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## Editorial,

We are pleased to present to the scientific and professional public the new two issues of the International Yearbook published by the Faculty of Security – Skopje.

With this publication the Faculty of Security continues to nurture its rich publishing activity. The Yearbook remains to be recognized as one of the oldest magazines in the field of security, which including these two issues 2019/1-2, has been published in double issues for the fifth year and has the same character as the International Scientific Journal.

The first issue of 2019 begins with the contribution by the authors Vladimir Cvetković and Saša Todorović, with a paper entitled *Comparative Analysis of Disaster Risk Management Policies in the Region of South-East Europe*. This paper is of particular importance, especially given the fact that life takes place in conditions of a pandemic, which in itself is a crisis situation. The authors conclude in the paper that disaster risk management policy, nowadays, is a very important factor for national and international policies. Observing the increase in the frequency, intensity and devastation of disasters, the cause of which is most often associated with increasingly pronounced climate change, disaster risk management policy will become a key factor in the future.

The second paper deals with the problem of *The Supreme Audit Institution in the Role of Improving the Operation of the Ministry of Defence*, co-authored by Ivan Dionisijev, Zoran Minovski, Bojan Malchev and Todor Tocev. “This paper contributes to the existing literature relevant to the matter, by providing a comprehensive understanding of the control over the financial operations of one of the key institutions in the country’s security sector. From the analysis and the obtained results, we can conclude that within 10 years, the Ministry of Defence was subject to audit 3 times, and the number of identified irregularities and findings from audit to audit is higher, thus the number of recommendations given has increased. The audit opinions in 3 audits have not changed, i.e. they are the same.”

The third paper analyzes the *Geopolitical Interests of the USA in the Asia-Pacific Region*. The authors Hatidza Berisha and Milenko Dželetović „are examining the geostrategic and geopolitical interests of the United States in the Asia-Pacific region, taking into account the specifics of the US as still the only global power and its aspiration to retain the current unipolar order at the global level. Also it will discuss the conversion of the soft and hard power which United States projected into the concept of smart power. The Asia-Pacific region (APR) as a priority of US foreign policy, through consideration of the characteristics and importance of the region, transferred the center of gravity of US foreign policy from the Middle East“, among other.

Drago V. Cvijanović, Tamara Gajić and Dušica P. Cvijanović contributed with the paper entitled *Achieving the Complete Quality of the Rural Gastronomy Offer in Vojvodina*. Namely, this title is related to analysis, among other things, of food safety. The authors, among other things, conclude that “based on similar research in the world, the authors conducted a survey of the quality of Vojvodina’s rural gastronomy. The goal was to determine the degree of service quality so far, through consumer satisfaction. A total of 225 respondents in 12 rural municipalities in Vojvodina were surveyed. In the software SPSS 23.00, the authors processed the obtained data and analyzed the degree of consumer satisfaction, in order to characterize and see the achieved level of quality provided in the given facilities. The initial research hypotheses were set. The aim was also to determine which of the quality predictors significantly predicts the full quality of rural gastronomic service. For this purpose, multiple regression analysis was used.”

Biljana Karovska Andonovska in her paper *The Human Rights Treatment and the Role of the International Community in the Syrian War* focused on the treatment of human rights during the devastating civil war in Syria, which has been witnessed by the entire international community for almost ten years. This war has opened many questions regarding the violations of human rights and international humanitarian law, which probably will be debated for a long time. In order to make a contribution to this debate, we made an overview of the content of the official reports in which the UN Independent International Commission of Inquiry since 2011 has noticed the facts regarding the humanitarian catastrophe in Syria. The overview follows the chronology which reflects two paradoxes: 1. Increasing the intensity of the violence and the violations of the rules of war, throughout the years; 2. The inability of the international community and the United Nations through its mechanisms to deal with the challenge it faced during this war.

And in the paper entitled *The Impact of Transportation on the Environment*, authors Marina Malish Sazdovska and Latif Latifi focus on the fact that transportation has an impact in many segments of social life, but despite the positive aspects there are certain negative influences. Negative impacts mainly relate to the field of environment. Besides other, the exhaust gases emitted by vehicles in the environment can have significant impact on the pollution of all ecosystems such as water, soil and air. Therefore, international treaties or agreements and conventions establish ecological standards for environment protection, which are directly related to the implementation of environmental standards for the use of vehicles in one country.

The Editor-in-chief would like to thank all the contributors to this International Yearbook, and would also like to extend his gratitude to the members of the Editorial Board, reviewers and management of the Faculty of Security in Skopje, who helped this issue to be published.

**Sincerely,**  
**Aleksandar Ivanov, PhD**  
**Editor-in-Chief**

# COMPARATIVE ANALYSIS OF DISASTER RISK MANAGEMENT POLICIES IN THE REGION OF SOUTH-EAST EUROPE

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## ABSTRACT

Using measures for sustainable development and reducing the risk of disasters in order to protect the population, goods and the environment is the duty of every state in the fight against security challenges that disasters bring. Disaster risk reduction is a multidisciplinary policy designed to implement various measures to strengthen community resilience and preparedness for disasters. The region of Southeast Europe is recognized as extremely endangered by natural disasters. The countries of the region, especially their national risk management policies, continue to be based in part on solutions from earlier times. The subject of the research is focused on the analysis of disaster risk management policies in the countries of Southeast Europe, their comparison and review of similarities and differences. The countries of this region base their policies on similar solutions aimed at reducing the risk of disasters. There are shortcomings in the full implementation of the adopted international frameworks in the national risk management policies and normative-legal frameworks in certain countries of this region.

*Keywords: politics, risks, emergencies, disasters, Southeast Europe.*

## 1. INTRODUCTION

People are constantly under the influence of dangers of natural and technological origin, therefore it is important for people to understand them. The consequences of disasters that grew over time, formed visions of disasters that existed in the early period of social development, as well as religious beliefs and rituals which at that time represented some of the ways to deal with catastrophes and risks from catastrophic events (Cvetković, 2017: 13). With the development of technology, there is an opinion that might be important in solving problems caused by disasters, and in this regard, the construction of embankments, dams and the use of better materials in construction is one of the methods in dealing with floods (Cvetković, 2017: 14). Using measures for sustainable development and reducing the risk of catastrophic events to protect the population, goods and the environment is the duty of every country when combating the security challenges posed by disasters, so risk reduction is an important element of risk management policies and other activities, related to the provision of assistance and reconstruction to countries that are exposed to disaster risks (Cvetković, Filipović and Gačić, 2019: 13).

Working to develop a political, legal and institutional framework for disaster risk reduction increases the ability of states to manage risks: in this regard the publication of the Yokohama Strategy Declaration indicates the responsibility of states to provide protection to their citizens from natural disasters, actively working to develop and strengthen state capacities, as well as legislation in order to combat the harmful effects of natural and other hazards, promote regional and international cooperation to prevent, reduce and mitigate natural and other disasters with emphasis on human and institutional capacities, technology exchange, information collection and dissemination and work on resource mobilization (Cvetković, Filipović and Gačić, 2019: 11). Building on disaster risk reduction, risk management is a set of different measures and activities that are undertaken precisely with the aim of implementing conceived and designed policies into daily operation. Guided by this, it is very important to mention that in the region of Southeast Europe, different measures are applied for the implementation of disaster risk reduction policies and that they are conditioned by different demographic and socio-cultural perspectives. Precisely because of that, the initial research question refers to the examination of whether there are differences in the policies themselves and the ways of their implementation, and what are the most common advantages and disadvantages of their functioning in real life.

Despite international efforts to reduce disaster risk, international frameworks are not fully implemented at a national level. Each country implements international frameworks into its national risk management policy in its own way. Also, each country in its own way creates and regulates a policy of disaster risk management, although it is endangered in the same way as its neighboring countries, and by the same disasters. Therefore, it is necessary to look at and compare national disaster risk management policies in our region, in order to see the similarities and differences. This research is an initial step that precedes future and more detailed research, which will serve as a comparison, as it will create an initial basis that will serve for later systematization of knowledge about the comparison of risk management policies in the Balkan Peninsula and Southeast Europe.

## **2. METHODOLOGICAL FRAMEWORK**

The paper begins with the research question of whether there are differences in the quality of disaster risk management policies in the region of Southeast Europe. The problems and comparison of risk management policies in neighboring countries have not been addressed to a significant extent in domestic scientific sources. Their comparison and explanation of similarities and differences is a necessity, both from a scientific and practical point of view, in order to bring the prevention, response and recovery of the countries of the region from more frequent disasters to the best possible level, given that no country's disaster risk management policy on the Balkan Peninsula does contain the best solutions for all aspects of disasters. The mutual cooperation between the countries of the region and pointing out the shortcomings in disaster risk management policies is a kind of good neighborly policy, given that the area of disaster spread often has a cross-border character, and that the region of Southeast Europe is defined as extremely endangered. The best recent example was the 2014 floods caused by unprecedented precipitation, which spread to areas in the Republic of Croatia, Bosnia and Herzegovina, but also to our country, which suffered the most severe consequences. This phenomenon required a very quick response from both our country and the neighboring countries, given the speed of the floods and their devastating consequences. This indicates the importance of proper, meaningful and precise formation of national disaster risk management policies.

Although significant efforts have been made internationally to create an international policy framework for disaster risk management, disasters are more frequent, with more intense and devastating consequences. Although nature cannot be influenced to a greater extent, we can influence the regulation of national disaster risk management policies. The increase in the scope of the consequences of catastrophes was partly due to non-compliance with international frameworks, whose main goal is that. International policies have not been fully implemented in national policies, and recommendations and obligations have not been regulated. Regulating this area in the right, optimal way, as well as the possibility of adapting it to new situations, given the tendency for increased frequency and intensity of disasters, is a need of every country around the world. Southeast Europe, as a region highly vulnerable to various natural disasters, such as floods, forest fires, droughts, earthquakes, heat waves, and even hurricanes, as seen in the example of Greece, calls for the best possible solutions containing different legal normative frameworks that regulate the policy of disaster risk management of each country separately.

The subject of the research refers to the analysis of disaster risk management policies in the region of Southeast Europe and the Balkan Peninsula, more precisely related to the Republic of Croatia, Bosnia and Herzegovina, Montenegro, North Macedonia, Bulgaria and Greece, as well as their comparison, but also to pointing out their similarities and difference. The spatial determination of the subject of research refers to the countries of the Southeast Europe region, more precisely the Balkan Peninsula countries – the Republic of Croatia, Bulgaria and Greece as members of the European Union, but also the Republic of Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia. Given the previously identified subject of research, the aim of the research is to scientifically describe the existing similarities and differences in national disaster risk management policies in the countries of the Southeast Europe region. The research is aimed at examining the manner and nature of differentiation of the mentioned national disaster risk management policies. The practical goal of the research is a more meaningful understanding of the differences and similarities in disaster risk management policies in the region of Southeast Europe, based on theoretical knowledge and empirical results.

### **3. DISASTER RISK MANAGEMENT POLICIES**

#### **3.1 Montenegro**

When it comes to the risk of natural disasters, Montenegro is at risk of floods, droughts, heavy rainfall, snowfall, stormy winds, heat waves, landslides, avalanches and forest fires. The causes of floods are heavy rains which, in addition to floods, cause landslides due to excessive moisture in the soil, while some of the reasons for the appearance of erosion processes are general exposure of the terrain, vertical disintegration of vegetation and unsustainable soils, as a consequence of the inadequate use of natural resources. Anthropogenic activities in certain river flows, which refer to the exploitation of gravel and sand, are a secondary factor that contributes to floods (FAO, 2018:7).

Regarding the legal framework that regulates the field of disaster risk reduction, several normative acts should be pointed out, in that sense the field of protection and rescue is regulated by the Law on Protection and Rescue (“Official Gazette of Montenegro”, no. 13/07, 32/11 and 54/16) consisting of a series of measures to be taken to detect and prevent the occurrence of hazards, mitigate and eliminate the consequences of natural disasters, technological accidents, radiation, chemical or biological pollution, the consequences of war and terrorist activities, epidemics and other accidents which pose risks to the population, material goods and the environment. It defines

how protection and rescue is managed and coordinated, and in that sense the consistent application of this Law is regulated by: Rulebook on the Content and Methodology on the Basis of Which Protection and Rescue Plans are Made (“Official Gazette of Montenegro”, No. 31/17); Rulebook on Detailed Content and Methodology of Preparation, Manner of Harmonization, Updating and Storage of Protection and Rescue Plans (“Official Gazette of Montenegro”, No. 34/17); Rulebook on the Manner of Organizing and Engaging Civil Protection Units (“Official Gazette of Montenegro”, No. 38/17); Rulebook on Unique Alarm Signs and Manner of Notification and Alarm (“Official Gazette of Montenegro”, No. 34/17), Decision on Appointment of Managers, Deputy Managers and Members of the Coordination Team for Protection and Rescue (“Official Gazette of Montenegro”, No. 52/17), Decision on the Appointment of the Operational Headquarters for Protection and Rescue (“Official Gazette of Montenegro”, No. 52/17), as bylaws, while other important issues in this area are regulated by the Law on Explosive Substances (“Official Gazette of Montenegro”, no. 49/08, 31/14 and 31/17) which prescribes the necessary conditions for the production, trade, procurement, storage and use of explosives for the protection of life, health and safety of humans, flora and fauna, environment and property and other issues of importance for performing these activities; then the Law on Transport of Dangerous Goods (“Official Gazette of Montenegro”, No. 33/14) which regulates the transport of dangerous goods using road, rail, sea and air transport, but this area is also regulated through ratified international agreements; further, there is the Law on Flammable Liquids and Gases (“Official Gazette of Montenegro”, no. 26/10, 48/15) which regulates the protection of life, health and safety of people, flora and fauna, environment and property, construction and reconstruction of facilities, storage, holding, trade, handling and use of flammable liquids and gases. It should be noted that the Ministry of Internal Affairs of Montenegro is responsible for these three laws (Strategy for the GDR, 2017: 12).

The Law on Protection and Rescue establishes a general legal framework governing the handling of natural disasters, technological and other accidents. In addition to this there are other laws that indirectly regulate issues that are important for protection and rescue, these issues being regulated by: “Gazette of the Republic of Montenegro”, No. 27/07 and “Official Gazette of Montenegro”, No. 32/11, 48/15 and 52/16); the Law Governing Hydrometeorological Affairs (“Official Gazette of Montenegro”, No. 26/10 and 30/12); the Law on Protection and Health at Work (“Official Gazette of Montenegro”, No. 34/14); the Law on the Red Cross of Montenegro (“Official Gazette of the Republic of Montenegro”, No. 28/06); the Law on Forests (“Official Gazette of Montenegro”, No. 74/10, 40/11 and 47/15); the Law on Environment (“Official Gazette of Montenegro”, No. 52/16); the Law Regulating Protection against Ionizing Radiation and Radiation Safety (“Official Gazette of Montenegro”, No. 56/09, 58/09, 40/11 and 55/16); the Law on Foreign Trade in Arms and Military Equipment (“Official Gazette of Montenegro”, No. 40/16); the Law on Spatial Planning and Construction of Facilities (“Official Gazette of Montenegro”, No. 64/17), etc. (Strategy for the GDR, 2017: 13-14).

### **3.2 Bosnia and Herzegovina**

Data on hazards on the territory of BiH have been available through EM-DAT since 1989, and the analysis of these data determines the risks in this climate. In that sense, BiH is facing both natural and technological hazards. The EM-DAT data for the period 1989-2006 indicate that the most common disasters are related to floods and droughts, but this area is exposed to other natural hazards such as earthquakes, storms, stormy winds accompanied by thunder, snowstorms, floods, landslides, frosts and forest fires. The available EM-DAT data show the percentage of hazards, so

landslides are represented by 8% in relation to other hazards threatening BiH, floods with 31%, droughts account for 15%, forest fires 8%, transport accidents 15%, epidemics 8%. In terms of frequency, it is noticeable that floods are the most frequent events and that the victims of these events are the most numerous compared to others, i.e. that floods affected most of the population of this country compared to other hazards and that the damage was caused by droughts, economic losses, etc. Having in mind these data, it is recognized that BiH is most vulnerable to floods and droughts compared to all other hazards, according to the appropriate analysis of data. However, there is a declining trend of incidents, as well as of the number of deaths at state level, which can be attributed to a decrease in the number of events or to capacity building, measures and activities in the field of disaster preparation and mitigation, compared to the period 1999-2003, which indicates an increase in vulnerability. In terms of economic losses, there are data for the period 1999-2003, as well as for the period 2004-2006 which are related to the great droughts of 2000 and 2003 indicating a total amount of 408 million US dollars, while the report of the National Center for Geophysics of the United States (NGDC) mentions that the losses due to the earthquake are measured in the amount of 5 million US dollars for the past 33 years. At an annual level, economic losses account for only 1% of gross domestic product, while the data on the number of victims are available only for droughts and show that 2% of the population at state level suffered and was affected by droughts, i.e. which in numbers amounts to 71,397 people (Banja, 2007: 15).

The legislation in BiH within which it is possible to institutionally define and implement landslide risk management concerns normative acts that regulate areas related to planning and construction of facilities, geological research, nature protection, water management, forestry and agriculture, organization and activities of civil society, protection, the field of local self-government, then the field of emergency procedures, documents related to action plans and strategies, laws and bylaws, procedures, competencies and implementation. At the level of the Federation of Bosnia and Herzegovina, Republika Srpska and Brcko District, these issues are resolved by the Law Dealing with Geological Research in the Federation of BiH (“Official Gazette of FBiH”, No. 9/10 and 14/10); land use is regulated by the Law on Spatial Planning and Land Use at the Level of the Federation of Bosnia and Herzegovina (“Official Gazette of FBiH”, No. 2/06, 72/07, 32/08, 4/10, 13/10 and 45/1; the Law on Waters (“Official Gazette of FBiH”, No. 70/06), the Law on Forests (“Official Gazette of FBiH”, No. 20/02, 29/03 and 37/04), the Law on Mining of the Federation of BiH (“Official Gazette FBiH”, No. 26/10), the Rulebook on Geotechnical Research and Testing and the Organization and Content of Geotechnical Engineering Missions (“Official Gazette of FBiH”, No. 2/06, 72/07 and 32/08), the Law on Geological Research of Republika Srpska (“Official Gazette of RS”, No. 110/13), also the Law Dealing with Spatial Planning and Construction (“Official Gazette of RS”, No. 55/10); the Law on Waters (“Official Gazette of RS”, No. 50/06 and 92/09), then the Law Governing Nature Protection (“Official Gazette of RS”, No. 50/02), the Law on Forests (“Official Gazette of RS”, No. 75/08) (Abolmasov, 2016:28).

### **3.3 Croatia**

About 80% of damages and economic losses in Croatia due to natural disasters in the period 1980-2014 are a consequence of natural disasters, mainly those of atmospheric origin, according to the State Commission for the Assessment of Damage from Natural Disasters. Of all the reported damage, the most frequent was due to droughts, followed by strong floods and frosts, therefore weather data, climate and water status, as well as their extremes must be part of national strategies for managing and reducing possible risks of catastrophic events (Güttler, Horvat and

Tadić, 2016:190). Natural and technological disasters are a significant social and economic burden for Croatia, which is why identifying and analyzing hazards, risks and outcomes with a view to the possible consequences of climate change are essential elements of the European Union's disaster prevention framework and prevention policy at all levels of government. In this regard, a "Disaster Risk Assessment for the Republic of Croatia" was prepared in 2015 in cooperation with the State Administration for Protection and Rescue and with the participation of state and public services, with the State Hydrometeorological Institute being a partner in preparing data on several important risks. In relation to this, risk assessment is the basis for work on disaster risk reduction in Croatia, but also important are the steps related to the assessment of risk management capacity and the development of a Disaster Risk Reduction Strategy, after which specific action plans will be adopted. Natural hazards can be significantly reduced by better scientific understanding of possible natural hazards in certain areas, i.e. by threat assessment to build a culture of security and resilience at all levels; by better application of various construction and urban norms in accordance with risk assessment and adaptation to expected climate change; by raising the level of community awareness and by educating about the possible impacts of natural hazards and measures that an individual can take to reduce harm and protect lives; by introducing the latest technological and scientific methods for monitoring and forecasting hazardous natural phenomena and strengthening early warning systems with an integrated approach to risk management (Güttler, Horvat and Tadić, 2016: 190).

