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New Security Challenges for the Western Balkans

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Editor's Note

Dear all,

The fourth issue of Analytical that is in front of you is devoted to security – a topic of undiminished importance not only in the volatile region of the Balkans, but all across the world, which is faced with a variety of new security challenges stemming from the changing nature of the international system, means of communication and commerce, migration patterns and shifting loyalties. Our aim for this issue of Analytical was to investigate how these new security challenges are affecting the Balkans and how Balkan states with their peculiar institutional and political legacies are coping with and managing these challenges. We are delighted to present you a selection of contributions which address the topic of this issue from a number of different perspectives and offer innovative views and analyses of the security problems and challenges in the Balkans.

In her paper, **Tanja Miloševska** investigates the threat that organized crime poses to the security of the Western Balkans states. She offers a comprehensive analysis of the different sectors of organized crime that are most threatening to the stability and wellbeing of the Western Balkans states and their populations as well as recommendations about how to improve the fight against organized crime on state and regional level through pro-active measures. An original and methodologically eclectic view of the security situation in the Western Balkans is offered by **Dorian Jano** and his formal modelling of the conflicts in the Balkans as Collective Action Problem and normatively evaluating the outcomes of three Balkan conflicts: Bosnia, Kosovo and Macedonia according to their potential for successful implementation. **Cristian Nitou** discussed the challenges that further enlargement of the European Union towards the Western Balkans poses for the normative power of Europe. He compares the ongoing enlargement in the Western Balkans to earlier EU enlargement rounds to East Central Europe drawing attention to the normative lessons learnt from earlier experiences. **Nastja Bratoš** in her paper examines the process of enlargement of the Western Balkans towards the EU as a solution of the security in the region. Besides the political and social challenges, she puts an accent on the financial and economic crisis and its impact on the economic stability of the countries of the Western Balkans. **Ivana Tomovska** takes another approach and looks at the challenges of the new concept of ‘human security’. Overviewing different theories, she examines the concept of ‘human security’ as a shift from the past ‘national security’ - narrow and militaristic concept of security, to a more individualists and ‘human security’ concept that also includes the aspect of human development.

Aleksandar Cekov looks closer at a controversial security issue all across the post-socialist world – reform of the security sector. He investigates the progress with police reform in Macedonia as part of the wider reforms process of integration with the European Union, identifying the problems, challenges and turning points in creating an efficient, transparent and accountable police service in Macedonia.

We hope you find our selection of papers relevant and engaging. Enjoy reading this issue of Analytical and do not hesitate to share your thoughts, comments and suggestions with us at: journal@analyticamk.org.

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THE ORGANISED CRIME AS A CONTEMPORARY NON-TRADITIONAL SECURITY THREAT AND CHALLENGE FOR THE WESTERN BALKANS

Tanja Milosevska

1. INTRODUCTION

This paper examines the dynamics and trends of organised crime as a security threat and challenge for the Western Balkans. This paper highlights the principal issues and concerns about non-traditional global security threats upon national security and regional stability. It reflects the widespread concern about the impact of three main sectors of organised crime activities-narcotic trade; illegal trafficking of small arms and light weapons and human trafficking are having on political and regional stability and economic vitality of the states in the Western Balkans.

Today's security challenges tend to be more disperse, less predictable, and more multidimensional than those of the Cold War era. In the past years, the security-policy milieu has changed from one dominated by the traditional threat of interstate war to one dominated by diffuse and (in most cases) non-military risks. Most of these challenges are not actually new at all, but since the end of the Cold War have just received more attention.

The primary challenge of analyzing contemporary non-traditional security threats is determining which ones are most critical to national and regional security.

As has become apparent by now, traditional security risks related to armed conflict in the Western Balkans have given rise to new, softer versions based on the spread of organised crime and governance failures caused by systemic corruption.

The problem of organised crime is further complicated by the fact that the most major criminals are often political and societal elites – powerful politicians, businesspeople, and unofficial power brokers. There is no economic motivation for organised crime to weaken, and thus it will continue to threaten the world order into 21st century. However, as the nature of crime changes and as new threats emerge, policies against crime will need to adjust.

