the state. As a result, as states... they face a variety of challenges to their authority from powerful internal actors".⁵² The properly clarified and well-defined dilemma by Collins, is quite current in the countries of our region (Kosovo, Macedonia, Bosnia, Serbia, Albania), as these and similar countries have lost consensus on the idea of the state due to the influence and interference of powerful internal actors. To these are added the unresolved ethnic problems, which also interfere in the area of rule of law, and consequently in the field of security too. "The entanglement of state weaknesses with internal threats creates a unique challenge for the security of weak countries. It is distinct, because it comes more from internal threats to the ruling regime than from external threats to the nation-state's existence".⁵³

52 Alan Collins, *Contemporary Security Studies*

53 *Ibid.*

If we look closely at this passage, we see that the author emphasizes internal contradictions as the driving force of security risks and threats, and internal contradictions as an indicator of unresolved social and national problems, since the states are generally multiethnic.

2. Changing borders to achieve ethnically “pure” states, a major challenge to regional and international security

The internationally recognized territory and border are two sensitive and very important elements of state sovereignty. Borders represent “real or imaginary lines drawn on the surface of land or water, between certain points, dividing the territory of a state from other states.”⁵⁴ The idea of changing the borders is long-standing and many states and powers have had, at different times, claims to changing borders on behalf of and in the interest of protection of ethnic minority rights, applying the paternalistic and hegemonic approach of the big brother in relation to the other country, thus encroaching on interstate and regional security.

Regarding the territory and understanding its importance for the state and its citizens, we can employ the point of view of M. Abazovic, according to whom the “territory is not only the space and the limit of sovereignty, or under the responsibility of the state. It is a social-economic environment that exerts influence on the history and politics of a country. At the same time, it has been crucial to the fate and development of different peoples. In this regard, it exerts influence not only as a geographic location and as a form (e.g. islands), but also in political-geographic relations.”⁵⁵

From this point of view, territorial changes are also seen as less appropriate and useful, because the aforementioned author sees the territory as more than just geographic space, almost as an ontological entity for the essence of the state and national security of a state.

The concept of ethnically pure states is originally a conservative, right wing, nationalistic and hegemonistic concept, that history has shown is an undemocratic and violently-imposed concept, and millions of casualties were the consequence of all these various wars.

54 Haxhi Ferati, *Geopolitics and Geostrategy*, Har Publishing House, 2013

55 Mirsad Abazovic, *National Security*, scripts, authorized lectures, Prishtina 2006

Multiethnicity, as a concept and model, is intrinsic to freedom and is closely related to democracy and the free market, as well as to the advancement of human rights. In this context, security plays an important role, because no preconditions for respecting and guaranteeing human rights and the rights of ethnic minorities can exist without sufficient and sustainable security.

3. Ethnically “pure” states, alternatives or perspectives in terms of regional and international security

The view on ethnically “pure” states as a long-term solution and as a guarantee of sustainable regional and international security is a questionable view, on which there is reasonably an ambivalent approach from the theorists, political scientists and analysts of different profiles from the political and security fields.

First and foremost, the ethnically “pure” state is a conceptual construct and a theoretical observation, rather than a practical model for organizing social life within a state, as an internationally recognized entity. When referring to ethnically “pure” states, real cases are examples of the concentration of the absolute majority of one ethnicity in one country and of a very small percentage of another ethnicity or ethnicities, where the security, freedoms and rights of these ethnic minorities constitute a challenge for the particular country. Security, as is increasingly recognized, is assuming the dimensions of a regional, and especially international, issue and challenge. Obviously, this becomes even clearer in light of integrating trends on the one hand, and the internationalization of security-threatening factors on the other.

Under such a premise, it turns out that ethnically “pure” states are not sustainable, either politically or in security terms, and therefore they cannot be a prospect or an alternative, given the fact that existing political and military alliances are being seriously challenged by traditional and serious security threats, and recently even by border changing initiatives, which are non-quantifiable and not easily perceived new threats that result from an old concept and philosophy.

Abazovic, with regards to these threats, observes the following: “Threats based on assumptions may not even present real threats. Also, it can be very difficult to distinguish the difference between threats and real challenges that characterize the highly competitive international scene. However, a wrong decision can have serious consequences. If something is classified as a threat, when it is not, disruptions may

occur, while on the other hand, if a problem is not qualified as a threat, it may weaken the ability to take the necessary steps and prepare for possible disruption."⁵⁶

4. Security Situation in the Western Balkans region and the issue of national minorities

The Western Balkans is historically a region of tumultuous events and frequent turbulences, with high-intensity interferences, both in the political and security context.