The legal framework for disasters is more focused on crisis management than on preparedness and mitigation. Given that service activities in Croatia account for 63% of GDP, hazards of technological origin can have a direct impact on the economic conditions in the country. Also, planned land use is necessary in order to reduce the impact of floods on this resource, as well as on the population, Croatia, together with the countries from the region, is a member of the flood management project on the Sava River (Banja, 2007: 26).

### **3.4 Bulgaria**

In terms of disaster management, Bulgaria is guided by the set goal of moving from a response-oriented management system to a comprehensive system that integrates all other phases of disaster management. An expert audit in this regard indicates that Bulgaria can move to a system of equal importance of prevention, preparedness and recovery activities, with the existing available resources for responding during emergencies, by supplementing the already developed Strategy for Disaster Risk Reduction (Partner verification Bulgaria, 2015:14). The existing system of population protection in Bulgaria has a good foundation, and in this regard the Law on Disaster Protection defines the roles of different parts of the Unified Rescue System, but it is possible to upgrade it by switching from a system focused on responding to a comprehensive risk management system, which can be done through working groups, trainings and exercises, as well as through bilateral agreements with neighboring countries, with the training being carried out within the regional service of fire safety and protection of the population (RDPBZN-Montana). Bulgaria has also included its Red Cross in activities related to preparedness and response, i.e. to the disaster management system, and this cooperation could serve as an example for the NGO sector and for companies (Partner verification Bulgaria, 2015: 14). The establishment of this management system implies the implementation of a comprehensive approach with risk assessment and the creation of risk management plans; then it is necessary to implement appropriate legal changes in accordance with the chosen approach to disaster risk management, and create cross-sectoral working groups that would be in charge of implementing activities in that direction; it is necessary to improve the

cooperation of all stakeholders and capacities at the local, state and regional level through the creation of local and regional platforms for disaster risk reduction that would complement the national platform; it is necessary to provide funding for risk management activities in order to control whether the objectives of the national platform for disaster risk reduction are met, and this process would be coordinated by the Ministry of Interior; the dialogue and exchange of risk information between stakeholders and NGOs needs to be strengthened; the needs of the local authorities when planning risk management should also be taken into account and provided with resources; further, assessment and monitoring programs should be developed and implemented throughout the disaster management process; the system should be flexible enough and based on local needs but also in line with global trends (Partner verification Bulgaria, 2015: 15). The Law on Disaster Protection (SDA) (SG No. 102/19.12.2006) in Bulgaria regulates the protection of the population and the management of disasters and it forms the legal basis governing this area. Its provisions were later amended in order to improve the system and to link it to some other laws, such as laws regulating environmental, spatial planning and critical infrastructure issues (Partner verification Bulgaria, 2015:16).

### **3.5 North Macedonia**

The basis and ceiling of the normative-legal framework which regulates the risk management policy in the Republic of North Macedonia is the Constitution, and further the matter is regulated by the Law on Protection and Rescue, the National Strategy for Protection and Rescue, the National Plan for Protection and Rescue from Natural Disasters and Other Accidents, the the Law on Defense and the Law on Firefighting (Saliu et al., 2011). Saliu et al. (2011) state that the Law on Protection and Rescue serves to regulate the protection and rescue system in the Republic of North Macedonia, as well as to preserve ecosystems, cultural and natural assets. One of its articles talks about the purpose of the Law, which aims to create a synchronized system for detecting, possibly preventing and mitigating natural disasters. The bodies of state administration and local self-government, public companies, as well as the citizens themselves are responsible for its implementation. The need to observe potential danger is emphasized, as well as its detection, and then monitoring and study. Also, Saliu et al. (2011) talk about several principles on which the protection and rescue system is based, and some of them are that everyone has an equal right to protection and rescue, when choosing between rescuing people and property, people have priority, that it is the duty of every citizen to help in accordance with their abilities, but also that it is the duty of the state, its bodies and cities to work on preventive and operational protection measures in time. It also prescribes multi-level response, where the local self-government has priority, followed by the state and the international community. The plan at the level of the entire country has been prepared according to the Methodology for the Content and Manner of Hazard Assessment and Protection and Rescue Planning and the Regulation on Handling and Use in the Field of Protection and Rescue. The National Plan contains prevention measures, as well as operational measures in which all state bodies are actively involved, together with public companies and local self-government. Every catastrophe can easily turn into an international one, so considering that, there is a need to prescribe quick and simple solutions that give effect. The National Plan is capable of adapting to new situations, all with the aim of responding to the disaster as efficiently and quickly as possible. The plan, as its integral parts, contains the role of the state bodies, a list of critical infrastructure and measures of prevention, response and remediation of the consequences of disasters. The role of the private sector is also important, with which the state

develops a partnership, because during the catastrophe, the unity of citizens and the state is important (Saliu et al., 2011).

### **3.6. Greece**

Greece is an area where earthquakes are common, causing severe consequences. In addition to being sudden, they are characterized by side effects, so a better management is needed in the mitigation phase as well, and not only during response and recovery. In that sense the Earthquake Planning and Protection Organization (EPPO) is a state body that regulates policy and action in relation to earthquakes and this mitigation policy can be defined through the most important activities which include: application of special rules in infrastructure design introducing resilience; earthquake risk and danger assessment, as well as presentation of earthquake zones at state level; the use of accelerometer systems, but also the production of maps that provide an overview of the areas in which the movements studied by neotectonics are recorded; planning preparatory measures, i.e. earthquake preparedness measures; cooperation with all relevant actors in cases of devastating earthquakes by providing technical and professional assistance; providing support to applied earthquake research through funding of scientific projects on topics relevant to earthquake risk and participation in these projects (Gountromichou, Manousaki, Doga and Lekkas, 2014:1).

The EPPO lists as the most important policy preparedness activities related to earthquake risk management planning and education policy, in order to strengthen the resilience of communities, people and institutions, and strengthen the capacity for effective recovery after a catastrophic event by improving risk assessments, and through raising the level of culture and awareness based on a bottom-up approach with decentralized approach and public participation. Earthquake education policy has been very well developed in Greece in the past few decades, with a lot of information and educational material printed for that purpose. Many initiatives related to earthquake risk management planning have been implemented in the past and most related to guidelines, appropriate forms and data sets that helped authorities in making earthquake plans (Gountromichou, Manousaki, Doga and Lekkas, 2014: 2).

## **4. CONCLUSION**

Disaster risk management policy, nowadays, is a very important factor for national and international policies. Observing the increase in the frequency, intensity and devastation of disasters, the cause of which is most often associated with increasingly pronounced climate change, disaster risk management policy will become a key factor in the future. Disasters and their consequences, both on the population and infrastructure, the economic flows, food production, require a studious and comprehensive approach. Properly and precisely regulated policy of disaster risk management should be the goal of every country in the world, regardless of whether they are economically developed or developing countries.

Disasters, especially natural ones, know no borders, so it is important to point out that the regulation of risk management policy in the right way, must primarily come from international level. Just as it is important to prescribe and adopt international frameworks for disaster risk reduction, their implementation and application within risk management policies at the national level is equally important, if not greater. The analysis of professional literature and normative-legal regulations has noticed the lack of full application of ratified and adopted international

frameworks in national disaster risk management policies. Each state applies international frameworks and agreements to the extent appropriate to national interests and capabilities. The region of Southeast Europe and the Balkan Peninsula is recognized as extremely endangered by natural disasters. The countries of the region, especially the members of the former SFRY, continue to base their national risk management policies in part on the solutions prescribed during the socialist era. The consequences of wars and political turmoil have left their mark on insufficient communication and the necessity for developing relations for bilateral and multilateral cooperation within the region. The catastrophic floods of 2014 underlined the need for cooperation in the field of prevention, response and rehabilitation of the consequences of disasters.

The analysis of normative-legal sources came to the conclusion that national disaster risk management policies are indeed based on approximately similar principles and postulates. The part of risk management policy related to disaster mitigation is indeed regulated in a similar way in the countries of Southeast Europe. It was also confirmed that the issue of preparedness for the coming disasters is regulated in a similar way in the countries of the region. Finally, the assertion that a part of national disaster response policies is based on similar solutions has been ascertained. The analysis of the normative-legal framework of the countries of the Southeast Europe region, established the same similarity in all national governance policies, and that there is a tendency for all countries to focus on disaster prevention, rather than disaster response and recovery, as has been the case so far. States seem to have realized that it is economically much more profitable to invest in prevention measures than to pay damages after a disaster. This aspiration is in line with international frameworks governing disaster risk management policies, such as the Hyogo and Sendai frameworks. All countries in the region understand the importance of creating a database of potential dangers and disasters, accompanied by risk maps, as well as preparations for their possible occurrence.

With the National Strategy for Emergency Situations, Montenegro has stepped in the direction of improving the disaster risk reduction system, led by guidelines in the direction of integrating these goals into national policy and affirming these goals through bilateral, regional and wider international cooperation. When it comes to BiH, the Ministry of Security, through the Protection and Rescue Sector, treats the issue of including disaster risk management in national policies as very important. The Croatian legal framework is more focused on crisis management than preparation and mitigation, and appropriate risk, threat and vulnerability assessments are also needed. In terms of risk management, Bulgaria is guided by well-laid foundations in the form of the Law on Disaster Protection, but is also guided by principles and guidelines that point to a different orientation and direction from a system that responds to a system of comprehensive approach and equal evaluation of prevention, preparedness and recovery activities. Bulgaria also has a National Disaster Protection Program and a National Disaster Risk Reduction Strategy. North Macedonia has a Law on Protection and Rescue, a National Strategy for Protection and Rescue, as well as a National Plan for Protection and Rescue from Natural Disasters, and further activities regarding the functioning of the regulatory framework governing disaster risk management are based on the need for missing laws and regulations, which would complete the legal framework for protection and rescue. When it comes to Greece, the National Platform for Disaster Risk Reduction has established a network of government agencies and other relevant agencies.

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## **THE SUPREME AUDIT INSTITUTION IN THE ROLE OF IMPROVING THE OPERATION OF THE MINISTRY OF DEFENSE**

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### **ABSTRACT**

The most important institution that regulates the national defense system in the Republic of North Macedonia is the Ministry of Defense, which in accordance with the Law on Defense creates the defense policy, determines the directions for the development of long-term and medium-term plans, and manages human, material and financial resources. It is of great importance for providing support to the Army of the Republic of North Macedonia, which is the guardian of territorial integrity and sovereignty. Realizing its mission, the Army of the Republic of North Macedonia, achieves the maintenance of peace and security outside the country through joint action or as part of collective security and defense systems. This paper explores the role of the supreme audit institution (in our country the State Audit Office) in improving the legal and purposeful work of the Ministry of Defense, since the existence of the State Audit Office until today. A detailed analysis of the audit reports issued by the State Audit Office for the Ministry of Defense in the last ten years, the total number of audits performed from 2010 to date has determined and identified the significant conditions regarding the financial operations of the Ministry, compliance with regulations and laws, as well other systemic weaknesses. The analysis used all published annual reports on the performed audits and the operation of the State Audit Office, as well as the last published final audit report for the Ministry of Defense. In addition to analyzing those reports, the paper covers other literature and scientific papers on how state audit affects the performance of key institution in terms of defense and security.

***Keywords:*** Ministry of Defense, Supreme Audit Institution, State Audit Office, Audit.

**JEL Classification:** M42, H56

## **1. INTRODUCTION**

Financial regulation of the security sector is essential because it keeps security and defense service providers responsible for their use of public funds. Properly enacted, it guarantees that: 1) services are allocated according to the security need of the citizens, 2) security and defense investments are rendered consistently and effectively, 3) key security and justice providers do not function as a state-within-a-state and remain financially accountable to their oversight institutions and affordable for society, and 4) public funds allocated for security and defense do not infringe on programs aiming at reducing poverty and promoting sustainable social and economic development (Masson, Andersson, & Salah, 2011).

The defense sector is made up of the main security and justice providers and their management and supervisory agencies. The legislative and policy system controls their roles, authorities, and frameworks. Defense, security, and justice providers in one country are the security forces, such as armed forces, police, intelligence, and security services, and there are justice and law enforcement institutions, such as courts, prisons, and traditional justice systems. On the other hand, the countries also have management and supervisory bodies/institutions. The executive management and supervisory bodies may encompass the following: the Ministry of Defense, the Ministry of Interior, the Ministry of Justice, the Ministry of Finance, the Presidency, etc. Last, but not least, we have legislative management, such as the Parliament and its committees, and the Ombudsman. Moreover, there are also informal supervisory institutions, such as civil society organizations, media, research, and advocacy organizations.

The financial accountability of the security sector in one country is of great importance. The laws that regulate financial accountability provide a framework for the management of public money and public property. These laws mainly include the state's constitution, which defines the separation of powers and the oversight role of parliament; financial administration laws, which provide rules to govern the financial transactions of public funds; financial accountability laws, aimed at increasing the transparency of governmental spending mechanisms; laws establishing ministries with specific financial oversight functions, such as the Ministry of Finance; laws establishing the supreme audit institution or auditor-general; anti-corruption laws; and the state budget, which is enacted by the parliament and has, therefore, the value of a law (Masson, Andersson, & Salah, 2011).

The paper covers the financial control of the Ministry of Defense, as a key institution in the security sector of the country, by the State Audit Office as the supreme audit institution and the most important institution in controlling the spending of public money.

## **2. THE MINISTRY OF DEFENSE AS A KEY INSTITUTION FOR THE DEFENSE OF TERRITORIAL INTEGRITY, PEACE AND SECURITY IN THE REPUBLIC OF NORTH MACEDONIA**

Talking about the concept of national security, many experts have discussed the essence of national security, concluding that national security is a general concept of defense and that national security is a very complex problem of every nation, i.e. independent state (Yusa, Margynata, & Haris, 2018).

National security can be simply understood as freedom from foreign orders or colonization. This means that the national security is also free from threats, which can be similar to what was stated by Wolfers as quoted by Paleri (2009), namely, "National security objectively

means the absence of threats to acquired values and subjectively, the absence of fear that values will be attacked” (Paleri, 2009).

Oatley (2008) said that, theoretically, national security is defined not just as military defense. At the very least, it is a fundamental part of the survival of society. Thus, this definition relates to efforts to create a political, economic, social, and environmental condition in which society lives (Oatley, 2008).

Furthermore, Anais (2015) argues that the Ministry of Defense is a key institution for consolidating democratic civilian control over the military (Anaís, 2015). Not only are legal, financial, and human resources necessary for this control, but the Ministry of Defense also needs effectively to be part of the political system. In short: “The ideal situation, at least in a new democracy, is one in which the Ministry of Defense as institution and the minister as an individual are integrated into the structure of government power hold the personal confidence of the executive” (Bruneau & Tollefson, 2014)

The national defense policy and doctrine are defined and based on the primary goals of the security policy of the Republic of North Macedonia, namely: to protect the life and personal safety of citizens, to guarantee the independence and territorial integrity of the state, political freedoms, civil and human rights, including the rights of religious, ethnic and other minorities, to guarantee the material well-being and prosperity of the citizens.

The Ministry of Defense has a key role in the national defense system and following the Law on Defense (Official Gazette of the Republic of N.Macedonia, Law on Defense, 2001) creates the defense policy, determines the directions for the development of long-term and medium-term plans, human, material and financial resources management and also supports the Army of the Republic of North Macedonia.

National defense interests are values and conditions that directly arise from the fundamental values established in the Constitution of the Republic of North Macedonia: preservation of the independence, the sovereignty and territorial integrity and the unitary character of the state as an essential framework for preserving the state identity of the Republic of North Macedonia and free nurturing and expression of the ethnic and cultural identity of all citizens.

### **3. THE STATE AUDIT OFFICE AS A SUPREME AUDIT INSTITUTION IN THE REPUBLIC OF NORTH MACEDONIA**

The role of state audit is to objectively acquire and assess evidence in order to determine if the information presented by state entities accurately corresponds to the established criteria. It is a procedure of objectively examining the financial statements of state entities to obtain reasonable assurance about the legal and intended use of public funds, as well as to evaluate the use of funds in terms of economy, efficiency, and effectiveness. The existence of a supreme audit institution (hereinafter refers to as SAI) is one of the instruments to control the spending of public funds. SAIs report to Parliament on the manner in which public funds are used, the degree of compliance with laws and regulations, and the reliability of the financial statements of public sector entities.

The European Court of Auditors has stated in their “Handbook on SAIs in the EU and its Member States” (2019) that SAIs independently investigate the efficient, effective, and economic use of public resources, as well as the compliance of public spending and revenue collection with the applicable rules. They support parliamentary control of governments with their fact-based, objective, and impartial audit reports, and thereby help to improve policies, programs, public administration, and the management of their state’s finances. This helps to build citizens’ trust in

our societies' checks and balances and further develop democracies that function properly (European Court of Auditors, 2019).

Jack and Rick argue that SAIs' role in curbing corruption is increasingly relevant and the audits are potent deterrents to waste and abuse of public funds. According to them, SAIs help reinforce the legal, financial, and institutional framework which, when weak, allows corruption to flourish, and they establish a predictable framework of government behaviour by reducing arbitrariness in the application of rules and laws (Titsworth & Stapenhurst). Furthermore, each SAI develops its own policies and procedures for performing the audit engagements (Mamic, Pavic, & Vukovic, 2017).

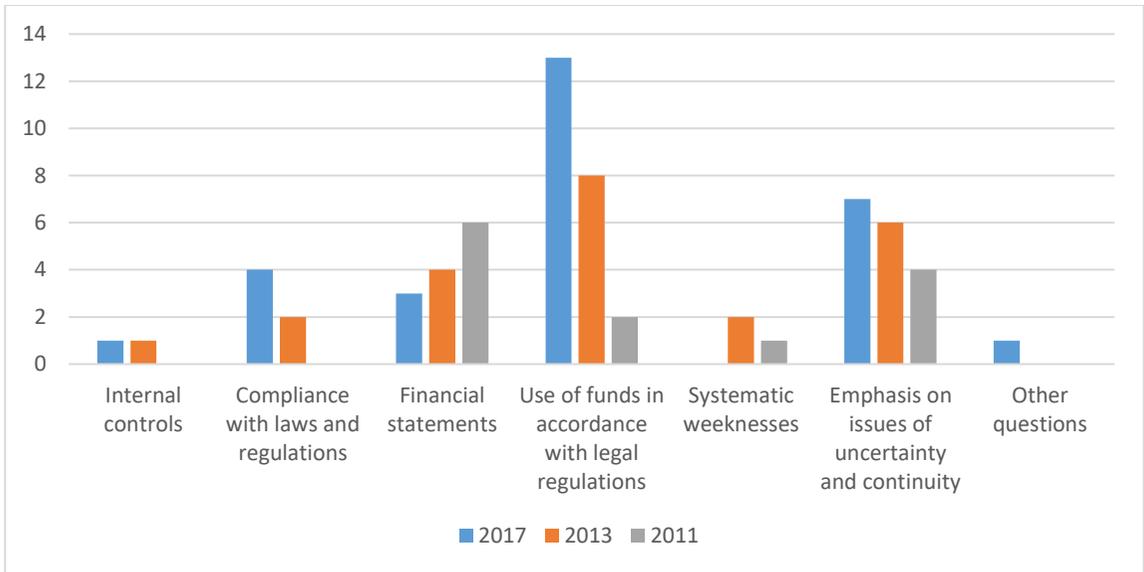
In the Republic of North Macedonia, according to the Law on State Audit, which was adopted in 1997 and has set the framework at the national level, the state audit in the Republic of North Macedonia is performed by the State Audit Office as an independent public authority managed by the Auditor General (State Audit Office, 2019). To increase the compliance of the legal regulations in the state audit with the requirements of the Lima Declaration and the Mexico Declaration on SAI Independence and to bring it closer to the EU standards and practice, this Law underwent several changes, and in 2010 the new Law on State Audit entered into force, being largely in line with the stated requirements of the declarations (Dionisijev, Malchev, Tocev, & Kamenjarska, 2020).