Thus, being successful against the new challenges to the security and reforms in the Western Balkans is preconditioned on the leaving from the conventional state-oriented thinking.

Organised crime in the Western Balkans represents serious threat to peace, reconciliation, security, stability and sustainable development on individual, national, regional and international level.

Combating organised crime requires a pro-active thinking, which involves also the cooperation between the public and private sector. It is also necessary to develop a multidisciplinary approach to the phenomenon, a close cooperation between political decision factors, the executive institutions and legislative ones.

Responses to security threats considered in this sense should involve both state institutions and civil society. The promotion of security in such a globalized world depends on the willingness and ability of governments, citizens, corporations, and civil society organizations to contribute to the creation of a safe, equitable, and just global community. And the nature of these threats means that Republic of Macedonia cannot address them in isolation; threats to us are also threats to our neighbours.

2. ORGANISED CRIME AND SECURITY

The international security environment has gone through a period of major changes over the last twenty years, which makes the characterisation of the post-Cold War era difficult.

In this general context, Europe occupies a particular position. While Europe remains relatively safe and free of any major traditional threat, it is also becoming the object of some of the so-called new emerging threats, such as terrorism, organised crime, refugee flows, and environmental degradation.

This evolution raises the issue of its impact on the definition of security policies, which are supposed to tackle identified threats. In European security discourse, the non-traditional threats seem to have replaced the traditional threats emanating from states and articulated around the use of military force. For example, the 2003 *European Security Strategy* lists terrorism, WMD proliferation, failed states and organised crime as the key threats to European security, while only the threat of regional conflicts can be associated with traditional threats.

The growth of organised crime has emerged as a major security issue in the post-Cold War era. Ironically, an increasingly globalized economy that features international commerce, travel, and the movement of goods and services is also allowing the easy passage of illicit money, narcotics, illegal aliens, and nuclear material.¹

Be it in the tri-border area of Latin America, across the Western Balkans and former Soviet satellites, the ‘golden triangle’ of Fareast Asia or right in the heart of Western Europe and North America, the impact of criminal enterprise on core national security is real.

In general, organised crime syndicates operate for one primary purpose: the acquisition of money or other forms of material gain. To earn these illicit profits, they engage in a number of criminal enterprises including narcotics and arms trafficking, human smuggling, prostitution, credit card fraud, extortion, gambling, contract murders, etc. The combined global gain of illicit crime has been estimated by US and UN sources at between 1 and 1.5 trillion dollars per year, exceeding the gross domestic product of all but a handful of highly developed countries. The economic and societal costs arising from organised crime are also high, adding up, according to one estimate, to roughly 40 billion pounds per year². In some cases, particular gangs will specialize in a particular type of criminal enterprise. Nigerian gangs specialize in heroin trafficking, while Colombian syndicates focus on cocaine. Certain Taiwanese gangs, meanwhile, have perfected the art of smuggling people. Among the various transnational crimes, however, narcotics trafficking is arguably the most significant and pernicious, not only because of the huge profits that are gained, but because this

¹ Roy Godson and Phil Williams, "Strengthening Cooperation Against Transnational Crime," *Survival*, (Autumn 1998).

² http://press.homeoffice.gov.uk/press-releases/New_Uk-Wide_Organised_Crime_Agen?version=1

illegal activity almost always results in significant collateral violence and destruction of human health. Globally, a narcotic trafficking is considered to be the world's third largest economy.³ In virtually every part of the world, drug trafficking is on the increase, despite numerous campaigns at various levels designed to eradicate it.

Organised crime presents a real and protracted threat to the nation state. It can undermine political institutions in countries with nascent democratic governments and foster mistrust of legitimate governments. Russian organised crime, for instance, has infiltrated that nation's society so deeply that many people no longer trust the government to provide a minimum level of protection for individuals, hence the rise of a private security industry.⁴ Criminal activity can also cause widespread death and social destruction. In the United States, for example, more than 15,000 American citizens lose their lives annually because of the narcotics trade (including collateral violence and health impacts).⁵ Money laundering can threaten a nation's banking system and undermine confidence in the entire financial system.