The socio-economic and political integration policies in the second decade of this century, and the definition of areas of interest of bipolar nature by great powers and influential states, have given rise to national and nationalistic tensions and sentiments, partially fueled and driven by right-leaning political parties, with consequences for security.

The majority population constantly imposes their political will on the minority population, and is responsible for the state security of citizens, resulting from state sovereignty. Security, as an important and mandatory state service to citizens, is rooted in Hobbes's concept of state sovereignty. As it is well known, Hobbes's concept of the legitimacy of the foundations of the state is based on the "Sovereign's Contract with Individuals, on the basis of which the former guarantees the latter's security from internal threats, in exchange for cooperation and acceptance of the fact that the sovereign/state is the legitimate arbiter of the use of force."⁵⁷

This security guaranteed by the sovereign and provided in the Constitution, is not fully realized by governments in terms of their obligation towards citizens, especially towards members of ethnic minorities, which is a common feature of Western Balkans states, and especially the states created after the dissolution of Yugoslavia. "The dissolution of this creature resulted in new geopolitical realities, changed geographic maps of this geo-space, new states emerged."⁵⁸

Thus, as the aforementioned author H. Ferati puts it, the new states that emerged from the former Yugoslavia, which fell apart with harsh violence, were characterized by nationalistic rule and governments, with a derogatory outlook on

56 Mirsad Abazovic, National Security, scripts, authorized lectures, Prishtina 2006

57 Alan Collins, Contemporary Security Studies

58 Haxhi Ferati, Geopolitics and Geostrategy, Har Publishing House, 2013

citizens, especially those of ethnic minorities, and the management of their rights by the ruling elites was poor and contrary to international conventions and other documents. Exceptions could be found in countries with presence of international missions, which assisted in enhancing the quality of management of minority rights.

4.1. Regional security, safeguards, eventual threats and the issue of borders

Security, as recognized generally, is a variable and easily-shifting category, and its transition to insecurity is easily possible. The situation in which security can be easily undermined is caused and driven by the new social, national and regional reality, and ultimately the international one, influenced by global processes and other complex accompanying trends with a significant dose of risk.

Contemporary societies, and especially societies in transition, are referred to as risk societies by various authors, such as H. Sofragjia. The North Atlantic Alliance and the EU, along with the US, have had a permanent interest and a coherent involvement in ensuring continuous security in this part of the Balkans, respectively the Western Balkans as an important geostrategic area, but also as a fragile area, full of contests and unresolved problems between different ethnicities. Failure to uphold some of the fundamental rights of minorities within the constitutional and legal regulation of certain states, represents a permanent danger, and Macedonia, Serbia, Bosnia and Kosovo are unequivocally in this group of countries.

However, the new changes, along with their contradictory complexity, especially in terms of phenomena such as organized crime and ethnic or religious terrorism, presented new security challenges now that there were no more traditional enemies, whose place is taken by modified threats, the internal contradictions of these states.

These circumstances and the new situation are clearly outlined by Abazovic. "Under the new conditions, without bipolar rivalry, the security parameters have changed, so the sovereign states' security no longer only protects territories from external threats coming from other sovereign states, but also controls subnational and transnational threats, which come from different non-state actors.

These threats are not really “new”, but with the loss of traditional enemies, they have gained prominence. The manner in which governments deal with these threats will certainly be reflected in new security arrangements.”⁵⁹

Although the issue of borders is still a very “hot” topic, it seems to have recently been addressed by regional initiatives within the dialogue between Kosovo and Serbia in terms of border correction, and is now presented as a New Strategy for putting old and unresolved issues to rest, as a new model of minority integration, or of their integration into the other state with the same ethnic majority.

Most Europeans, especially Germany, consider this is a very risky and sensitive concept, with potential a domino effect, while Americans, matching their traditional pragmatic concept, would agree if the parties opt for such a solution.

In these clashes of concepts of political solutions, there is no doubt the regional public has real fears with regards to the destabilization and undermining of the security, despite the standing and confirmed guaranties against violent confrontation and eventual war, by both Americans and Russians, as a silent compromise to solving a regional strategic problem with interferences across the Western Balkans.