#### **4. ANALYSIS OF THE STATE AUDIT OFFICE ROLE IN CONTROLLING THE OPERATION OF THE MINISTRY OF DEFENSE**

According to the Law on State Audit, state audit is obligatorily performed once a year of the Budget of the Republic of North Macedonia and the budgets of the funds, and other audits are performed within deadlines determined by the Annual Work Program of the State Audit Office (Official Gazette of the Republic of N.Macedonia, Law on State Audit, 2010). Thus, following the methodology of the State Audit Office and certain criteria in selecting the entities to be audited during the year, so far the State Audit Office has performed 8 regularity audits (financial audits and compliance audits) at the Ministry of Defense, of which the last audit was conducted in 2018, and the final audit report was released in 2019. Our research refers to the period from 2010 until today, all audits that have been performed since then, particularly 3 regularity audits for the years 2011, 2013, and 2017, and the final audit reports being released in 2012, 2014, and 2019.

The research is based on a detailed analysis of the irregularities determined by the state auditors in the conducted audits, the number of determined irregularities by year, as well as the identification of significant groups of identified conditions. Analogously, this research continues with determining the given types of opinions on the work of the Ministry of Defense in the years covered, and finally, how many of the recommendations given have been implemented by the Ministry of Defense. We conclude the research with a regression between the number of identified irregularities and the number of recommendations given per year.

Figure 1 shows the number of determined irregularities by certain sections/groups of audit reports by year. As can be concluded from Figure 1, the largest volume of irregularities found by state auditors belongs to the group of use of funds in accordance with legal regulations, i.e. public procurement, and for 2017 as many as 13 irregularities related to public procurement in the Ministry of Defense were determined.



**Figure 1: Irregularities determined by State Auditors at the Ministry of Defense (Source: Authors' own elaboration)**

With a detailed analysis of the State Audit Office annual reports, as well as the individual audit reports for the Ministry of Defense, we can conclude the following weaknesses: the Ministry of Defense has not taken any action to insure property and equipment available for protection against unforeseen situations (fires, floods, thefts), etc., due to unestablished financial records on their value, a situation that has been existing for years, creating a risk of additional expenditures for the budget and inability to compensate in the event of some unforeseen situation. Also, the established manner of public procurement planning is not in accordance with the Law on Public Internal Financial Control and does not cover the risk of incorrect determination of the procurements need, inadequate assessment of the funds provided for the procurement, and the inadequate definition of the technical characteristics of the goods, which contributes to the long duration of the procedures, the untimely conclusion of contracts and low realization of the annual public procurement plan, as well as negotiation of larger quantities than necessary, and other conditions that occur during the implementation of public procurement procedures, that are not in line with the Law on Public Procurement.

The irregularities determined by the state auditors result in audit opinions, so Figure 2 presents the types of audit opinions by years.

Audited year	Financial statements (Financial Audit)	Compliance with laws (Compliance Audit)
2017	Adverse opinion	Adverse opinion
2013	Adverse opinion for the Balance sheet, and qualified opinion for Income Statement	Adverse opinion
2011	Adverse opinion for the Balance sheet, and qualified opinion for Income Statement	Adverse opinion

**Figure 2: Audit Opinions for the Ministry of Defense (Source: Authors' own elaboration)**

The opinions expressed by the state auditors originate primarily from the unadopted strategic, long-term and medium-term documents that affect the annual and medium-term planning and achievement of the Ministry's goals, unfinished internal audits, incomplete inventory of assets and sources of funds, unrealistically presented liabilities supplies, unestablished accounting records of movable, immovable property and stocks of materials and small inventory, identified irregularities in the implementation of public procurement procedures and implementation of concluded contracts.

The purpose of the state audit is to provide reasonable assurance and to give clear, concise recommendations for overcoming the conditions found, and then to monitor the implementation of those recommendations. Thus, in Figure 3 we can see the total number of given recommendations and the degree of implementation of the recommendations by year.

	2017	2013	2011
<b>Implemented recommendations</b>	2	5	1
<b>Partially implemented recommendations</b>	2	2	3
<b>Unimplemented recommendations</b>	3	4	3
<b>In progress</b>	3	-	-
<b>Total number of recommendations</b>	<b>10</b>	<b>11</b>	<b>7</b>

**Figure 3: Recommendations given by the State Audit Office (Source: Authors' own elaboration)**

It can be easily seen and concluded from Figure 3 that the number of recommendations increases from audit to audit, so in 2011 the number of recommendations given was 7, in 2013 – 11, and 2017 – 10. If we make a simple regression of the number of irregularities established in

the final audit reports by year, with the number of recommendations given by year, we will come to a conclusion that there is a linear correlation between these two variables. The R-squared in the model is 0.6597 which shows that 65.97 percent of the given recommendations can be predicted by the determined irregularities. This is a logical result because, with the increase of irregularities and the established conditions, the number of recommendations given by the state auditors also increases. Figure 4 provides the regression statistics.

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*Regression Statistics*

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Multiple R	0.81224
R Square	0.659733
Adjusted R Square	0.319466
Standard Error	1.717259

**Figure 4: Regression Statistics (Source: Authors' calculations)**

## 5. CONCLUSION

This paper contributes to the existing literature relevant to the matter, by providing a comprehensive understanding of the control over the financial operations of one of the key institutions in the country's security sector. From the analysis and the obtained results, we can conclude that within 10 years, the Ministry of Defense was subject to audit 3 times, and the number of identified irregularities and findings from audit to audit is higher, thus the number of recommendations given has increased. The audit opinions in 3 audits have not changed, i.e. they are the same.

Due to limited resources in the SAO, the scope of audit in the security sector, namely the Ministry of Defense, is limited and insufficient for full control of financial and material operations on an annual basis. Hence, the recommendation is to increase the number of audits at the Ministry of Defense, in order for that institution to use public funds more efficiently and effectively.

Taking into consideration the novelty and the insufficient research conducted in this area, a more diligent approach and focused analysis is required to prompt in-debt research.

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## GEOPOLITICAL INTERESTS OF THE USA IN THE ASIA-PACIFIC REGION

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### ABSTRACT

This paper will examine the geostrategic and geopolitical interests of the United States in the Asia-Pacific region, taking into account the specifics of the US as still the only global power and its aspiration to retain the current unipolar order at the global level. Also it will discuss the conversion of the soft and hard power which United States projected into the concept of smart power. The Asia-Pacific region (APR) as a priority of US foreign policy, through consideration of the characteristics and importance of the region, transferred the center of gravity of US foreign policy from the Middle East.

The aim of the study is to examine the application of the concept of smart power in the geostrategic and geopolitical interests of the United States in the Asia-Pacific region. Further considerations and the work as a whole do not prejudice the reasonableness of the United States on a global scale, but point out the comprehensiveness of approach to the application of available power resources in achieving national interests in certain parts of the world, and in the specific case in the Asia-Pacific region.

*Keywords: interest, the Pacific, the United States, China, a global force, national safe performance.*

### INTRODUCTION

United States, still the only global power after the Cold War period owning the entire range of power resources, gained this position owing to decades of strategic development of military, economic and cultural resources, supported by constant development of trade and economy, the constant influx of academically educated people from around the world who have made an outstanding contribution to the technological development of the United States, as well as the favorable geographical position. The rule of law and the inviolability of private property, as well as planning and aggressive propaganda of the “American” way of life with the design benefits of achieving the “American dream”, available to any member of any nation, race or religion, with economic and military power on the rise as the elements that manifest a particular strong nation, were the advantages that the United States gained after the victory in World War II, making it one of the most desirable country to live in and develop on a professional level. In this way, the United

States have created the image of justice, “the American way” to a number of countries, which in foreign policy was often manifested through significant diplomatic activities and the use of military power, performing military actions or formal military presence and intimidation in order to protect national interests.

In pursuit of the realization of the proclaimed national interests and strengthening the force of the attractiveness of American values, the official US administration have for decades used the levers of power based on economic, military and cultural resources. The influence of power in international relations increases the tendency of the leaders of great powers to reach the maximum power in all domains, to change the behavior of other entities in order to achieve their own interests, to link the states and empires that have throughout history of human civilization achieved the most significant impact on the geopolitical environment, both at regional and at the global level.

The Cold War era was characterized by the projection of soft and hard components of US power in order to realize the national interest in all meridians, depending on the current balance of power the United States and the Soviet Union enjoyed in a particular region and globally, as well as the strategic plans of the current administration of both sides.

The post-Cold War foreign policy of US performance has been characterized by unilateral military action in all regions where the vital interests of the United States were threatened. The soft component of power, as an instrument of foreign policy in achieving geopolitical and geostrategic interests, was used for aggressive performance in the glorification of American values in the form of popular culture and universal values of the American model. However, the second decade of 21<sup>st</sup> century, which is characterized by the rise of new powers and understanding that only hard power in the realization of the vital interests of the nation is ineffective, forced the United States, as the only force of global reach, to accede to the creation of a new concept of integrated power. The rise of emerging powers in the Asia-Pacific region, led by the People’s Republic of China, resulted in the need for creation of new strategies projection of US power in this world’s most dynamic economic and military area – a strategy that will require leadership skills of efficiently combining the resource of soft and hard power.

Also, the premise for the application of the smart power concept by current and future US administration will be the status of resource availability of soft and hard power of the American nation, which will be with appropriate strategies converted into smart power, while a clear definition of real geostrategic goals and US interests in the Asia-Pacific region will also be of great importance.

## **1. THE CONVERSION OF SOFT AND HARD POWER TO THE CONCEPT OF “SMART POWER”**

Throughout the history of human civilization, states and empires have gained and lost power through conflicts with the new emerging powers. Very rarely the power was peacefully passed from one to the other actor; such was the transition of power from Pax Britannica to Pax Americana. In the new millennium, the United States continue to be regarded as the only remaining force, but at the same time we are witnessing the dispersion of power among multiple global actors and the transfer of power from state to non-state actors – corporations, non-governmental organizations and cartels. This this complex environment is intertwined with interdependence, where communications with one entity imply the involvement and causal-consequential relationship of a number of other state and non-state actors. The United States, due to the power strengthening of other international actors, cannot follow the principles of applying hard power

exclusively in furtherance of the national interest. New discourses imply equal participation of a number of relevant international entities, state and non-state. We should take into account Henry Kissinger statements that in the post-Cold War era “power becomes too diffuse, while the problems that could be resolved only with war forces are greatly reduced” (Kissinger, 1999)

For a better understanding of the concept of smart power and the prospects of its implementation in the framework of the US geostrategy in the Asia-Pacific region, it is necessary to observe the terms such as hard, soft and smart power. Regarding power, its influence and leaders’ aspirations for reaching its maximum in all areas, there is a need to define the concept that essentially cannot be explained by only one generally accepted definition. Power cannot be defined as an impact, although the two terms are often put in an equivalent position, but for the purposes of further discussion in this paper, attention is directed to the interpretation by Joseph Nye, who sees power as “the ability to change the behavior of others in order to achieve the desired outcome.” (Nye, 2012) Also, Nye observes power as a resource, but primarily as a result of changes in behavior. While on the one hand, John Mearsheimer states that “power is the currency of great-power politics, and states compete for it among themselves,” he also adds that “what money is to economics, power is to international relations” (Mearsheimer, 2009). Joseph Nye in his work “The Future of Power” examines power through resources and the outcome of behavioral change; thus, power is transferred from specific and measurable amounts of money in the zone, which in all conditions and in unchanged form can produce certain results, subjecting its efficiency in achieving the desired results in the context between the international actors and an appropriate strategy for its use. (Nye, 2012) It is not necessary to consider power as the potential contained in the resource, but as the ability to carry out adequate strategies for resource conversion power in the desired behavior of the target group, which might be the state, federation, organization or other non-state actors, taking into account the current circumstances on the international scene.

Since there is an awareness of power as the ability to force others to act in accordance with the requirements of the entity that exercises power, there are two different approaches to using power to achieve the ultimate goal. The first approach involves a softer approach and through history it is remembered as a non-violent approach to the other side. Conceptually defined as “soft power”, the Oxford dictionary defines it as an “approach through persuasion in international relations, which typically involves the use of economic and cultural impact,” (<http://oxforddictionaries.com/definition/english/hard-power>), while Joseph Nye defined it as “the ability to affect the other by resources shaping the agenda, persuading and encouraging positive attractiveness in order to achieve the desired outcome”. (Nye, 2012) Also, regarding the question “What is soft power?” Nye states that soft power is “the ability to obtain what you want by making gestures to gain, rather than to coercion or bribery. Soft power rests on the ability to shape the desires of others.” (Nye, 2010)

This approach of power suggests another element, which Nye defined as “hard power”. Thus, hard power, as an element of total power, according to the Oxford dictionary, is defined as an “approach through coercion in international political relations, especially one that involves the use of military force,” (<http://oxforddictionaries.com/definition/english/hard-power>), while Joseph Nye defines it as “the ability to use the carrots and sticks of economic and military might to make others follow your will” ([http://belfercenter.ksg.harvard.edu/publication/1240/propaganda\\_isnt\\_the\\_way.html](http://belfercenter.ksg.harvard.edu/publication/1240/propaganda_isnt_the_way.html)). In addition, Colin Gray defines hard power as “the ability to carry out deliberate punishment or to reward someone in the way of interest, and for this reason it is likely identified with the military and economic policy instruments.” (Colin, 2011)

Analyzing the above definitions of hard power it can be noted that hard power is primarily based on the military and the economic element. However, military power, as a basic element of hard power, is no longer a definite measure of national power. In modern times military power cannot be reduced to a quantitative comparison of forces and resources among the opponents. In accordance with this “way of deployment is essential. The strategy of combining skills of resources in order to achieve the objectives is a key of the smart military power”. (Nye, 2012) Also, it is important to point out that any element of hard power, military or economic, can also be an element of soft power. The key determining factor is the context in which the specific element of power projects and the strategies that are used on that occasion, as well as the feedback from the side to which the power projects. During the Cold War, the United States largely designed hard power in the countries of the Asia-Pacific region, which, with their brutal colonial past, has left a significant impact and significantly affected the perception of the US presence and their pursuit in the realization of national interests in the militarily and economically most dynamic region of the world.

In an entirely new international and historical context, it is crucial that the US approaches exercising their basic geopolitical and geostrategic interests in the light of respect for the complexity and interdependence of the security environment of the Asia-Pacific region. Citing the basic geopolitical objectives of the United States, Robert Kaplan referenced in his article “The Tragedy of US Foreign Policy,” that “the United States, as the dominant power in the Western Hemisphere, must always prevent any other power from becoming equally dominant in the Eastern Hemisphere. Moreover, as a liberal maritime power, the United States must seek to protect the sea lines of communication that enable world trade. It must also seek to protect both treaty and de facto allies, and especially their access to hydrocarbons”. (Kaplan, 2013)

Whether it is an announcement of a new approach to the exclusive treatment of foreign policy engagement based on the lessons learned from the last major campaign in the Middle East and Africa, or as a result of the economic crisis that had significant budget implications for US defense, as it approaches geostrategic interests in Asia-Pacific region, the US is unlikely to implement the concept of smart power, taking into account the complexity of the region as the country's allies and partners, as well as the emerging powers and opponents of the US status as a global leader. At the same time, there is a challenge that the US geostrategic interests need to face in achieving the emphasis on territorial disputes within the APR, the sensitivity of national economies to maritime routes safety within the region, as well as the aspirations of emerging forces, primarily the People's Republic of China, to further design its own power in the region, as a result of increasing economic and military capacity.

Also, the economic interdependence of USA and the APR countries is a component that is important limiting factor in the undertaking of any unilateral actions by either party. The key to the success of the USA in the Asia-Pacific region lies in the system of alliances power, while the emergence of a regional leader in Asia could threaten the advantageous position which the USA has built since the end of World War II.

## **2. THE ASIA-PACIFIC REGION AS A PRIORITY IN USA FOREIGN POLICY**

Intertwining and interdependence of interests that state and non-state actors exert on the international scene indicate the breadth, diversity and complexity of relations prevailing in contemporary international relations. The current global security environment, the dependence of the world economy on the power of energy and the threat of natural disasters resulted in the extreme complexity of relations between all the actors on the geopolitical scene. Bearing this in

mind, the study of the nature and the power factor and other non-state actors and determinants and activities that influence decision-makers to a specific component of power aimed at achieving the national interest, is a complex problem, subject to constant change.

The Asia-Pacific region covers the area of East and Southeast Asia, Australia and Oceania, within which two out of the three largest world economies exist (People's Republic of China and Japan), together with the most populous nation (PRC) and the country with the largest Muslim population (Indonesia). This region is a vital driver of global economy and includes the world's busiest international maritime routes and nine out of ten world's largest ports by quantity of goods transported (seven in China, one in South Korea and one in Singapore) (<http://www.worldshipping.org/about-the-industry/global-trade/top-50-world-container-ports>). The Asia-Pacific region is rapidly militarized, and the nuclear potential of certain countries additionally underlines the significance of this region. Under these circumstances, the strategic complexity that this region is facing is quite unique (<http://www.pacom.mil/about-uspacom/2013-uspacom-strategy.shtml>). Considering the spatial definition of the Asia-Pacific region, and a key area occupied by China, Japan, DPR Korea and R. Korea, the US geostrategic interests in the region and the prospects of applying the concept of smart power, it is relevant to go through the context of US relations with these countries in the region.

## **2.1. Characteristics and significance of the Asia-Pacific region**

As mentioned above, the Asia-Pacific region is a vital driver of the global economy. China, Japan, R. Korea and DPR Korea occupy the most important cities in the region in terms of power resources they have, while their mutual relations and the consequences arising from them reflect the character of the region, stressing the importance of each of these countries, both regionally and globally.

The most important country of this region is undoubtedly the People's Republic of China, which was, in today's form, established on 1<sup>st</sup> October 1949. In a country with a long history and civilization, different physical-geographical characteristics and a mosaic of religions, from the Qin Dynasty until the founding of the Republic of China in 1911, dynasties alternated one after another. Republicans remain in power until 1949, when the Communist Party seized power and proclaimed the People's Republic of China. The republicans retreated on the Chinese island of Taiwan, where they formed a government and proclaimed the Republic of China. Taiwan still strives to maintain independence, which causes political disagreements between the People's Republic of China and the USA that tacitly support such a status of Taiwan, although it was recognized as a part of a unified China by re-establishing diplomatic relations and the status of permanent members of the UN Security Council.

PR China with about 1,355 billion inhabitants is the most populous country of today, covers the area of 9.6 million km<sup>2</sup>, has a land frontier of 22,117 km and borders with 14 countries. At the same time, China has a long coastline of over 14,500 km along the Yellow Sea, the East and the South China Sea. In the west, it extends to the high mountain ranges of the Himalayas, north of which are located the Tibetan plateau and the Gobi Desert. These geographical units are real physical and geographical barriers, which both facilitate cooperation with other countries, and prevent eventual conquest of the Chinese territory. East of these mountain ranges, plateaus and desert all the way to the Yellow Sea, the East and the South China Sea, stretches a part of China which is the most densely populated, in which the most important part of the Chinese industry and manufacturing capacity is concentrated, often called the heart of China or Heartland

(Zarić, 2013). For thirty years this “heart of the country” has been the driving force of continuous economic growth in an unprecedented global practice so far.