As Williams indicates, "criminal organisations add turbulence to domestic politics, and challenge the normal functioning of government and law. They are also linked in complex ways to the growth of the black market."⁶ Many would dispute that these are the only threats to global security in the future, and indeed, there are many challenges to peace and security today that are both military and non-military in character, but that do not touch on either of the above. But even if criminal organisations and the new competitiveness of black markets are not the only threats to global security, they are certainly two of the most pervasive. This happens because of the far-reaching destabilising effects they create. There is, for example, no proportionality in the way these threats affect governments and societies: the environment in which these threats operate and where the greatest amount of damage can be caused, is that of transitional systems.

From the security point of view, these illegal organisations pose a direct challenge to the judiciary and law enforcement capacity of all states. Indirectly, they generate a corrupting influence, eroding the effective functioning and the integrity of state institutions. But, in states in transition, these indirect threats include stopping the establishment of a legitimate state apparatus, which is essential for responsible governance. According to Williams, transnational criminal organisations are "the HIV virus of the modern state, breaking down; the immune system, and allowing the spread of infection into law enforcement agencies and other state institutions."⁷

First and foremost, organised crime could threaten the sovereignty of a nation-state. In international politics, nation-states are separated by frontiers and borders, which not only divide territories but also mark out different political and legal systems, level of economic development and political cultures.

³ Diane Coyle, "Drugs Trade 'the third largest economy,'" *The Independent (London)*, 22 February 1999.

⁴ Mark Galeotti, "Boom Time for the Russian 'Protectors,'" *Jane's Intelligence Review*, (1997):339.

⁵ Barry R. McCaffrey, (Prepared Testimony Before the Senate Armed Services Committee, Office of National Drug Control Policy, Federal News Service, 27 April 1999).

⁶ Phil Williams, *Transnational Criminal Organisations*, (Society Under Siege), 11-41.

⁷ Phil Williams, *Transnational Criminal Organisations*, (Society Under Siege), 36.

Secondly, in extreme cases, organised crime poses a threat and subsequently challenges the political power of the state itself. For example, in order to maintain their illicit activities, some organised crime groups are willing to use force against the state and its law enforcement agencies, which clearly undermines the state political power and monopoly on the use of force.

In addition to violence, organised crime groups also engage in large-scale corruption and money laundering in order to sustain their illicit activities, which, again, could threaten and undermine the stability of their host and home states, which in turn could threaten the national security. Corruption among state officials and judicial members would certainly weaken the state politically, economically and socially and these would severely threaten the national security because it affects the efficient functioning of the society in that state. Thus, it can be seen that violence and corruption could undermine political stability and hence pose threats to national security.⁸

The inability to control the importation of arms, people and drugs into their territory would cause the state to lose much of its significance. These threats and challenges clearly undermine state sovereignty in terms of their absolute control over their territory and these can be considered as threats to national security.

Although there is inevitably a vast range of conflicting literature on the subject, there is general consensus that organised crime is able to grow most effectively and become a serious threat to the state and civil society when:

The state is weak and/or corrupt. The very agencies meant to control crime are unable to do so or else unwilling, and instead are happy to be paid off by the criminals or even working with them. The legal, political and economic systems fail to meet the needs of society, or at least a significant section of it. When as a result of the above, the state lacks popular legitimacy.

For all of these reasons, the context in which criminal organisations operate must ultimately be seen as a direct challenge to the capacity states have firstly to govern themselves, and secondly to participate in multinational governance initiatives. In short, the complexity of organised crime activities not only undermines national security but also the international state system.

3. CRIME MARKETS

A quick search through Google for “drugs”, “organised crime” and “Balkans” reveals that the “black economy” is firmly associated with the region. The explanatory assumption appears to be: gangs of criminals drive southeast Europe into crime; it is intrinsic, and linked to international trade routes for drugs and other criminal activities. This underlying assumption is shared even by official documents. It is normal, there is crime and lawbreakers must be punished. Only rare voices call for a systemic and sober non-legalistic approach.