Americans and Russians exert greater influences in this dialogue than the Europeans, for two reasons: first, both America and Russia apply power relations; secondly, America and Russia are more effective in securing consistency in decision-making than the consensual process of EU decision-making structures. When referring to power relations, this implies the new context of power possessed by some states, of “power as a relationship, or capacity of the state to exercise its influence in relation to others.”⁶⁰

The issue of ethnic minorities in possible border correction solutions, not only with regards to Kosovo and Serbia, but also in other cases, would be a very delicate issues, and the mediating parties would have to apply to enhanced diligence to oblige the negotiating parties in the dialogue not to override international standards and international law in terms of guaranteeing and protecting the rights of ethnic minorities. This issue causes major interference in inter-state relations, when those states are parties to a dispute, or engage in dialogue, and intervenes in the security field even beyond the format of the dialogue.

59 Mirsad Abazovic, National Security, scripts, authorized lectures, Prishtina 2006

60 B. Reka, B. Bashota, Y. Sela, International Relations, Skopje, 2016

5. Management of ethnic minorities, the challenge of democratization of multiethnic states

The management of minorities in a multiethnic state is a test of democracy and of the institutional consolidation of the particular state. Only a stable and consolidated state can provide sustainable security for citizens and ethnic minorities. Security is an immediate need of citizens, and the state has a constitutional and international obligation to provide quality services to citizens in the security field and in other segments of social life.

Respect for human rights, including respect for the rights of ethnic minorities in a multiethnic state, is one of the most serious challenges and the immediate obligation of the states towards the commitments arising from international conventions and other important documents related to this context. "Most of the threats to security point out, directly or indirectly, the human rights dimension".⁶¹

According to this passage, it is clear that states have an obligation to guarantee security for their citizens, as a fundamental prerequisite for guaranteeing and protecting their freedoms and rights. This is closely related and corresponds to the following passage, from the point of view of the relationship of security and human rights. "Human security is essentially an attempt to build a global society, in which individual security is at the core of international priorities, international human rights standards and rule of law are advanced and build on a coherent network for the protection of the individual".⁶²

Ethnic minorities' rights are also constitutional and international obligations of the state with a different ethnic majority, and the state must protect and advance them, because their genuine advancement and the long-term guarantees of these rights constitute a veritable indicator of the situation and of the democratic or non-democratic direction of the state.

Conclusion

As stated above, we can conclude that security, freedom and human rights are closely related to one another, as well as the other important element of rule of law. Contemporary drives and development trends in economics, politics, technology,

61 Understanding Human Rights, European Center for Human Rights, University of Prishtina

62 Lloyd Axworthy, former Canadian minister

culture, public opinion, and other segments in the international and global level, are characterized by the tendency of dominance and primacy of knowledge as power, and by neo-exploitation aims camouflaged with features of the universality or technicality of global culture, while its outcomes are used as threats (contemporary terrorism as a common evil and fear) or to justify the need for small nations and states to be under the dictates of great powers, or for ethnic minorities to submit to the majority ethnicity in a common state as a necessity of existence.

Regarding the issue of borders and security for ethnic minorities and citizens in general, it can be concluded that ethnically “pure” states have no future, that multiethnic states are a necessity, whereas the emancipatory and socializing integrations that respect human rights, freedoms and minority rights, are the long-term goals and ultimate purpose of advanced democracies.

Human rights have to be implemented first of all at the national level, but so far, especially in the multiethnic states that emerged and were established out of the dissolution of former socialist states, there are still potential barriers in this regard, due to poor governance, corruption, nepotism, interventions in decision-making by clans, interest groups and organized crime. For these countries and others with ineffective governance, where rule of law is fragile, international monitoring is required, but in practice it has not always been remarkably efficient, because corruption and other issues have affected certain international officials in some cases.

In addition to international monitoring, genuine civic awareness, intensive education and practical instruction would greatly contribute to the efficiency of civil servants and the quality of services provided by them, which would be a powerful indicator of the regained public trust in the rule of law and their consistent belief in advanced democracy, where human rights, ethnic equality and sustainable security for all citizens constitute categorical imperatives of the contemporary and democratic state.

Bibliography

1. Alan Collins, *Contemporary Security Studies*
2. Abazovic M., *National Security*, scripts, authorized lectures, Prishtina 2006
3. B. Reka, B. Bashota, Y. Sela, *International Relations*, Skopje, 2016
4. Haxhi Ferati, *Geopolitics and Geostrategy*, Har Publishing House, 2013
5. *Understanding Human Rights*, European Center for Human Rights, University of Prishtina