The extremely quick recovery of the Asia-Pacific region was primarily attributable to the economic growth in China, while what should strengthen China in the second place on the list of economically most developed countries of the world, where in 2010 it overtook Japan, is the expectation that in the next 15 years, about 150 million Chinese people will become members of the middle class, the consumer society pillar of a state. However, China remains a land of contrasts between the rich and densely populated east of the country and the poor, undeveloped and sparsely populated west, which includes the autonomous regions of Tibet and Xinjiang where separatist movements are administered (i.e. External China).

In addition to the economic importance PR China certainly has in international relations, its role in military terms also grows. Thus, the People’s Liberation Army (Noack), with approximately 2.3 million active soldiers represents a respectable military force in the region and in the world. At the same time, constantly increasing allocations for the military budget which in the last few years exceed \$ 100 billion (starting from 2012), with the technical modernization and modern training, are the result of economic growth, industrialization and the raging commitment, positioning China as a geopolitical player of the global reach.

An important aspect for understanding the position of the People’s Republic of China in the Asia-Pacific region, the relationship of China and the countries of the region, as well as China and other countries of the world, is the specific socio-political system of this country, which affects the system of government and the armed forces.

The Asia-Pacific region, as an extremely economically dynamic world region, is also characterized by the fact that the energy demand among the countries in the region is ranked according to the highest priority, in order to facilitate further economic development, while shortages of oil or natural gas disrupt the economic sphere and security that can affect the entire world. The response to the question of where China mainly supplies energy leads to the conclusion about the direction of its strategies in the 21st century. China supplies its energy principally from the Middle East and Africa (Iran, Saudi Arabia, Angola and RF). Due to the geographical position of those countries, the energy supply goes along the major naval routes that are under the control of the United States, clarifying China’s commitment to transition from the mainland to the naval force.

Modern China is at one of the greatest crossroads where it arrived due to a very dynamic development of hard power, primarily economic, which affected the strengthening of military power. In the article “Eurasian geopolitical and geostrategic perspective of the People’s Republic of China”, Ivan Zarić pointed out the dilemma of whether China has the capacity to act simultaneously in two directions – by land, over the western province of Xinjiang and Tibet through, in order to influence the central part of Eurasia which is rich with resources necessary for the further growth of the Chinese economy – or will it, in geopolitical terms, focus primarily on strengthening the course of action (Pacific, Indian) due to the growing need for a strategic presence in the Eurasian Rimland and vital maritime security of communication for China to import most of the raw materials necessary for its economy and export goods to foreign markets. These two lines of China’s geopolitical action raise another important question: can China be the first in the history of great powers to reconcile its potential to create the concept of integrated geopolitical power, thus harmonizing its Behemoth and Leviathan? (Zarić, 2013). Not only will China be able to formally express its peaceful path of development, but it will be crucial that its energy, economic and territorial aspirations shape the imperative of regional stability, which has no

alternative if it wants to avoid confrontation, first with the neighbors, and then with the United States, still the only force of global character.

Another country that represents a significant factor in the region, a country with a turbulent and long history, is Japan. With an area of 378 thousand km<sup>2</sup>, Japan spans over the western rim of the Pacific Ocean, at a distance of 2,800 km, and it is home to about 127 million people, while the territory is made up of 3,325 islands, including its four largest: Kyushu, Shikoku, Honshu and Hokkaido. When it comes to religion, 85% of the population are Buddhist, while 99.4% of the total population consists of Japanese. Koreans and other minorities make about 0.6%, of the population and the official language is Japanese. An additional feature of Japan is that it is a highly urbanized country, with 79% of people living in urban areas ([http://webjapan.org/factsheet/en/pdf/e01\\_geography.pdf](http://webjapan.org/factsheet/en/pdf/e01_geography.pdf)).

Despite its turbulent history, wars and destruction that Japan has suffered, especially the huge losses during the World War II and with the possession of very few natural resources, Japan has become one of the economically and technologically most developed countries of the world. The recent history of Japan has been marked by the relations with the United States that have created an economic giant in the Pacific Rim, while at the same time making the security, territorial and economic relations with the People's Republic of China very complex. When in 2010 came to a shift between Japan and China in second place on the list of countries with the most developed economies, the geopolitical, geo-economic and geo-strategic position of the two countries largely began to reflect the different relationships in the waters of the East China Sea and the region in general. In this position, Japan (<http://www.eia.gov/todayinenergy/detail.cfm?id=13711>) which is dependent on raw materials seeks to create a relatively independent security policy, supported by the potential for further independent development of the armed forces of all types, to find a new path that will lead to the maintenance of an urban respectable nation, in circumstances where China is surely paving the way to a position of regional leader. The alliance with the United States is one of the possible directions for Japan in keeping the status of a major regional act ([http://webjapan.org/factsheet/en/pdf/e01\\_geography.pdf](http://webjapan.org/factsheet/en/pdf/e01_geography.pdf)).

The next geographical and political determinant which must be given due attention is the Korean peninsula. The area divided into two sovereign territories – the Republic of Korea (R. Korea) and the Democratic People's Republic of Korea (DPRK), has not always been disunited (<http://www.korea.net/AboutKorea/Korea-at-a-Glance/History>). Korea (the territories of R.Korea and DPRK, or the Korean peninsula) is part of the East Asian region, which lies between China and Japan. "Old" Korea was throughout history involved in the conflict between the two Asian "giants". However, despite the fact that it is located between two strong countries, it still plays a very important role in international context, managing to preserve its uniqueness and to develop its own culture, identity and advanced technology. The old Korea was far from weak and small country. It is proud of the fact that it had never been subdued until the twentieth century, when it fell under Japanese occupation. Before that, throughout history, many Chinese dynasties were unsuccessful in trying to strategically occupy the peninsula.

The division along the so-called 38th parallel (38 degrees latitude), occurred after the surrender of Japan in 1945 and signing the truce, which envisioned division of areas of interest between the USSR and the USA. At that time Korea was liberated from Japanese occupation under which it has been since 1910. The division was formalized in 1948 with the establishment of two separate governments with opposing ideologies, the northern (communist) and southern (democratic, capitalist) on the Korean Peninsula. The reasons of the divisions are debatable, but one thing is certain – different views on the future and communism divided the peninsula and the nation in two opposing groups, which led to the outbreak of the so-called "Three Year War", which

lasted from 1950 to 1953 when a ceasefire agreement was signed. The war has never formally terminated, with occasional incidents taking place even today. The United States played a key role in the division and conflict, insisting that the formation of R. Korea could stop the penetration of communism to Japan and further in the region. On the other hand, it was the interest of the People's Republic of China and the Soviet Union to stop penetration of USA over the 38th parallel, which prevents the use of the peninsula as a possible support for future endangering of China and USSR.

Since 1960, the economic development of Republic of Korea was export-oriented, and it was so significant that it was named the "miracle on the river Hangang". Through the expansion of international trade and commerce, R. Korea has shown the world its rich cultural heritage, as well as modern technology. A possible distortion of the security situation would produce negative consequences for the further economic development and progress of the country. The Republic of Korea, with the security arrangements it has with the United States, continues to invest in its own defense system and the growth of the military budget was up to 31.9 billion USD in 2014. (<http://www.mnd.go.kr>) It has a well-equipped army of 640,000 soldiers and it is putting efforts to build a secure environment for further development (<http://www.cfr.org/south-korea/us-south-korea-alliance/p11459>).

The Democratic People's Republic of Korea, as the northern neighbor of Republic of Korea is an independent socialist state guided by the Juche (<http://www.cfr.org/south-korea/us-south-korea-alliance/p11459>) idea and the Songun. These ideological ideas have guided the North Korean policies and have a significant impact on the socio-political structure of the country. Thus, the supreme leader of the DPRK is also the first president of its Commission for National Defense. The highest authority is the Supreme People's Assembly, whose mandate lasts five years. In the National Assembly, there are three parties which always have uniform views, by order of the supreme leader. Such a political system and ideology exert a crucial influence on the economic policy and the economic system of the DPRK. The resources of production are owned by the state and the social and cooperative organizations, while the economy is planned.

However, given the fact that DPRK is closed to the outside world, it does not provide a more precise insight into the economic indicators of its organized planned economy. Common speculation is that DPR Korea is among the least developed countries of the world, and that a large part of its population is affected by hunger. One of the important factors of foreign policy positions, in this context, are the relations with the People's Republic of China, which is the most important economic partner and donor to DPRK regarding food and raw materials. Despite the difficult economic conditions in which it operates, DPR Korea seeks to establish a national unity with the south of the country to the complete victory of socialism ([www.naenara.com.kp/en/](http://www.naenara.com.kp/en/)).

DPR Korea occupies an area of 123 thousand km<sup>2</sup> and has a population of about 25 million people, mostly Buddhists and Christians. With the weak economy, defense spending represents a major item in the DPRK budget. Thus, the defense allocation accounts for about 22% of GDP (about 8 billion USD), and the DPRK armed forces number about 1.2 million active-duty soldiers (<http://www.theguardian.com/world/datablog/2013/apr/08/south-korea-v-north-korea-compared>). However, despite the relatively outdated military technology of eastern origin, the main and still unconfirmed force of the North Korean Army are the medium and long-range ballistic missiles. Since 1964, when the nuclear research compound was established, with the symbolic help later from the USSR, DPR Korea has repeatedly signed and violated agreements with the United States and the international community on the use of nuclear material for military purposes. A key feature of the foreign policy of DPR Korea, in addition to the closure to the world, is the struggle against imperialism, for which North Korean leaders directly accused the United States and Japan.

Because of this policy, DPR Korea is one of the most prominent security and foreign policy problems for the US administration.

In addition to these four countries, Australia, Indonesia, Singapore, Vietnam, the Philippines and Thailand also have an impact on the development and stability of the region. At the same time, these countries have, more or less, close relationship with the United States and frequently seek to achieve a symbiosis of their own national interests with the interests of the United States.

In the period between the two world wars scientists and politicians were pointing out the significance of the Asia-Pacific region for the future geopolitical and geostrategic considerations. Thus, the American geopolitician Nicholas Spykman anticipated three large centers of world power, “the Atlantic coastal region of North America, the European coast and the Far East coastal areas of Eurasia.” (Vuković, 2007). By introducing the concept of the *Far plunger*, Zbigniew Brzezinski points out that “a regionally preeminent China should become America’s Far Eastern anchor in the more traditional domain of power politics” (Brzezinski,1999) and continues that “...the implications of that reality need to be faced, for the ongoing interaction in the Far East between three major powers – America, China and Japan – creates a potentially dangerous regional conundrum and is almost certain to generate geopolitically tectonic shift” (Brzezinski,1999). Certainly, a major cause of action by the USA active foreign policy in the APR, according to Brzezinski, is the growing power of China and the potential volume of Chinese spheres of interest and point of conflict.

The growing economic, cultural and military power of the countries from Asia-Pacific region in the near future will be reflected on the political power and international credibility, which are conditions for complete access to the international scene, while an active contribution to international progress (Bank of BRICS) can bring countries in the region to the positions recognized leaders in global terms. Since we live in era of energy, dependence on the future development of energy will create access to the vital national interests of the APR. The growth of the economy of developing countries also creates a new global dependencies. Key countries suppliers relying on exports to China - which is the ultimate destination for more than half of the total amount of metal ore that is exported from Australia, Indonesia and Peru, and more than a third of exports is from Brazil and Chile.

## **2.2. The transfer of the center of gravity of US foreign policy from the Middle East to the Asia-Pacific region**

The basis of USA foreign policy is characterized by involvement in war and economic tension, through the pursuit of security environment that guarantees the full realization of national interests in more than two regions of the world simultaneously. The current available economic resources of the United States and the current trends consuming power in a number of state and non-state actors do not contribute to the sustainability of such situation. Rebalancing military assets from one more acute security region to another is perhaps the only viable solution for the United States.

“The end of the war in Iraq and reducing engagement in Afghanistan allows us to transfer effort from these wars to stabilize our presence in the Asia-Pacific region” (Ashton, Jakarta, 2013) is the official statement of one of the Obama administration members, in light of the transfer of the US foreign policy center of gravity from the Middle East to the Asia-Pacific region. The engagement of the US in the APR and the move of the foreign policy center of gravity does not mean abandoning the defense of national interests of the American nation in the Middle East

region. The permanent presence in the region of the Middle East, where the involvement of US troops began immediately after World War II, caused the obvious difficulties related to the implementation of Western values.

Inconsistency in supporting the Sunnis and the Shiites has produced anti-American sentiment in majority of the Muslim population, especially in the region of the Middle East. A priori the US position on the exclusive right over the oil from the region and the necessity of implementing Western values, was the cause of seven decades of a long diplomatic and military engagement of the US in the “global zone of potential violence” (Brzezinski, 1999).

Recognizing the fact that they do not have the capacity to equally control the global environment and to pay attention to each region that is in their national interest, the United States have assigned the role of global leader to interested partners or allies. In this way, the US shifted its foreign policy focus towards regions where countries are strengthening their resources of power, challenging the United States’ leadership position in the 21<sup>st</sup> century. The Asia-Pacific region in this century represents a qualitatively new stage for the USA to demonstrate their power to persevere in pursuing interests and reaffirm their role as a global leader. Also, during the search for ways to quickly recover the economy and society after the financial crisis, “this region is of great economic importance to the United States, so the US presence produces multidimensional consequences”, (Vuković, 2007), while US investment in the region is worth hundreds of billions of dollars. This points to the conclusion that “regardless of attempts to create an exclusive trade bloc that could impede economic access to major US trading partners in the region (particularly Japan, China, the Republic of Korea, or Taiwan), or actions that threaten economies of major trading partners, would pose a threat to the USA vital national interests” (Clif, Tangredi, Wormuth, 2001). At the same time, the US military doctrine “Maintaining Global Leadership: Defense Priorities in the 21<sup>st</sup> century”, from January 2012, put China and Iran in the same context as potential adversaries, stating that the two countries would continue to use unconventional methods to reduce the capacity to project US power. (*Sustaining U.S. Global Leadership*)

Demonstrating the capacity and determination to resolve the open issue of Taiwan, the islands in the East and South China Sea, with the close US allies – Japan, Vietnam, Singapore and the Philippines, China is turning from a state of passivity into a being a regional power. China is developing stable economic relations with Japan, R. Korea, Taiwan and the Philippines, putting historical heritage, ideology and current territorial disputes into the background. This may lead to US interference for the full realization of their interests in the region, further strengthening China’s power and the possibility of forming allied relations between these countries in the region which would create the opportunity for a new Asia-Pacific region with less US influence. The US military doctrine cites naval crisis as a case of restraint in pursuing US national interests in the region. Accordingly, it has been announced that 60% of the US Navy will be deployed in the region and this capacity building will be provided to combat nuclear, air, naval, missile and cyber threats. The development of a new air-naval combat concept as a new operational doctrine underlines the readiness and determination of the United States to oppose the strengthening of the military power of the People’s Republic of China and the DPRK threats.

All of this points to the remarkable interaction and interdependence that characterizes US and Chinese interests in the APR, and is conditioned by the “historic shift of relative wealth and economic power from West to East” (U.S. National Intelligence Council, 2008). The Asia-Pacific region is undoubtedly a testing ground for the USA, and China’s growing power is the main cause for that. Shifting the foreign policy center of gravity will be realized primarily through the dislocation of military assets in the region, as already proven recipe, while the strategy of using these new deployments depends on the context.

The presence of about 100,000 troops permanently stationed with the 7th US Navy fleet guarantees the development of the security situation, more or less in line with American plans and long-term stability in the region. If necessary, the withdrawal of some military assets due to the decline of the economic power of the United States would open the possibility of conflict, especially between Japan and China over territorial disputes in the East China Sea.

China, Japan and R. Korea, as economic and trade powers in the Far East (also probably the world), and with their fossil fuel needs have attracted worldwide attention and begun the process of transforming international politics. In circumstances of growing demand for energy by the Asian countries and a shift in the center of gravity of the US geostrategic interests from the Middle East region to the APR, the geo-strategic interests of China are shifting towards the Persian Gulf, and in particular to the sea route from the Strait of Hormuz to the Strait of Malacca, as a major maritime route for transporting energy resources from the Middle to the Far east. In order to maintain the position of global power, the USA tends to keep control of all most important strategic points in the maritime world, and will find an economically viable modality of the strong military presence in the two most important regions of the world. The control of Rimland has been and will remain the most important zone of American geopolitical and geo-strategic engagement.

### **3. THE APPLICATION OF THE CONCEPT OF “SMART POWER” IN ACHIEVING THE GEOSTRATEGIC INTERESTS OF THE UNITED STATES IN THE ASIA-PACIFIC REGION**

Former US Secretary of State Hillary Clinton stressed the importance of US policy of smart power in her speech on her appointment to this position in 2009. On that occasion, she pointed out that “America cannot solve the most pressing problems on our own, and the world cannot solve them without America... I believe that American leadership has been wanting, but is still wanted. We must use what has been called “smart power,” the full range of tools at our disposal – diplomatic, economic, military, political, legal and cultural – picking the right tool or a combination of tools, for each circumstance. With smart power, diplomacy will be the vanguard of foreign policy”. (<http://www.npr.org/templates/story/story.php?storyId=99290981>) In light of the statement, the United States has turned to the EU as a strategic partner, which focuses on trade and financial stability of relations with countries in the Asia-Pacific region.

At the same time, measures have also been undertaken to strengthen ties with allies in the wider Asia-Pacific region, so that the United States continues its active foreign policy administration by combining all the elements at their disposal, which ultimately makes it a smart power. Examples of this approach are the economic arrangements that the United States seek to ensure with countries in Europe and the Asia-Pacific region, such as the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). While TTIP refers to an agreement with the European Union, the United States TPP arrangement is seen as vital for their involvement in the APR, but also as a strong signal of the commitment and demonstration of determination to remain a driving force towards prosperity and security in the region. (<https://ustr.gov/sites/default/files/TPP-Strategic-Importance-of-TPP-Fact-Sheet.pdf> ) The primary aim of the TPP arrangement is the growth of the American economy (increasing exports, competitiveness, preservation of jobs, establishing middle-class workers, creating conditions for the placement of goods of individual producers, small and medium enterprises), as a basis for stability, security and creating conditions for the manifestation of global influence.

To achieve this goal, the TPP emphasizes the importance of establishing “fair conditions” at the global level, which would allow the US economy to be dominant, without the possibility of

any emerging economy endangering it. It is not difficult to conclude that “fair conditions” means those conditions that will be in support of achieving the national interest of the US, and thus impact the global trends.

The circumstances under which the US would like to pursue geostrategic interests in the Asia-Pacific region are different from all previous ones and certainly represent a new quality. After much more or less successful military, diplomatic and cultural offensive around the world, the United States have become aware that “power always depends on context” and that “in today’s world, it is distributed in a pattern that resembles a complex three-dimensional chess game. On the top chessboard, military power is largely unipolar, and likely to remain so for a while. But on the middle chessboard, economic power, is already multipolar, with the US, Europe, Japan and China as the major players, and others gaining in importance... The bottom chessboard is the realm of transnational relations that cross border outside of government control. It includes actors as diverse as bankers... terrorists... or hackers... It also includes new transnational challenges such as pandemics and climate change. On this bottom board, power is widely dispersed, and it makes no sense to speak of unipolarity, multipolarity or hegemony or of any other similar cliché” (Naj, 2012).

Given the circumstances that affect the implementation of an appropriate US foreign policy strategy in the region, it is necessary to recognize values, interests, motives and traditions of the stakeholders involved, with their aspirations to increase power and resources, while maintaining territorial integrity. Also, alliances and partnerships between countries in the region are a manifestation of power, focusing resources towards the achievement of a stable security environment, “...in order to reduce the uncertainty of their mutual relations.” (Keohane, 1984) Also, knowledge of how the individual countries in the region perceived the threats from the US and their neighbors is another very important segment complementing the “framework for action” of the US administration.

Circumstances that will significantly shape the strategy for turning the soft and hard power resources into smart power, with the tendency of achieving US geo-strategic interests in the region, are: historical, colonial, cultural and religious heritage of the region, increasing the hard and soft power resources of the countries in the region and the emergence of the People’s Republic of China as a regional leader and a global force in economic, military and political relations between the countries in the region and their impact on future cooperation through regional arrangements and alliances, territorial disputes between countries in the region and US interests in resolving these disputes.

The impact on security and control of strategic naval and inland areas ensures the safety of others from the effects of modern threats. US-armed forces supported by diplomatic actions try to set the agenda which will be preferred by China and the DPRK, irrelevant and beyond the limits of tolerance of other actors in the region. In this way, the US military or diplomacy may not have to force the partners to operate against the forces that want to change the existing situation (status quo), but will “shape the preferences of others so they can influence their expectations in terms of what is legitimate and feasible”. (Nye, 2012) The fact is that “whoever controls the Straits of Malacca effectively grips China’s strategic energy passage, and can threaten China’s energy security at any time” (Erickson, Collins, 2010).

At the same time, the outcome of US smart power projection would mean protecting US and EU economic investments in China and the region, as well as preventing conflicts between countries in the region. The complexity of the security dilemma in which China’s growing power leads to a tendency to balance the power of the countries in the region inevitably conditions the division of the strongest balance of power in the global range – the United States – in setting the

geopolitical agenda. Achieving positive effects from the application of the smart power concept will be conditioned by the ability of the US to establish an agenda, or “framework for action” to ensure the implementation of geostrategic interests.

## **CONCLUSION**

The Asia-Pacific region is a vital driver of the global economy and includes the world’s busiest international maritime routes and nine of the world’s largest ports in terms of the quantity of goods transported. The region is rapidly militarizing, and the nuclear potential of individual countries additionally underlines the significance of the region. Under these circumstances, the strategic complexities that the region is facing are unique.

The intertwining and interdependence of US and Chinese interests in the APR, are conditioned by a historical shift in relative wealth and economic power from West to East. The Asia-Pacific region is undoubtedly a testing ground for the big USA game, with China’s growing power being the main reason. Shifting the center of gravity of the foreign engagement policy will be realized primarily through the dislocation of military assets in the region, as an already proven recipe, while the strategy itself will use these new deployments depending on the context.

The contemporary global security environment, which is, among other things, the result of United States active engagement in foreign policy, suits a few, but not all countries in the Asia-Pacific region. The rise of new powers in the region, such as the People’s Republic of China and its activities in the region and globally, are not in the interest of either the United States or the individual regional actors, so it is likely that the US will continue to strive to maintain the role of balancer of power in the world’s most dynamic economic and military region. From the standpoint of US geostrategic interests, controlling the straits, the world’s maritime trade and military routes and preventing the emergence of a regional hegemony in the Asia-Pacific region will be the direction of the United States’ projections of soft and hard power. Geostrategic positioning of military and civilian capacities in the United States area of the Indian Ocean, the Strait of Malacca, the South and East China Sea, the waters around Taiwan, the base in Japan, R. Korea, Australia and the US islands around the region will enable the United States to monitor the further growth of China’s and DPRK’s nuclear armament.

The circumstances currently prevalent in international relations, reflecting the needs of the majority of countries for security engagements with allies, partners and neighbors, lead to the conclusion that only comprehensive smart strategies can create a safe environment and ensure the realization of national interests. In this context, the regional initiatives that USA is reviving and re-establishing, are gaining importance and are taking positions that allow them to monitor China’s further development paths, preventing the establishment of alliances with other countries in the region and possibly limiting any mutual opposition of a vital national interest. Engaging all elements of soft and hard power that United States have at their disposal and the skills to discuss them in the smart power application of appropriate strategies, will be a challenge in dealing with the most important factors in the Asia-Pacific region.

The real starting point for applying the concept of smart power is the availability of resources and the assessment of the soft and hard power which will be with the appropriate strategies turned into smart power. The clearly set goals of the projection of US power in the region are one of the most important steps and certainly precedes the defining of the real degree of viability of national interests. Important for the selection of appropriate strategies will be the assessment of the state of hard and soft power resources of the countries in which it plans to exert influence. Good context assessment involves continuous monitoring of the aspirations of potential

actors in power projects and the status of each actor in the network of interdependence and complexity of interest.

The leaders of the United States will inevitably follow the key trends both in the Asia-Pacific region, as well as in their own country, with a special emphasis on the perspective of developments in the security, economic and political spheres. Finally, Joseph Nye argued that Americans would “have to stop asking questions about who is number one, and entertain narrative about dominance, and start asking questions about how the various tools of power can be combined into smart strategies for power *with* rather than merely *over* the other nations”. Only under these conditions the application of the concept of smart power in the exercise of geostrategic or any other US interests in the Asia-Pacific region has good prospects.

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## ACHIEVING THE COMPLETE QUALITY OF THE RURAL GASTRONOMY OFFER IN VOJVODINA<sup>1</sup>

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### ABSTRACT

Gastronomy is increasingly the subject of various scientific researches. The specific offer of gastronomy is related to rural areas, according to which Vojvodina is important and very different from other parts of Serbia. The diversity of the gastronomic offer of rural tourism, natural beauty, pleasant environment and other activities that take place in rural areas are becoming interesting to an increasing number of tourists. The aim of the research was to analyze the quality of the gastronomic offer in the rural parts of Vojvodina, from the point of view of the attitudes of the visitors of the given destinations. The research was conducted in 2019, on a total sample of 225 respondents, in 12 rural households in Vojvodina. The obtained results were processed in the SPSS 23.00 software. Multiple regression analysis was used to determine the significance of the predictors' influence on predicting the near-complete supply quality. The obtained results undoubtedly indicate that there is statistical significance, and that quality predictors have an impact on the complete satisfaction of consumers with quality.

**Key words:** *gastronomy, rural tourism, Vojvodina, quality.*

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## **1. INTRODUCTION**

Gastronomy has significantly contributed to the development of tourism, but there is also a significant mutual influence, where tourism has influenced the development of gastronomy. Gastronomy is an existential need, it is an activity, profession and science, which is connected with art, food preparation and serving (Cohen et al., 2004). Gastronomy is an integral part of human everyday life. It makes a person keep his life and health in a state of satisfaction, and encourages the products that a destination offers to be found on the food market (Scarpato et al., 2002). The importance of gastronomy in the national economy is very emphasized, because it contributes to certain material resources that tourists leave in a certain destination (Rodriguez et al., 2006). Rural gastronomy is especially specific, where in recent decades it has been given importance to promote it and emphasize diversity in the tourist market. The development of gastronomy in a particular destination contributes to the development of the entire tourist offer of the destination that guests visit. Rural tourism is defined as tourism that includes all activities in the rural area, not just those that could be defined as farming or agritourism. It touches on two economic sectors, tourism and agriculture, which together form a specific tourist offer, which can be realized within the peasant economy or in the rural environment (Dinero, 2002). Rural Serbia is a key part of the Serbian population and resources. Today, 85% of Serbia's territory is rural, between 44% and 55% of the population lives in rural areas, and it is estimated that about 41% of GDP comes from rural areas. The rural economy in Serbia relies heavily on agriculture, with about 75% of the rural population engaged in subsistence agriculture (Cvijanović et al., 2018; 2020). The rural economy of Vojvodina faces numerous problems, challenges and opportunities for increasing competitiveness and sustainability, which requires a balance between agricultural production and other economic activities, environmental protection and social development.

A large number of scientific papers on the topic of rural and gastronomic tourism expand the concept that tourism is a major economic driving force for the renewal and reuse of rural areas (Gajić et al., 2020; Burešova et al., 2020). However, there is not much research work on the topic of the achieved quality of gastronomic offer in rural parts of Vojvodina. The aim of this paper was to determine the degree of quality of the gastronomic offer, but from the aspect of tourist consumers. The method of multiple regression analysis was used to determine the significance of the influence of quality predictors on the prediction of almost complete quality. The obtained results undoubtedly show that there is an influence of certain predictors, and the initial hypothesis is denied, and the alternative is confirmed. The importance of the research is reflected in pointing out the current level of quality that is achieved in the gastronomy of rural areas, and finding key problems and obstacles in development. Based on that, it is possible to conduct more extensive research on this issue, and to establish strategic elements of future development and corrective measures at the state level, in order to improve gastronomic and rural tourism in the domestic and foreign tourism market.

## **2. LITERATURE REVIEW**

In recent decades, gastronomic tourism has become increasingly important, especially the rural gastronomic tourism product. Gastro tourists visit certain areas primarily for tasting food and drinks specific to a particular area (Appadurai, 1998; 2005). Gastronomic tourism includes the offer of food and beverages in various catering facilities, tasting rooms for tasting drinks or food, visiting food producers, attending fairs and festivals of food, exhibitions of indigenous food and beverages and various courses. Previous research also confirms that gastronomy can be the

primary (or one of the primary) motivation to visit a destination (Laguna et al., 2009). Most of the studies related to this theme, are concerned with exploring how gastronomic identity can be projected and marketed. Cole (2007) claims that a destination's gastronomic identity is determined by the environment and cultural elements that impact prevailing components, textures, and flavors in wine and food. Gastronomy represents a wide range of knowledge related not only to human nutrition, but also to the history of the development of the culture of nutrition of peoples around the world. (Hjalager et al., 2002, Gajić et al., 2020; 2018). Gastronomy in itself must be a strong enough advertisement to provide and create a synergy of the overall tourist representation of the state and society. Gastronomy is an essential aspect in understanding the culture of a society. For some tourists, local food has the property of attraction, which is why they decide on a specific destination (Davidson et al., 2006). Unlike other activities in the destination, visitors are more willing to try and experience new and different, taking new and unfamiliar food causes some fear in many. The benefits that rural tourism offers are reflected in the protection of nature and the preservation of cultural heritage and traditions, and the support of rural, agricultural and other economies are: encouraging the preservation of goods and values that could disappear in the future (Demen-Meyer, 2005; Ronan et al., 2000). Also, this form of tourism represents an alternative approach to life and work, and supports responsible and sustainable behavior in destinations. Rural tourism is dominated by two basic sectors; agriculture and tourism. According to Armand (2006), national cuisines are a form of cultural tourism and heritage. They arise and develop depending on environmental conditions, type of land, social customs, religious conditions and other factors, and reflect cultural norms and values, the struggle with nature, geographical location, historical influences, tradition and various forms of heritage (Lee et al., 2004).

In the modern study of the development of tourism in the world, rural tourism appears as its very important growth and segment. Rural tourist destinations have a rich array of anthropogenic values and an attractive traditional ambience (Wilk, 2002). Rural tourism is closely related to cultural tourism. Their unification and interdependence provide a single experience. Ethnographic values are intended primarily for presentation: houses, old workshops, windmills, farms and other buildings of folk architecture and have been turned into local museums or exhibition spaces (Counihan et al., 2008). The product of rural tourism is the result of the relationship between the rural environment and the people who live in it and local products and activities. The quality of the tourist product depends on the quality of nature in the environment, on the cultural richness, on the structure of the guests and the accessibility of the place itself. Rural tourism can be defined as tourism that takes place in a rural environment that reflects the unique characteristics of the environment and history (Lee et al., 2004). Not every tourist activity in a rural area is necessarily rural tourism, because an activity that is not an integral part of the rural economy, where the local population has no income and does not engage local resources, is not considered rural tourism.

Despite satisfactory natural resources, the rural economy of Vojvodina lacks a satisfactory degree of diversification. The rural environment in eastern Vojvodina is one of its significant resources, but most of the potential of rural tourism remains untapped (Gajić et al., 2020). Rural tourism, through increased employment and increased income, can contribute to the diversification of the rural economy. Rural tourism relies on the need of the city population for rest in quiet areas and space for recreation in the fresh air. The specificity of the product of rural tourism is the tendency to provide the visitor with personal contact, so that he is given the opportunity to participate in rural activities (Cnoves et al., 2004). Demand for this form of tourism is characterized by the needs

of tourists for certain activities in rural areas, which may relate to engaging in various outdoor sports such as horseback riding, climbing, fishing or hiking. It is possible to practice art or simply relax in peace, enjoy nature and the heritage of rural areas (Andriotis, 2005; 2011). Rural tourism is becoming a modern trend of tourist trends, so rural gastronomy can not do without modern technology and technical equipment that allows: higher quality food as a whole, less physiological losses, meeting prescribed standards, greater economy of preparation, flexibility in preparation and serving ( Hall et al., 2003; Ibrahim et al., 2005). Tradition indicates the authenticity of the people and the environment in which they live. Rural tourism includes traditional aspects, is a key factor in uniting history, culture and education, bearing in mind the fact that many traditional destinations are often visited by younger generations, who with adequate tourist offer can visit and places where important historical events took place, to learn about their culture, former minds, historical figures and other factors related to the tradition and cultural identity of a nation (Daugstad et al., 2006). Gastronomic products of Vojvodina are a great attraction as a brand, but their role in the market is small. Very popular, this phenomenon has also begun to influence the strategic planning of many food producers (Cvijanović et al., 2018). Not realizing the importance of gastronomic tourism, and the potentials we have, Vojvodina has not used all its potentials, despite the fact that it can have an indigenous cuisine made up of diversity and historical contradictions.

Food safety is a concept that is based on health risk assessments at consumption of certain foods, performed by expert taking into account the composition, properties food, processing, storage, distribution, preparation and consumption. The subjective feeling about food safety is in the mind of the consumer. Broad definition of quality food as well as consumer expectations suggest that it is safety is certainly an expected feature. However, qualitative studies of perception the quality of the food indicates that safety is not most in the minds of consumers when asked describe their own seeing food quality (Daugstad et al., 2006).

### **3. METHODOLOGY**

In relation to the nature and goals of the problem being researched, the research methodology was chosen. The existing literature, documentation, and relevant data from the available material were analyzed. All obtained data were analyzed in SPSS software, version 23.00. Descriptive statistical analysis (arithmetic mean and standard deviation) was used to calculate average scores by questions and by quality determinants, and the results are presented in a table. The prediction technique, multiple regression analysis, was used to determine which predictors are most important in predicting the full quality of rural gastronomic offer. The research started from the initial hypothesis H1: *there is no significant statistical influence of the quality predictor on the prediction of the score on the complete quality of the rural gastronomic service*, and alternative hypotheses H2: *there is a significant statistical influence of quality predictors on the prediction of the score on the total quality of rural gastronomic service*.

### **4. RESULTS AND DISCUSSION**

In the research results, categorical variables (features) with relative (%) frequency are presented. The central tendency of numerical features is shown by the arithmetic mean (m), and the scattering by the standard deviation (sd). The frequency distribution of numerical features was examined by indicators of skewness and kurtosis. The internal reliability of the questionnaire used is 0.80 (Krombach's alpha coefficient  $\alpha = 0.869$ , with standardization  $\alpha = 0.865$ ). Since all variables are normally distributed, parametric statistics methods were used. Multiple regression

analysis was used to examine the influence of predictors on predicting the overall quality satisfaction score. The selected significance level is  $p < 0.05$ . Generally speaking, the instrument shows satisfactory measuring characteristics.

The research was conducted on a total sample of 225 respondents. Only fully completed questionnaires were considered. A total of 300 surveys were distributed in 12 rural municipalities of Vojvodina in the period of May 2019. Regarding the demographic characteristics of the survey, 24.9% of members aged 18-30 participated, followed by 34.2% of respondents in the age range between 31 and 60, and 40.9% of people older than 60. Men make up the largest percentage of respondents (58.7%, while women a total of 41.3%. Regarding the educational structure of respondents, 40.4% of them have completed high school, then 40% high school or college, and 19.6%. At the level of earnings earned by the respondents, the most represented category is those who earn in the range of 200 to 500 euros (42.2%), followed by 500 to 1.000 euros, a total of 39.1%. About 11.6% of respondents earn 200 euros, and only 7.1% above 1.000 euros.

Table 1 provides an insight into the descriptive values of the given quality categories. A total of 22 quality elements, or research variables, were set. A three-point grading scale was used. Some of the questions were related to the quality of the rural facility and the attitude of the hosts towards visitors, while other questions were directly related to the quality of the gastronomic offer. The variable to fulfill all wishes and requirements of visitors was evaluated with an average grade of  $m = 1.58$  ( $sd = 0.759$ ). The attitude of the host is very important in terms of achieving the quality of services in restaurants, especially in rural areas, where the host almost always has direct contact with consumers ( $m = 0.75$ ;  $sd = 0.843$ ). Participants in the survey rated the existing atmosphere in the facilities with an average score of 1.75 ( $sd = 0.803$ ). The surveyed visitors thought that an ecological inn from the host garden was present ( $m = 1.69$ ,  $sd = 0.871$ ). The variable indicating the presence of fresh food was estimated by the arithmetic value  $m = 1.91$  ( $sd = 0.757$ ). The hosts, in addition to being present in catering facilities, are also familiar with the food served in the facilities ( $m = 1.57$ ,  $sd = 0.794$ ). The quality of food carries an average score of  $m = 1.47$ , while the assessment that the food is domestic carries the value of the arithmetic mean  $m = 1.84$ . However, the variable existence of domestic beverages in the given facilities  $m = 2.25$  ( $sd = 0.695$ ) received a very high score.

**Table 1: Descriptive values of quality predictors**

Predictors of complete quality	m	sd
All requirements and wishes are fulfilled	1,58	0,759
A pleasant rural atmosphere is present	1,75	0,803
Hosts present in the households	1,62	0,843
Organic garden food	1,69	0,871
Fresh food	1,91	0,757
The hosts know all the foodstuffs	1,57	0,794
Quality food	1,47	0,694
Hygiene at a satisfactory level	1,56	0,823
Domestic food is served	1,84	0,879
Homemade beverages are served	2,25	0,695
Rural furniture	1,45	0,807
Interior design	1,36	0,634
Exterior design	1,17	0,480
Products with a designation of origin	1,44	0,724
Contemporary gastronomy	2,20	0,873

Storing food on the spot	2,52	0,598
Price is a reflection of quality	1,79	0,731
Costume as a type of marketing	1,81	0,722
Tourist animation	2,04	0,913
Tasting of domestic products	1,58	0,884
Food appearance	2,05	0,689
The taste of food is different	2,43	0,794
Complete quality of rural gastronomy service	1,86	0,859

\* m=arithmetic means, sd =standard deviation.

The design of accommodation for tourists should follow the traditional methods of construction, use both original materials and water and be according to its authentic architecture. Research participants or consumers rated item rural furniture with an average score of  $m = 1.45$ . Considering the assessed quality categories related to rural interior and exterior, it can be seen that the values obtained are not of a high level. Visitors expected much more from the rural ambience than they got. A very important category of quality in gastronomy is the existence of products with a designation of origin. However, consumers gave an average rating of 1.44. The presence of modern gastronomy is shown by the average grade that the item received ( $m = 2.20$ ,  $sd = 0.873$ ). Modern gastronomy is largely present, as well as food that is not a specific product of rural areas. On-site food storage carries an average score of  $m = 2.52$ . The extent to which the animation of tourists is present, through the involvement of consumers in activities in the given rural facilities, is also shown by the rating that this variable took, which is 2.04 ( $sd = 0.913$ ). The high value of the rating says that the visitors are quite satisfied, and this aspect is related to the previous one, that they are included in the possibility of observing and storing food. One type of marketing is the promotion of rural values through the clothes worn by workers in catering facilities ( $m = 1.81$ ). However, visitors are not very satisfied with the possibility of tasting domestic products, where the rating of this variable was  $m = 1.58$ . The appearance of the food and the taste of the food they had the opportunity to try, carry a high average rating above 2. Satisfaction with the complete gastronomic offer or complete quality carries an average score of  $m = 1.86$  ( $sd = 0.859$ ).

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	,796 <sup>a</sup>	,633	,593	,548

a. Predictors: questions of quality (N=22).

Tables 2 and 3 indicate that this model fits the data ( $R^2 = 59$ ,  $F = (22,202) = 15,858$ ,  $p < 0,05$ ). The model explains 59% of the total variance. R Square says what percentage of variance is explained in the sample in this case 79%, while Adjusted R Square says how much percentage of variance is explained in population  $R^2 = 59$ .

**Table 3: ANOVA (percentage explanation of variances in the sample and population)**

ANOVA <sup>a</sup>						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	104,780	22	4,763	15,858	,000 <sup>b</sup>
	Residual	60,669	202	,300		

Total	165,449	224
a. Dependent Variable: COMPLETE QUALITY OF RURAL GASTRONOMY SERVICE		
b. Predictors: questions of quality (N=22)		

Table 3 indicates how much each variable, or predictor, individually predicts the score for complete quality. The complete quality of the gastronomic offer to rural facilities is predicted by a significant predictor: that all wishes and requirements of consumers are met ( $b = 0.312$ ;  $\beta = 0.275$ ,  $p = 0.001$ ). The predictor, Hosts always present in the household, is also a significant predictor of general satisfaction ( $b = 0.590$ ;  $\beta = 0.578$ ,  $p = 0.000$ ). Fresh food plays a significant role in predicting quality ( $b = 0.316$ ;  $\beta = 0.278$ ,  $p = 0.006$ ). The predictor, Domestic Food, predicts the score for complete quality very well ( $b = 0.426$ ;  $\beta = 0.436$ ,  $p = 0.00$ ).

**Table 4: Multiple Regression Analysis for Individual Predictors**

Coefficients <sup>a</sup>						
Model		Unstandardized Coefficients		Standardized	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	,890	,644		1,381	,169
	All requirements and wishes are fulfilled	,312	,094	,275	3,322	,001
	A pleasant rural atmosphere is present	-,150	,104	-,141	-1,449	,149
	Hosts present in the households	-,590	,146	-,578	-4,050	,000
	Organic garden food	,174	,140	,176	1,244	,215
	Fresh food	,316	,113	,278	2,784	,006
	The hosts know all the foodstuffs	,183	,107	,169	1,709	,089
	Quality food	,062	,102	,050	,608	,544
	Hygiene at a satisfactory level	,257	,120	,246	2,150	,033
	Domestic food is served	-,426	,106	-,436	-4,013	,000
	Homemade beverages are served	,098	,110	,079	,889	,375
	Rural furniture	-,181	,132	-,170	-1,373	,171
	Interior design	,188	,157	,139	1,198	,232
	Exterior design	,007	,155	,004	,043	,966
	Products with a designation of origin	,238	,121	,201	1,968	,050
	Contemporary gastronomy	-,166	,158	-,168	-1,052	,294
	Storing food on the spot	-,526	,124	-,366	-4,228	,000
	Price is a reflection of quality	,364	,159	,310	2,288	,023
	Costume as a type of marketing	,361	,142	,303	2,535	,012
	Tourist animation	-,239	,079	-,254	-3,021	,003
	Tasting of domestic products	,691	,090	,711	7,713	,000
	Food appearance	,077	,095	,062	,805	,422
	The taste of food is different	-,058	,078	-,053	-,735	,463

a. Dependent Variable: COMPLETE QUALITY OF RURAL GASTRONOMY SERVICE

Of the other predictors, the importance of predicting complete quality is the preparation of food on the spot ( $b = 0.526$ ;  $\beta = 0.366$ ,  $p = 0.00$ ). In relation to this variable, there are also variables of animation of visitors and deustability of domestic products, which generally have a high degree of prediction of the score for the variable complete quality ( $p < 0.05$ ). The analysis of the obtained data follows that the alternative hypothesis H2 was confirmed: there is a significant statistical influence of the quality predictor on the prediction of the score on the complete quality of the rural gastronomic service.

## 5. CONCLUSION

Not many people still decide to travel motivated by gastronomy. It is known that culinary knowledge and tourist preferences bring such exclusivity and status symbol to such tourists. According to some opinions, gastronomic tourists make up only 6% of the participants in international tourist movements. It is known that there are tourists who are looking for experiences outside the boundaries of the known and common (Cvijanović et al., 2020). The rural tourist offer is built mainly on the existing potential: accommodation capacities, existing agricultural production, certain skills or knowledge of the household or its immediate surroundings. How and in what way all these potentials will be used and from those potentials to make a unique rural tourist offer in a certain area depends on several factors, ie the actions of individuals, institutions, state bodies, companies. Forms of rural tourism arise from the resources of one area, ie from the specifics offered by the relative area (Long et al., 1998). There are many different types of rural tourism to which they belong: residential tourism, homeland, nostalgic, health, gastronomic, cultural, religious, sports, recreational, adventure, hunting, fishing, educational, business, transit, camping, nautical, tourism of protected parts of nature and ecotourism.

Based on similar research in the world, the authors conducted a survey of the quality of Vojvodina's rural gastronomy. The goal was to determine the degree of service quality so far, through consumer satisfaction. A total of 225 respondents in 12 rural municipalities in Vojvodina were surveyed. In the software SPSS 23.00, the authors processed the obtained data and analyzed the degree of consumer satisfaction, in order to characterize and see the achieved level of quality provided in the given facilities. The initial research hypotheses were set. The aim was also to determine which of the quality predictors significantly predicts the full quality of rural gastronomic service. For this purpose, multiple regression analysis was used. The obtained data indicate that consumers are relatively satisfied with the quality of service provided to them. The highest marks were given to the following quality factors individually: On-site food storage ( $m = 2.52$ ), consumer animation  $m = 2.04$ , food appearance  $m = 2.05$ , food taste  $m = 2.43$ , presence of home-made food  $m = 1.84$ , and domestic beverages  $m = 2.25$ . Multiple regression analysis confirmed the alternative hypothesis, that there is a statistically significant influence of individual predictors on the prediction of almost complete quality. Predictors that significantly ( $p < 0.05$ ) predict a score of complete quality are: food preparation on site, hosts always present in households, fresh food, homemade food, food preparation on site, animation of tourists and tasting of local products.

Aspects of this research have a broader significance in practice. Namely, very little research has been conducted on the quality of rural gastronomic products. There are practically no significant data at the level of Vojvodina. This research can contribute to the development of similar research at the state level. Also, it can be representative with its sample for future research, based on which the mistakes of poor business and supply of this tourist product will be seen, and thus devise strategic corrective measures at the level of the entire country. In recent years, rural destinations have begun to reflect their power of gastronomic tourism, from which they have made brands. Vojvodina must become aware of its possibilities and the necessity of its positioning on the regional map of gastronomic tourism. In order to become competitive on the wider global market, as a new gastronomic destination, we must know how to use existing resources and use the traditional Vojvodina gastronomic offer as a powerful tool in developing a branding strategy for the whole country.

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## THE HUMAN RIGHTS TREATMENT AND THE ROLE OF THE INTERNATIONAL COMMUNITY IN THE SYRIAN WAR

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### ABSTRACT

This paper is focused on the treatment of human rights during the devastating civil war in Syria, which has been witnessed by the entire international community for almost ten years. This war has opened many questions regarding violations of human rights and international humanitarian law, which probably will be debated for a long time. In order to make a contribution to this debate, we made an overview of the content of the official reports in which the UN Independent International Commission of Inquiry since 2011 has noticed the facts regarding the humanitarian catastrophe in Syria. The overview follows the chronology which reflects two paradoxes: 1. Increasing the intensity of the violence and the violations of the rules of war, throughout the years; 2. The inability of the international community and the United Nations through its mechanisms to deal with the challenge it faced during this war.

All those reports reflect the terrible situation with human rights violations, which is almost unprecedented in recent contemporary wars. International efforts for finding solution for this situation had limited success, pertaining solely to the destruction of the Syrian chemical weapons program. However, there has been little success in preventing war crimes, and at least so far, in locating responsibility thereof.

Hence, the aim of this paper is to highlight the cruelty and meaninglessly long duration of the Syrian civil war which will be remembered as a proxy war, violating everything the international community has built so far as standards of humane behaviour in war conditions.

*Key words: human rights, International humanitarian law, civil war in Syria, the United Nations*

### 1. INTRODUCTION

For almost ten years, a complex civil war has been happening on the territory of the Syrian Arab Republic, followed by war crimes, gross violations of international human rights law (IHRL) and international humanitarian law (IHL), a massive migrant crisis, and a humanitarian catastrophe, witnessed by the entire world public. Through the years, some attempts of the international community to resolve this situation have not only been delayed, but were completely

unsuccessful. The reasons for this are complex. Since the very beginning, the interest of certain geopolitical factors, as well as their contribution with logistics, and probably with fighters and money, was more than obvious. Hence, according to some authors, the term, “Syrian civil war” is a clear misnomer, because it is a regional conflict with global actors between two broad coalitions: those who support and those who oppose Assad and his government (See: Zambakari, 2018). One of the other reasons for unsuccessful international efforts is the religious diversity in Syria, despite the ethnically rather homogeneous composition of the population. This provoked a wide range of armed formations with each of the warring parties. Moreover, Syria is part of an unstable regional environment with the countries of Iraq, Lebanon, Israel, Turkey, and Jordan, which further complicates the situation.

As an instrument for resolving the conflict, many documents were adopted, especially UN resolutions, but they were probably not appropriately applied by the dysfunctional working bodies. Nor has the organized military intervention approved by the UN Security Council been frequently mentioned as an option, probably because of at least three reasons: 1. Possible and expected veto on that decision by some of the permanent members of the Security Council; 2. An overt attack on Syria could provoke a greater war in the Middle East and bring the U.S. into direct confrontation with Russia or even China; 3. The military analysis indicates that such an action is difficult to be carried out successfully, primarily because of the Syrian army’s capability and possible military assistance from other armies.

Having all this in mind, some legitimate questions regarding the Syrian war will remain open, as the question of lack of more decisive action by the international community, and especially by the UN in preventing human suffering in Syria, or the question of the geopolitical interests of influential countries which probably emerged above the interest in respecting international standards for humane behavior.

## **2. THE HUMAN DIMENSION OF THE INTERNATIONAL LAW**

IHRL and IHL are legal branches that arise from the International public law, which regulates the relations between states in regular, peacetime conditions. As part of international public law, the focus of IHRL are individuals and the integrity of their personality, respect for their innate personal rights and other fundamental freedoms and rights. The ideas of human rights reflect the emancipated consciousness of people around the world, of the minimum standards of civilized behavior (See: Karpy, 2007), and IHRL aims primarily to protect individuals and groups from abusive action by states and state agents (Shelton, 2002, p. 1).

In the same direction, IHL regulates the principles and rules which limit the use of means and methods in times of armed conflict. In other words, IHL regulates the rules of warfare in order to prevent inhumane acts (See: Василевски, 2002).

These legal branches have humanity in their essence and strive to impose it as an imperative through legally binding international documents. With regard to IHRL, the generally accepted standard is the absoluteness of certain personal rights which cannot be reduced and must be respected regardless of the circumstances (life, prohibition of torture, inhuman or degrading treatment or punishment, legal certainty of criminal offenses and penalties, freedom of conscience, beliefs, conscience, etc). With regard to IHL, it is important that even for situations and circumstances that are not covered by the prescribed rules, the civilian population and participants in the war remain under the protection of the principles of international law arising from

established customs among civilized peoples, principles of humanity and the demands of public consciousness (the so-called Martenson clause).

Although deeply rooted since long ago, both human rights law and humanitarian law have in some way become an imperative in the mid-20th century. The reason for this is the fact that after the terrible human suffering during the two world wars, and particularly in World War II, the international community felt the need to take serious steps in order to prevent a recurrence of such events. The first step was the establishment of the United Nations the goal of which is, *inter alia*, to maintain lasting peace and security in the world. Regarding this aim, the UN Charter established three principles fundamental for modern international law – the principle of prohibition of the use of force or threat in relations between states; the principle of sovereignty and territorial integrity of states; and the principle of respect for fundamental human rights and freedoms.

The global human rights protection system established by the UN Universal Declaration of Human Rights of 1948, and later adopted in 1966 as a binding International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, has been upgraded with a number of other significant UN documents. Among them, it is worth mentioning the following conventions: Convention on the Prevention and Punishment of the Crime of Genocide (1951), Convention for Non-obsolence of War Crimes and Crimes against Humanity (1968), Convention for Elimination of All Forms of Racial Discrimination (1969), Convention for Elimination of All Forms of Discrimination against Women (1979), as well as many others.

On the other hand, the cornerstone of modern humanitarian law is the Geneva Conventions of 1949 and their additional 1977 protocols, upgraded by a number of other international legal acts that provide for a ban on the use of nuclear and thermonuclear weapons (1961), a ban on nuclear proliferation (1967), ban on the development, production and storage of toxic weapons and their destruction (1972), ban on the development, production, storage and use of chemical weapons and their destruction (1993), ban on nuclear tests (1996), ban on the use, storage, production and transfer of anti-personnel mines and their destruction (1997), etc.

However, despite all these documents, ensuring minimal respect for human rights during armed conflicts is a big challenge for the contemporary international community. Hence, a fundamental requirement for the human rights community in facing these challenges is to be constantly inspired by the inextricable links between human rights law, international humanitarian law and international refugee law, which emanate from the same basic concern: ensuring respect for human dignity in all times, places and circumstances (See: Hampson&Salama, 2005).

### **3. THE HUMAN RIGHTS AND THE HUMANITARIAN LAW THROUGH THE PRISM OF THE SYRIAN WAR**

Various commissions, NGOs and news agencies have documented human rights and humanitarian rules violations since the start of the civil war in Syria in 2011. The reports of the Independent International Commission of Inquiry established by the UN Human Rights Council are based, among other things, on interviews with victims and witnesses of human rights violations, including civilians and deserters from the military and security forces. The very first Report of the Commission documented cases of summary execution, arbitrary arrest, enforced disappearance, torture, including sexual violence, as well as violations of children's rights (A HRC S-17 2 Add.1, 2011). As violations escalated dramatically in 2012, the Commission noted the escalation of violence in new areas, including more brutal warfare tactics (A HRC 19 69, 2012). In the following years, according to the Commission's findings, the behavior of the parties to the

military conflict significantly radicalized. Among other things, the two warring parties have violated the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, of which Syria is a party. In addition, in the July 2013 report, for the first time, the systematic imposition of sieges, the use of chemical agents, and cases of forced displacement, was mentioned (A HRC 23 58, 2013). The exact agents, delivery systems or perpetrators, at that time, could not be identified.

The reports of the Commission for the following years are almost identical, even worse, compared to the previous ones. Among the findings of continuing the intensity of crimes, recruiting children in armed conflicts (A HRC 24 46, 2013), the Commission noted the facts about more than 250,000 people besieged in Syria and subjected to relentless shelling and bombing, as well as denied humanitarian aid, food and other basic necessities (A HRC 25 65, 2014). The findings presented in the Report, based on 480 interviews and evidence collected between January and July 2014, show that the warring parties in Syria caused immense suffering to civilians (A HRC 27 60, 2014). According to the Commission findings, within the overall civilian population, some groups and communities have been specifically targeted by one or more of the warring parties and often individuals suffer on the basis of multiple aspects of their identity, including their gender, age, ethnicity, religion and profession (A HRC 30 48, 2015). Far from the battlefield, civilians and wounded fighters continue to disappear, be taken as hostage, tortured and subjected to sexual violence (A HRC 33 55, 2016). Later, in December 2016, hundreds of men and boys were separated from their families and forcibly recruited by the Syrian army following the occupation of eastern Aleppo by pro-government forces (A HRC 34 64, 2017). As a result of the offensive by the Syrian Democratic Forces and the international coalition to reject ISIL, during 2017 more than 190,000 people were displaced in Ar-Raka (A HRC 32 65, 2017).

Even now, when the conflict is almost over, it is unclear whether and when displaced people will be able to return. Huge population has been externally displaced, as well as displaced across the country because of this endless war, and this significantly burdens neighboring countries, as well as Europe. In this regard, the Commission has proposed recommendations to all warring parties aimed at resolving the huge number of problems affecting civilians displaced by the conflict, including securing their housing, land and property rights (A HRC 37 72, 2018) and signaled its intention to assist victims in achieving justice, which required confirmation from all concerned that victims' demands for justice and responsibility are a central component of any amicable and lasting solution to peace (A HRC 39 65 2018). In order to effectively address the complex issue of the return of internally displaced persons, the Commission also issued a series of pragmatic recommendations for the sustainable return of all displaced Syrian women, men and children (A HRC 40 70, 2019), as well as recommendations to member states, and especially to those providing support to the warring parties, reiterating that the international community as a whole bears joint responsibility for the enormous crimes committed against millions of Syrian women, men and children (A HRC 42 51, 2019).

Although by the end of 2018 there had been a reduction in the level of violence compared to previous years, in several parts of the country, between May 2019 and early January 2020, displacement of 700,000 civilians was caused again. The Commission's July 2020 report covers events in Idlib and surrounding areas, including 52 attacks from all sides that resulted in civilian casualties, damage to civilian infrastructure such as medical facilities, schools, etc. (A HRC 44 61, 2020).

In addition to these reports of the Commission of Inquiry, other sources of information also show that one of the basic targets of the government forces and the armed groups in Syria are women who are being used as human shields, often with their children. Incidents of gang rape,

sexual assault, and domestic abuse have risen with the intensity of the conflict, both throughout the country and in refugee camps across the region (The World News, 2013). Syrian women exposed to sexual abuses subsequently found themselves victimized not only by the crime itself, but also by enduring the silence that surrounds the crime and the social pressure related to it (The World News, 2013).

#### **4. THE ROLE OF UN IN THE CONTEXT OF THE CIVIL WAR IN SYRIA**

According to the Charter of the United Nations (Chapter VII) the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken. However, regarding the war in Syria, from the very beginning, the situation was really complicated. What has made the strife more complicated was the intervention of foreign and regional powers from everywhere. In that chaotic situation, the airstrikes from different countries, directly or indirectly involved in this war, at times also targeted civilian areas outside government control. In this kind of circumstances, although the United Nations formally demonstrated readiness, it hasn't, in fact, been able to play a significant role in solving the conflict. The United Nations Special Advisers on the Prevention of Genocide and Responsibility to Protect, which come under the supervision of the Secretary-General, raised their voices from time to time against the mass breaches of human rights of Syrian people by the state and non-state actors, strongly condemned the increased number of government aerial attacks in Syria and the use of indiscriminate weapons (Mahmood&Javed, 2017).

The establishment of the Commission of Inquiry could be seen as one of UN's efforts to document human rights and IHL abuses during the Syrian war. However, the lack of access to information significantly prevented the Commission from fully fulfilling its mandate. The Commissions' appeals and recommendations in the reports which addressed the warring parties to take corrective action, were largely ignored. As stated in its reports, the members of this Commission were not aware that any efforts were made in accordance with international standards, by the Syrian Government or by anti-government armed groups in order to prevent or punish the crimes documented in its reports.

In March 2012, the Security Council underlined the importance of pulling back all the military forces and urgently implementing the six-point plan proposed by Kofi Annan, Joint Special Envoy of the United Nations and the League of Arab States, to end the crisis in Syria. In this regard and after the unsuccessful attempts to adopt appropriate resolutions as a result of the double veto of China and Russia, the Council nevertheless unanimously adopted two Resolutions: Resolution 2042 (2012), authorizing a team of up to 30 unarmed military observers "to liaise with the parties and to begin to report on the implementation of a full cessation of armed violence in all its forms by all parties"; and Resolution 2043 (2012), which established a 90-day period, a supervision mission (UNSMIS) to monitor a cessation of armed violence in all its forms by all parties. Later, with adoption of Resolution 2059 (2012), the Security Council decided to renew the mandate of UNSMIS for a period of 30 days. However, these attempts for finding a diplomatic solution to the crisis have proved unsuccessful. Instead, in August 2013, in several cases the UN inspectors confirmed use of sarin gas on Syrian territory. Therefore, many countries, including the USA, Russia and the EU, accused the Syrian government of conducting attacks using chemical weapon, especially the most serious attacks in Ghouta and Damascus in 2013. As a result of this international pressure, the Syrian Arab Republic deposited to the UN Secretary-General its instruments of accession to the Chemical Weapons Convention and declared that it would comply with its stipulations and observe them. In accordance with the decisions of the UN Executive

Council on the destruction of the Syrian chemical weapons program (EC-M-33/DEC.1) and on special procedures for the rapid destruction of the Syrian chemical weapons program (EC-M-33/DEC) the process of transferring chemical materials out of Syria began in January 2014, and by June of the same year, all declared materials for chemical weapons were destroyed or removed from Syria.

However, not only were these steps taken very late, but this international mission of transferring the chemical materials outside Syria was not sufficient to cease the suffering in Syria. The UN has consistently stressed that conventional weapons continue to kill while the Syrian conflict goes on. In this regard, we remember the UN High Commissioner for Human Rights Navi Pillay's statement from 2014, that war crimes were still being committed with total impunity on all sides in the conflict, and that it is a real indictment of the age we live in that not only has this been allowed to continue so long, with no end in sight, but it is also now impacting horrendously hundreds of thousands of other people across the border in northern Iraq, and the violence has also spilled over into Lebanon. (Reuters News, 2014).

The same year, the UN Security Council adopted two Resolutions: Resolution 2139, to initiate access for humanitarian aid in Syria, and Resolution 2165, reauthorized humanitarian aid to be supplied via four border crossings not controlled by the Syrian government. In the following years, several other resolutions were also adopted by the Security Council – in 2015, Resolution 2254 endorsed a roadmap for the peace process in Syria, setting out a timetable for talks between the government and opposition groups; in 2016 Resolution 2328, which demanded immediate, unhindered access for observation of monitoring civilian evacuation from Aleppo.

Beside all those official documents adopted by the Security Council, the flagrant violations of human rights and humanitarian law have continued unabated and war crimes have gone unchecked, even exacerbated by blatant impunity, and the resolutions remain largely unspoken and unimplemented. Despite documenting a number of IHL violations and gross human rights violations, the fact remains that the UN has generally not played its role properly in this war. As a global organization for ensuring world peace and security, the UN has had no success in preventing war crimes in that part of the World for almost a decade.

## **5. WHO IS RESPONSIBLE FOR HUMAN SUFFERINGS IN THE SYRIAN WAR?**

Although the reports from the UN Commission on Inquiry indicate that Syrian pro-government forces are probably responsible for the majority of violations, there is also alleged responsibility on the opposite side. The Syrian regime led by Assad and affiliated militias probably were the sole perpetrators of the violations for the first several months, but later on other parties subsequently joined in, also violating the rights of Syrian citizens. Three former prosecutors of the International Criminal Tribunals for former Yugoslavia and Sierra Leone, examined thousands of Syrian government photographs and files recording deaths in the custody of the regime security forces from March 2011 to August 2013. The vast majority of the victims were young men and many corpses were emaciated, bloodstained and bore signs of torture. Some had no eyes; others showed signs of strangulation or electrocution. Only two years after the start of the conflict, Ann Harrison, Amnesty's deputy director for the Middle East and North Africa legitimately asked "How many more civilians must die before the UN Security Council refers the situation to the prosecutor of the International Criminal Court so that there can be accountability for these horrendous crimes?" (South China Morning Post, 2013). The situation additionally was completely out of control when many international organizations reported the terribly gross violation of human rights and huge use of chemical weapons. As early as March 2013, the UN Commission of Inquiry

undertook to submit to the UN High Commissioner for Human Rights a confidential list of individuals and entities believed to be responsible for crimes against humanity, violations of the international humanitarian law and gross human rights violations (A HRC 22 59, 2013).

Today, seven years after that and almost ten years after the beginning of the war, the world still has no answer to the question regarding responsibility, even though from the beginning of the civil war it was clear that the UN Security Council must refer war crimes committed by both sides in Syria to the International Criminal Court. On many occasions, the UN Commission of Inquiry stressed the urgent need for international action to end serious human rights violations and to end the unsolvable cycle of impunity. According to the Commissions' findings, the warring parties conduct hostilities with little, if any, regard for the rules of war and, in particular, its foundational principle of distinction. The majority of attacks are not directed at a specific military objective or fail to employ a method or means of combat that can be directed at a specific military objective. Despite all this, the Commission stated that the international community remains a witness of all suffering, without stronger efforts to bring the parties to the peace table ready to compromise, so that the trend of destruction was expected to continue in the foreseeable future (A HRC 30 48, 2015).

Several years after this, investigators from the Commission announced that they had found evidence of war crimes in Syria committed by nearly all sides in the conflict even during the second half of 2019 and into January 2020. In this regard, the recommendations contained in the Commission's reports – to the Syrian government, anti-government armed groups, the international community, the Human Rights Council and the Security Council – serve to emphasize the need to counter the growing culture of impunity by referring to justice nationally and internationally. However, we cannot assume why responsibility for war crimes has still not been identified, nor speculate whether at all and when the perpetrators of war crimes and the crimes against humanity committed in Syria will be brought in front of the International Criminal Court.

## **6. CONCLUSION**

From today's perspective, it would not be an exaggeration if we said that the Syrian crisis that morphed into a long lasting proxy war, will be remembered as a war with no respect of human behavior standards and as the biggest humanitarian catastrophe of our era. There is almost no international document in the field of Human Rights Law and International Humanitarian Law the provisions of which were not violated during this war. From the very beginning, the relevant reports demonstrated that civilians were not only unintentional victims of violence in some cases, but they were often deliberately targeted through illegal means and methods of warfare. Summary execution, using the humanitarian aid as a weapon of war, arbitrary arrest, enforced disappearance, torture, violations of children's rights, involvement of children in armed conflict, systematic imposition of sieges, the use of chemical agents, forced displacement, damage to civilian infrastructure (such as medical facilities, schools, etc.) incidents of gang rape, using women as human shields, often with their children, sexual assaults both throughout the country and in refugee camps across the region, etc. are just some of the familiar and registered acts of violence in the Syrian war. This is not an exhaustive list and the violence is still present in some regions in Syria.

It seems that the international community, at least at the beginning of the war, had a lack of sufficient political will and decisive action to engage with serious efforts in resolving the difficult situation in Syria. Regardless of whether and what mechanisms the United Nations used and regardless of the expressed declarative commitments, the fact that population suffered in every possible way remains indisputable. Through this war, the UN system once again seems to have

shown its inability to prevent war crimes and other serious acts against humanity and international rules. The numbers of lost lives, abused children, women and men, forcibly displaced persons, but also the recruitment of children in hostilities, destroyed cities and cultural and historical sites, are staggering. Unfortunately, the situation regarding the Syrian war is a failure of the international community in general, and of the United Nations in particular. How else to explain the fact that the international efforts, at least so far, have only been successful in destroying the chemical weapons program. Although there have been serious allegations that war crimes and crimes against humanity were committed many times during the war in Syria, there are no official results in locating responsibility for violating international rules. Until now, we have witnessed total impunity for all violations of human rights and of humanitarian rules, which must be respected in military conditions.

Hence, the world really expects that the case of Syria will be seriously scrutinized, and all those who committed crimes against peace and humanity will be prosecuted. In this regard, we need allegations based on specific and clear evidence that massacres and the willful killings took place. Those are the preconditions for prosecution in the International Criminal Court, and thus efforts should be invested in order to identify accountability and to end the impunity.

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# THE IMPACT OF TRANSPORTATION ON THE ENVIRONMENT

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## ABSTRACT

Transportation has an impact in many segments of social life, but despite the positive aspects there are certain negative influences. Negative impacts mainly relate to the field of environment. Besides other, the exhaust gases emitted by vehicles in the environment can have significant impact on the pollution of all ecosystems such as water, soil and air. Therefore, international treaties or agreements and conventions establish ecological standards for environment protection, which are directly related to the implementation of environmental standards for the use of vehicles in one country.

The authors of this paper will present results from a research directly related to pollution caused by motor vehicles driven in particular traffic sections of the Republic of Macedonia. Meanwhile, this paper analyzes the direct impact that environment suffers from motor vehicles and their exhaust gases in certain traffic sections or researched area.

*Key words: transportation, motor vehicles, exhaust gases, pollution, environment, etc.*

## 1. INTRODUCTION

In the Republic of Macedonia large spaces are used for growing different types of agriculture products and crops. A large part of the territory is used for growing vegetables and fruits, especially in the valleys that are considered fruitful areas for cultivation of horticultural and other plants. But these areas are also covered by numerous infrastructure, roads, and etc., which greatly degrade the area where agriculture and horticulture products are grown for feeding the population, but also for export usage. However, transportation represents significant economic activity in the country, which is a prerequisite for normal movements of the economy and development of certain economic branches. (Malish Sazdovska, 2008) But it is necessary to investigate the impact of transportation, or more precisely the impact of motor vehicles driven on the roads in the country, and for adequate measures to be taken to protect the environment. It is necessary to respect international standards for protection of all ecosystems such as water, soil and air, through application, implementation and compliance of certain standard, relating to emissions of exhaust gases from vehicles and building adequate infrastructure along roads to prevent pollution (Malish Sazdovska, 2010).

The main question in the Republic of Macedonia is how much the above standards are applied and implemented, and how transportation affects the pollution of ecosystems in our country. The authors set the hypothesis that transportation, in particular the use of motor vehicles in our country greatly pollute the environment.

The purpose of this paper is to contribute to the research on water pollution in our country, because there haven't been many forensic, scientific and professional research done in the field of pollution, which in the next period should be a challenge for the scientific and professional research in this area (Latifi, 2011). There are papers that theoretically elaborate the matter of water pollution in the country (Kuka, Talevki & Kolondzovski, 2011), as well as of contamination of soil (Ćulumoska-Gjorgjievska, Stafilov & Šajn, 2015).

## **2. REALIZATION OF THE RESEARCH**

Having in mind the fact that the research on the impact of transportation (traffic) in a certain area and a certain section of the road is a complex and comprehensive research which covers several different segments, the authors decided to do some research on the discharge of harmful substances (exhaust gases) from light vehicles, on the highway section between Tetovo and Gostivar. This research was focused on the impact of pollution from vehicles in terms of rainfall, because it highlights pollution, where certain substances are dissolved by rainwater and directly released to the soil along the highway which was taken as subject for this research.

During the research period in 2014, all data, analysis and statistics where used from the National Hydrometeorological Service, The Auto-Moto Association of Macedonia, the Public Enterprise Macedonian Roads, scientific studies and others.

## **3. ANALYSIS OF RESEARCH RESULTS**

### **3.1. SURFACE OF THE ROAD**

The first approach was to determine the surface of the section between Tetovo and Gostivar, and on the basis of already set parameters the length was established to be 20km (20,000 m), with a width of 19 m, thereby calculating that the area covers 380,000 m<sup>2</sup>.

$$\begin{aligned} S &= a \times b \\ a &= 19 \text{ m} \quad b = 20 \text{ km} = 20,000 \text{ m} \\ S &= 19 \text{ m} \times 20,000 \text{ m} = 380,000 \text{ m}^2 \end{aligned}$$

### **3.2. AVERAGE RAINFALL FOR ONE YEAR IN GOSTIVAR-TETOVO SECTION**

Along the road, the subject of research were three metering stations for the quantity of rainfall (Pirok, Stenche and Tetovo) used by the National Hydrometeorological Service, and according to which in 2014 the measured results or the average results of rainfall or precipitation at that particular place were:

$$\text{Pirok} = 851.6 \text{ mm(l/m}^2\text{)} \quad \text{Stenche} = 789.8 \text{ mm(l/m}^2\text{)} \quad \text{Tetovo} = 858.3 \text{ mm(l/m}^2\text{)}$$

The average rainfall for this section Tetovo-Gostivar is calculated as follows:

$$\text{Average rainfall in section T - G} = \frac{851,6 \left(\frac{1}{\text{m}^2}\right) + 789,8 \left(\frac{1}{\text{m}^2}\right) + 858,3 \left(\frac{1}{\text{m}^2}\right)}{3} = 833,23 \left(\frac{1}{\text{m}^2}\right)$$

So, if the average rainfall in 1m<sup>2</sup> is 833.23 (l/m<sup>2</sup>) in that region, then on the surface of the Tetovo-Gostivar section the rainfall is:

$$\text{Rainfall in the T-G section} = 833.23 \text{ (l/m}^2\text{)} \times 380,000 \text{ m}^2 = 316,627,400 \text{ l}$$

After determining the surface of the highway section and its average rainfall, we proceeded with an analysis of data on the flow or movement of light vehicles, together with an analysis of gas emissions from vehicles.

### **3.3. AVERAGE DAILY AND AVERAGE ANNUAL FLOW OF LIGHT VEHICLES CATEGORY (K<sub>1</sub>) FOR A YEAR IN THE TETOVO-GOSTIVAR SECTION**

The data for 2014 tell us that in this section under measurement (route number M-4 measuring post A.B 026) the daily average flow or pass is 10,419 light vehicles, resulting in the following number for one year:

$$\text{Average annual flow in T-G section} = 10,419 \text{ vehicles} \times 365 \text{ days} = 3,802,935 \text{ vehicles annually}$$

If we take into account the fact that the ratio towards diesel and petrol cars is as follows:

Petrol : Diesel = 3 : 1 than of the total of 3,802,935 vehicles  
2,852,201 are petrol and 950,734 are diesel vehicles

### **3.4. DATA FOR GAS EMISSIONS (PARTICULARLY FOR PARAMETAR [HC+NO<sub>x</sub>] [HYDROCARBON+NITROGEN OXIDES] FROM EXHAUST GASES OF LIGHT VEHICLES IN THE TETOVO-GOSTIVAR SECTION**

To calculate the emissions, we must first explain that light motor vehicles according to European standards are divided into 4 categories (M<sub>1</sub>, N<sub>1</sub>-I, N<sub>1</sub>-II, and N<sub>1</sub>-III):

$$M_1 < 1,305 \text{ kg}$$

$$N_1\text{-I} \leq 1,305 \text{ kg}$$

$$N_1\text{-II} = 1,305 - 1,760 \text{ kg}$$

$$N_1\text{-III} = 1,760 - 3,500 \text{ kg}$$

All the above mentioned categories in our country are covered under one category K<sub>1</sub> light motor vehicles. This is very important to highlight, because with European standards all of the above categories do not pollute the same, so that the calculations will take the average of all categories.

We will also take the category average for eco standards in the calculation, because in the Tetovo-Gostivar section the passing vehicles fall under all ecological standards, including old vehicles without standard.

$$E_1(1992)/ E_2(1995)/ E_3(1999)/ E_4(2005)/ E_5(2009)/ E_6(2015)$$

### 3.5. POLLUTION IN T-G SECTION WITH [HC+NO<sub>x</sub>] FROM EXHAUST GASES FROM LIGHT VEHICLES WITH PETROL

The number of petrol vehicles of the research section is 2852201 vehicles annually.

It should be noted that for the parameter [HC + NOX] in K1 = (M1, N1-I, N1-II, and N1-III) category, there are only data about E1 (1992) / E2 (1995) category, so in the calculation we will take the average value of those two categories, and the final data will be in (g/km).

$$K_1 = \frac{M_1 + N_1 - I + N_1 - II + N_1 - III}{4}$$

Category M<sub>1</sub> vehicles with petrol for parameter [HC + NOX] is:

$$E_1 = 0.97 \text{ g/km}$$

$$E_2 = 0.5 \text{ g/km}$$

$$E_{AM1} = \frac{0,97 + 0,5}{2} = 0,735 \text{ g/km}$$

Category N<sub>1-I</sub> vehicles with petrol for parameter [HC + NOX] is:

$$E_1 = 0.97 \text{ g/km}$$

$$E_2 = 0.5 \text{ g/km}$$

$$E_{AN1-I} = \frac{0,97 + 0,5}{2} = 0,735 \text{ g/km}$$

Category N<sub>1-II</sub> vehicles with petrol for parameter [HC + NOX] is:

$$E_1 = 1.4 \text{ g/km}$$

$$E_2 = 0.65 \text{ g/km}$$

$$E_{AN1-II} = \frac{1,4 + 0,65}{2} = 1,025 \text{ g/km}$$

Category N<sub>1-III</sub> vehicles with petrol for parameter [HC + NOX] is:

$$E_1 = 1.7 \text{ g/km}$$

$$E_2 = 0.8 \text{ g/km}$$

$$E_{AN1-III} = \frac{1,7 + 0,8}{2} = 1,25 \text{ g/km}$$

The average of all categories K1 = (M1, N1-I, N1-II, and N1-III) for petrol vehicles for parameter [HC + NOX] is:

$$E_{TP} = \frac{0,735 + 0,735 + 1,025 + 1,25}{4} = 0,93625 \text{ g/km}$$

According to the above calculated average from all categories of vehicles, the pollution with [HC + NOX] in the Tetovo-Gostivar section amounts to:

$$E_{TP[HC+NOX]} = 0,93625 \text{ (g/km)}$$

The total annual contamination with [HC + NOX] in the investigated T-G section with a length of 20 km by vehicles with petrol is calculated as follows:

No. of vehicles = 2,852,201

Length of section = 20 km

$E_{T[HC+NOX]}=0.93625$  (g/km)

Total annual pollution = No. of vehicles x Length of section x  $E_{T[HC+NOX]}$

$$=2,852,201 \times 20 \text{ km} \times 0.93625 \text{ g/km} =$$

$$=53,407,464 \text{ g or } \underline{53 \text{ metric tons}} \text{ and } \underline{464 \text{ kg [HC+NO}_x\text{]}}$$

### 3.6. POLLUTION IN T-G SECTION WITH [HC+NO<sub>x</sub>] FROM EXHAUST GASES FROM LIGHT VEHICLES WITH DIESEL

The number of diesel vehicles on the researched section is 950,734 vehicles annually.

It should be noted that for the parameter [HC + NOX] in K1 = (M1, N1-I, N1-II, and N1-III) category there are data about E<sub>1</sub>(1992)/ E<sub>2</sub>(1995)/ E<sub>3</sub>(1999)/ E<sub>4</sub>(2005)/ E<sub>5</sub>(2009) category, so in the calculation we will take the average value of those categories, and the final data will be in (g /km).

$$K_1 = \frac{M_1 + N_1 - I + N_1 - II + N_1 - III}{4}$$

Category M<sub>1</sub> vehicles with diesel for parameter [HC + NOX] is:

$$E_1 = 0.97 \text{ g/km}$$

$$E_2 = 0.9 \text{ g/km}$$

$$E_3 = 0.56 \text{ g/km}$$

$$E_4 = 0.30 \text{ g/km}$$

$$E_5 = 0.23 \text{ g/km}$$

$$E_{AM1} = \frac{0,97 + 0,9 + 0,56 + 0,30 + 0,23}{5} = 0,592 \text{ g/km}$$

Category N<sub>1</sub>-I vehicles with diesel for parameter [HC + NOX] is:

$$E_1 = 0.97 \text{ g/km}$$

$$E_2 = 0.9 \text{ g/km}$$

$$E_3 = 0.56 \text{ g/km}$$

$$E_4 = 0.30 \text{ g/km}$$

$$E_5 = 0.23 \text{ g/km}$$

$$E_{AN1-I} = \frac{0,97 + 0,9 + 0,56 + 0,30 + 0,23}{5} = 0,592 \text{ g/km}$$

Category N<sub>1</sub>-II vehicles with diesel for parameter [HC + NOX] is:

$$E_1 = 1.4 \text{ g/km}$$

$$E_2 = 1.0 \text{ g/km}$$

$$E_3 = 0.72 \text{ g/km}$$

$$E_4 = 0.39 \text{ g/km}$$

$$E_5 = 0.295 \text{ g/km}$$

$$E_{AN1-II} = \frac{1,40 + 1,0 + 0,72 + 0,39 + 0,295}{5} = 0,761 \text{ g/km}$$

Category N<sub>1</sub>-III vehicles with Diesel for parameter [HC + NOX] is:

$$E_1 = 1.70 \text{ g/km}$$

$$E_2 = 1.60 \text{ g/km}$$

$$E_3 = 0.86 \text{ g/km}$$

$$E_4 = 0.46 \text{ g/km}$$

$$E_5 = 0.35 \text{ g/km}$$

$$E_{AN1-III} = \frac{1,70 + 1,60 + 0,86 + 0,46 + 0,35}{5} = 0,99 \text{ g/km}$$

The average of all categories K1 = (M1, N1-I, N1-II, and N1-III) of diesel vehicles for parameter [HC + NOX] is:

$$E_{TD} = \frac{0,592 + 0,592 + 0,761 + 0,99}{4} = 0,73375 \text{ g/km}$$

According to the above calculated average from all categories of vehicles, the pollution with [HC + NOX] in Tetovo-Gostivar section is:

$$E_{TD[HC+NOX]} = 0,73375 \text{ (g/km)}$$

The total annual contamination with [HC + NOX] in the investigated section T-G with length of 20 km by vehicles with diesel is calculated as follows:

No. of vehicles = 950,734

Length of section = 20 km

$$E_{T[HC+NOX]} = 0,73375 \text{ (g/km)}$$

$$\begin{aligned} \text{Total annual pollution} &= \text{No. of vehicles} \times \text{Length of section} \times E_{T[HC+NOX]} \\ &= 950,734 \times 20 \text{ km} \times 0,73375 \text{ g/km} \\ &= 14,470,171 \text{ g or } \underline{\text{metric tons}} \text{ and } \underline{470 \text{ kg [HC+NO}_x\text{]}} \end{aligned}$$

The summary contamination from petrol and diesel vehicles per year is:

$$E_{TP} + E_{TD} = 53,464 \text{ T} + 14,470 \text{ T} = 67,934 \text{ T} \approx 68 \text{ T}$$

According to the above calculations it can be concluded that 68 tons of pollution of [HC + NOX] dissolve into 31,662,740 liters of rainfall per year, only from light vehicles, and is poured raw or unclean along the Tetovo-Gostivar section in fields used for agriculture.

#### 4. CONCLUSION

From the research it can be concluded that the pollution caused by light vehicles during the days with rainfall on the Tetovo-Gostivar section is significant and amounts up to 68 tons of pollutant directly poured in the agricultural areas along the research section. All this mentioned above confirms the hypothesis of the authors that transportation or traffic, in other words the use of motor vehicles is a significant factor for environmental pollution. Land areas along this highway section represent agricultural areas, which may be subject to the following research such as the degree of contamination of the strawberries, apples, corn and other agricultural products grown in that region.

The fact should be noted that this pollution is actually higher because the research covered only light vehicles, while heavy vehicles were not taken into account. Therefore, if we add the average pollution from heavy vehicles, the pollution would be even greater. It should also be noted that the research period in 2014 covered only rainy periods in the Tetovo-Gostivar section, and the periods without rainfall are measured for pollution with different parameters.

Vehicle emissions are generally small compared to the emissions generated by anthropogenic activities. If we analyze the proportion of the total emissions (natural + anthropogenic sources) the share is even smaller. The total CO<sub>2</sub> natural emission accounts for 95%, and anthropogenic activities for only 5%. For the emission of methane this ratio is 37: 63%, and for nitrous oxide the ratio is 69: 31%. As the number of vehicles on the roads is constantly growing

in many cities, the car is one of the biggest polluters. Thus, the total air pollution in urban areas results significantly from vehicles and is caused by their high concentration.

In order to reduce pollution within a standard framework, according to international standards, it is necessary to take concrete measures such as: using vehicles with European emission standards; construction of infrastructure for collection of wastewater along the highways in the Republic of Macedonia, and adequate treatment in order for waste water not to represent a threat to healthy human environment.

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## BASIC DETERMINANTS OF TRAFFIC FORENSICS

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### ABSTRACT

Public traffic has an obverse and a reverse side.

The obverse is the bright side, seen through the undoubted importance of modern traffic for the benefits it provides to people, as well as for the economic prosperity and overall development of society.

The reverse is the dark side, seen through the infliction of human and material losses in traffic accidents, which in modern conditions have become very common. The reverse, in the cruellest possible way, points to the fact that traffic is differentiated as a specific social sphere of danger, endangering many important social goods.

The detection, proof, clarification and prevention of traffic crimes is what traffic forensics deals with, as an integral part of the forensic science (arising from forensic methodology as a complete subsystem of forensics consisting of separate specialized criminologies for preventive and repressive crimes with the same or similar criminal characteristics).

**Keywords:** traffic accident, traffic crimes, traffic forensics, forensic methodology.

### The Concept of Traffic Criminology

Traffic forensics is a special forensic methodology for investigating traffic accidents. It arises from forensic methodology as a mosaic of specialized forensics to deal with any kind (or type) of crime with the same or similar forensic characteristics.

The focus of interest of each forensic methodology as specialized forensics (not to mention that it is the study of forensic characteristics of certain types or types of crimes) allows finding a successful “recipe” for preventive-repressive dealing with crimes. Criminal authorities rightly point out that “the same types of crimes can contain multiple types, with their specifics in detection and proving.” (Vodinelic V. 2/89, 125) This is one of the most important factors for global determination not only of the term, but also of the subject of forensic methodology, and thus for determining the essence of any particular specialized forensic science, i.e. which appropriate types of crimes are studied and investigated precisely on the basis of their specifics.

Forensic science treats crimes (in their entirety and separately according to their specifics) with wide diopters. Namely, it examines and investigates them through the prism of a transparent or latent criminal event that indicates a possible potential criminal drama. The criminal event as a real phenomenon in the material world is a dangerous and socially harmful event, which according to its structure indicates the existence of possible intent or negligence of its perpetrator (known or unknown). The investigation of the criminal event is the general object of forensics.

The general object of the criminal and criminal-procedural processing of traffic crimes is the traffic accident as a special form of criminal event. Therefore, starting from this scientifically progressive position (represented in the relevant criminal literature in the world), it is rightly considered that when it comes to the investigation of traffic offenses, the criminal cognitive process always starts from the position that what is being studied is an **accident** (as a real social-pathological phenomenon in the field of public traffic) containing all the elements of a special type of criminal event. Whether such a real criminal event (obvious or covert) really does “produce” or not “produce” some traffic crime (committed mostly through negligence, and very rarely with intent) will be shown by the criminal processing and investigation conducted in connection with the incident, i.e. the traffic accident in the land, air and water traffic. That is to say, the existence or non-existence of a traffic crime is gradually determined in the heuristic process. During detection and research, in the first operation, the specialized criminal investigator (criminal inspector and public prosecutor), with necessary forensic support, applying tactical methods, forensic means and scientifically or practically based methods contained in the traffic forensics as a special forensic crime, inevitably starts from the consequences of a certain traffic accident in order to determine (through analysis of the content and structural elements of the accident) the causes and the possible existence of some apparent form of crime against public traffic safety. “The term traffic accident must include all hidden and undisclosed conditions and consequences of that type of criminal event. The methodology must study their structure as a criminal event (which is not differentiated at the beginning) if there is an intention to build a model for detecting and investigating crimes against traffic safety” (Vodinelic V., 2/89, 127). The crime hidden in the bosom of an accident as a special form of criminal event undoubtedly occurred in reality, not only on the *locus operandi*, but also beyond (on the subjects and objects of the accident), legally causes the emergence of clear and coded criminal (operational and evidentiary) information in the form of various forms of material traces and objects (*corpora delicti*) and “ideal” traces (memories and statements of participants in the accident). Such information (which the traffic delinquent inevitably leaves for himself/herself and for the crime and thus causes the consequence), according to the principle of urgency, is decoded and analyzed in order to be able to penetrate the substrate of such a specific criminal event. The situation is criminally relevant only if it is undoubtedly established that such a criminal event (traffic accident) contains all the features of a traffic crime, which logically follows from the knowledge that forensic as a science (in this case of a traffic crime) deals only with criminal investigations (in this case of traffic offenses). If during the investigation a specific traffic accident undoubtedly penetrates into the core of all (interrelated) facts and circumstances that determine the essence of a specific traffic crime recognizable according to its basic criminal characteristics, the heuristic mission of the criminal investigation will yield the desired fruit needed for the further course of the criminal procedure.

This shows that the focus of interest in traffic forensics, as an integral part of forensics, is the study of forensic characteristics of traffic accidents as a specific criminal event, which consists of the following elements: “the traffic situation at the time of the accident; the technical condition of the vehicles participating in the accident; the consequences of the criminal event; the mechanism of the accident: the personality and psychophysiological condition of the participants in the accident, the causes of the accident; the causal link between the violation of traffic safety rules (provided by the traffic laws and the relevant bylaws) and the consequences: circumstances and facts that speak of possible forms of guilt; the specific conditions and reasons that contributed to the occurrence of the traffic accident” (Vodinelic V., 2/89, 124-125).

In order to be able to get to the core of the accident, it is necessary to know the criminal significance of all the circumstances that contributed to its occurrence. And this is not possible if one does not go deep into all (interconnected) elements of its mechanism of occurrence (and eventual concealment). Because of this, it is of great scientific and practical importance to know that the study of the mechanism of the accident and the circumstances in which it occurred are imposed as key elements that direct the heuristic process of investigating traffic crimes possibly hidden in the arms of any accident. “Undoubtedly, the mechanism of the accident is influenced by a number of interconnected elements of the system: driver – car – road – close environment.” (Ishchenko EP, Egorov NN 2009, 614)

Forensic builds and develops models (algorithms, programs) for global and specialized dealing (proactively and reactively) with crime. Forensic methodology deals with dealing (proactively and reactively) with crime according to groups of certain types of crimes that have the same or similar forensic characteristics, by applying forensic-technical means, tactical ways and scientifically or practically based forensic methods that are most suitable for the needs of each individual specialized forensic science.

If we consider forensic methodology as a separate system, traffic forensics is a subsystem or a segment of that system of specialized forensics immanent to each individual group of crimes recognizable by their characteristics. There are as many specialized forensics as there are groups of crimes inherent in their characteristics. Each new incrimination that soars into the criminal sky inevitably causes the emergence and development of a model (“recipe”) of appropriate forensic methodology as specialized forensics to deal with such incriminations (of course, after a long-term investigation of all elements that are part of primarily their criminal phenomenology, but also the other criminalistic characteristics (criminal situation, traces and objects of the crime, profile of perpetrators and victims, etc.).

Traffic forensics is a forensic methodology that deals with theoretical and organizational issues related to the detection, proof, clarification and prevention of traffic crime as a separate grouping of types of crimes with the same or similar forensic characteristics.

The theory of traffic criminology aims to develop forensic scientific-theoretical models for successful proactive and reactive fight against traffic crimes arising from traffic accidents as specific criminal events, while studying the regularities in the emergence of criminal (information) characteristic and operational evidence for these types of crimes. Traffic accidents are a constant and inevitable companion of modern public transport. According to their etiological features, they are the result of numerous objective and subjective factors. Practice shows that the factors with a subjective sign are the most dominant.

The term **traffic criminology** means a system of forensic studies that studies the specifics in the application of the most appropriate forensic-technical means, tactical ways and scientifically or practically based methods for researching the regularities and peculiarities in the occurrence, detection, decipherment, evaluation and operational and evidentiary information contained in traffic accidents as specific criminal events that indicate the possible existence of traffic crimes and their manifestations of ways of execution directed against public traffic safety.

From an organizational point of view, traffic criminology studies the specifics of the models of criminal proceedings in the operational, investigative and judicial activity, in order to optimally, systematically organize detection, proving, clarifying and preventing traffic crimes, as well as dealing with such crime cases.

The creation of modern traffic forensics presupposes a long-term scientific-theoretical research of traffic accidents (as specific criminal events) by criminologists and other profiles of

scientists and professionals (primarily in the field of natural and technical sciences). This shows that in this direction it is necessary to apply a multidisciplinary approach.

### **The Subject of Traffic Criminology**

The object (specific object) of traffic forensic as specialized forensics is the traffic accident.

Traffic accident is a particular phenomenal form of obvious or concealed criminal event that indicates the possible existence of presumed criminal offense against the safety of public transport.

Traffic criminology (as one of the specialized methods for combating crime according to its specific types of crimes with its specifics) is a system of forensic and forensic-tactical knowledge that differentiated appropriate forensic-technical means, tactical and scientific methods and tactical methods and scientific methods applicable to elucidating the “enigma” of a traffic accident as a possible manifestation of a traffic crime, as well as to clarify the role and contribution of all participants who participated in the course of each specific traffic drama.

The available relevant forensic literature worldwide clearly shows that the authors of all linguistic fields treat accidents as an object of criminal methodics to deal with traffic offences: *proisshestvie*, *dorozhno-transport-proisshestvie*, *transport proisshestvie*, *aviacionnoe proisshestvie* (Russian); *auto production* (Bulgarian); *traffic accident* (English), *accident* (French); *verkehrsunfall*, *verkehrsunluck* (German) etc.

### **The Purpose of Traffic Forensics**

The subject of traffic forensics (traffic accident) is inextricably linked to its purpose. **The purpose** of traffic criminology is to study the structure of traffic accidents, i.e. detect, prove, clarify and prevent traffic crimes that it may contain, as well as detection and determination of a criminal sanction for the traffic delinquent.

The purpose of forensic science and practice is, by using constructed models, to detect, investigate and determine whether a criminal event – a traffic accident is also a crime against traffic safety. (Vodinelic V., *Ibid.*, 129).

Forensic science “studies traffic accidents in order to build methodological recommendations for optimal technique, tactics and working methods of operatives and public prosecutors, in order to discover and investigate facts of criminal significance if they exist or to determine that they do not exist (eliminatory function).” (*Ibid.*, 130)

The subject of forensic science (which relies primarily on revealing the regularities of a particular criminal event as a potential crime) practically paves the way for determining the subject and essence of traffic forensics as an integral part of the forensics. This approach allows the following two constituent elements to be included in the core of the subject of the criminal methodology for detecting, proving, clarifying and preventing crimes against public traffic safety:

1) Traffic criminology deals with the study of regularities related to the occurrence, finding, fixing, collection, evaluation and use of forensic (operational and evidence) information contained in a traffic accident (as a specific covert or overt criminal event), which according to its structure indicates the possible existence of a traffic crime;

2) Traffic criminology, based on the studied peculiarities of the regularities of the information process immanent for clarification of traffic accidents that indicate the possible existence of traffic crimes, finds, develops and upgrades modern forensic instrumentation as a system of criminological models and recommendations for general models and technical

recommendations and methodology of conducting operational and procedural actions, in order for organized and program-oriented detection, proving, clarifying and preventing traffic crime as a separate grouping of traffic crimes. In discovering and studying regularities in order to build an optimal criminal model for proactive and reactive fight against traffic crimes, traffic criminology also relies on knowledge gained by other sciences (especially natural and technical), which from its own angle (depending on their specific subject) of the study and application of their methods and procedures), also explore the nature and essence of traffic accidents as specific criminal events in reality.

## **Tasks of Traffic Forensics**

The nature and essence of traffic forensics as specialized forensics isto proactively and reactively deal with traffic accidents as possible traffic crime inherent to the special group of criminal acts against safety in public traffic (i.e. as an integral part of the global criminal procedure as a system of special methods that treat certain types of criminal acts with the same or similar criminal characteristics), and if we can recognize her relations and dialectical relationship with the other two elements (forensic tactics and criminal technique) from the three parts of forensics as an autonomous science, then it is inevitable to see that the tasks of traffic forensics are divided into the following two groups of tasks :

### **1) basic (main or general) task; 2) special tasks.**

(1) The **basic task** of traffic forensics as a specialized forensics (i.e. as a special criminological methodology) is to detect, prove, clarify and prevent traffic crimes. In other words, the basic task of traffic criminology is to deal (proactively and reactively) with traffic crimes and traffic delinquents , by applying forensic techniques , tactical ways and scientifically or practically based forensic methods that are most adequate for the needs of such specialized forensics.

(2) The basic task determines the special tasks of the traffic criminology which arise from it. The special tasks reflect the peculiarities in the development and upgrade of this type (and any other type) of criminal methodology, since they, based on the study of the criminal characteristics of each type of crime, model the direction of specialized criminal action on preventive and repressive plan.

The group of **special tasks** of traffic forensics includes the following tasks:

1) studying traffic accidents as specific criminal events (obvious or latent) that indicate the existence of a specific type of a traffic crime;

2) studying the mechanism of the manner of committing and concealing a certain type of traffic crime, as well as studying the other criminal characteristics (material and “ideal” traces of the crime; criminal situation; the personality of the traffic delinquent ; the profile of the injured);

3) determining and studying the regularities of the organization of criminal proceedings in the first operational intervention and in the later intervention in the cases when it comes to conducting operational and criminal case in the field of traffic crime. This task is a necessary precondition for creating, developing and upgrading an optimal model of traffic crime for a more effective proactive and reactive fight against traffic crime;

4) finding new, as well as elaborating and developing the already existing forensic technical means, tactical ways and scientifically or practically based forensic methods that are the most rational and optimal for detecting, proving, clarifying and preventing traffic crimes.

Some authors concretize the tasks of traffic forensics, viewed primarily from a heuristic perspective.

Thus, the Bulgarian criminologist Cekov believes that the tasks are most often related to: determining the character of the traffic crime; time and place; conditions in which the crime occurred – visibility, condition of the road and road signs, atmospheric conditions, etc.; technical condition of the car; technical reasons that led to the accident; circumstances that affect the degree and character of the criminal responsibility – professional qualifications of the driver, his/her health condition, whether he/she used alcohol, whether he/she provided timely assistance to the victim, etc.; what rules established by the Law on Roads and Streets have been violated and why; what reasons and conditions contributed to the commission of the crime; is there a causal link between the consequences and the traffic accident; what is the character and scale of the moral and material damage caused; who owns the damaged cars; who is the perpetrator and in what psycho-physical condition he/she was at the time of the accident, etc. (Cekov C., 2006, 485)

Some Russian criminologists consider that the basic tasks of traffic crime investigation are to determine: “1) immediate (technical) causes and all circumstances of the accident (technical characteristics of the damaged vehicle, nature of the damage, past or new defects, properties and quantity of the load, time and place of the accident, actions of the crew members, circumstances that contributed to the occurrence of severe consequences, etc.; 2) persons guilty of the accident; 3) number of victims (killed, injured), by compiling a list and taking initial statements; 4) caused material damage and characteristics of all damaged objects and mechanisms.” (Ashmarina EM et al. 1997, 694)

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