⁸ Milosevska Tanja, “Corruption as an Obstacle to International Development: The Macedonian Case”, *International Trade and Finance Association*, no.13, Florida, (2007), Working Papers 2007,
<http://services.bepress.com/itfa/17th/art13>

Among them, Lord Ashdown recognizes the reasons: the Balkan region is “on Europe’s frontier, it is the corridor for crime and criminal products from Asia and the Caucasus”, it has weakened, fractured states and legal systems’, and “the black market n-crime stalks after war”.⁹

Another reasonable voice belongs to Mark Edmund Clark. He claims that:

“The operations of Balkans organised crime groups are nearly the same operations that one would see anywhere in the world. They provide goods and services in societies that the governments of those societies are unable to provide, may limit, or may restrict ... Balkan organised crime groups generally have functioned in complex networks that include: state security, intelligence, the military, political leaders, paramilitary groups, religious leaders, and business leaders in state-owned firms. They work in close cooperation to achieve mutual goals of increasing wealth and establishing greater influence in their states and sometimes other states within their region.”¹⁰

Bovenkerk highlighted the political, sociological, cultural and geographical factors, and observed that states with weak governments, remote, economically depressed regions or politically marginalized ethnic groups are often fertile grounds for organised crime groups to originate and flourish.¹¹

If the first phenomenon was of domestic origin, non-state criminality had a regional dimension. Interestingly enough, this ‘regional business’ was more focused on military equipment and arms trade. The dominant ethno-nationalistic agenda was used in order to create a better image for the arms business. Thus the rise of nationalism and outbreak of violent conflicts in the territory of former Yugoslavia provided a ‘golden opportunity’ for the Balkan mafia networks. The numerous ‘fronts’ could easily absorb the weapons and even asked for more. Paradoxically enough, at the expense of the nationalist fever and murderous politics of the leaders, the mafias could cooperate perfectly well without any nationalistic bias and with a lot of profit.¹²

Some have also emphasised the need to distinguish the organised crime groups of today from those which functioned during the Cold War era, stressing the need for conceptual distinction between the types of action which flourished under very different market conditions.¹³

Since the beginning of the 1990s, the Western Balkans has seen conflicts and political instability, poverty, weak democratic institutions, permeable borders and continues, in many countries, to see an abundance of corruption in state institutions and agencies such as the police, customs and the

⁹ Eugen, T.: *Balkans: Officials Pledge to Tackle the “Cancer” of Organized Crime*, in the Radio Free Europe/Radio Liberty, <http://www.rferl.org/features/2002/11/26112002165722.asp>? (accessed 26 November, 2002).

¹⁰ Clark, M, E, “Understanding Balkan Organized Crime: A Key to Success in Iraq?”, *Columbia International Affairs*, (2003), [http://www.ciao-net.org/special_section/iraq/papers/clm10/clm10.html?](http://www.ciao-net.org/special_section/iraq/papers/clm10/clm10.html)

¹¹ Bovenkerk, F, “Organized Crime and Ethnic Minorities: Is There a Link?”, *Transnational Organized Crime*, 4, (1998) 109-126.

¹² Vankovska Biljana, "The Impact of conflict and Corruption on Macedonia's Civil-Military Relations", in the Born Hans, ed, "Civil-military relations in Europe: Learning from crisis and institutional change", (Routledge, Taylor & Francis Group, UK, 2006).

¹³ Vadim Volkov, “Organised Violence, Market Building, and State-Formation in Post-Communist Russia”, in the Economic Crime in Russia, ed. A.V.Ledeneva and M.Kurkchiyan (Kluwer Law International: Britain, 2000), 43-61.

judiciary. The region has proved to be a fertile soil for organised criminal activities, especially, drug trafficking.¹⁴

Organised crime in Western Balkans takes many forms and involves a large variety of criminal activities. However, there are three crime markets which are common to and considered to be major threats in most Western Balkans countries:

3.1. Illegal trafficking of small arms and light weapons

The wars in former Yugoslavia left massive quantities of weapons and other military hardware – from small arms to plastic explosives and even light artillery – outside of effective government control. Before its violent breakdown, Yugoslavia maintained the fourth largest army in Europe, with the matching military industrial complex.

A development inextricably linked to organised crime that should be of particular concern to the EU is the rise in armed crime and the trafficking of small arms and light weapons throughout Europe. Trafficking in arms, drugs and people are typically inter-connected, as criminals utilise established routes to branch out into different illicit commodities.

“Although the influx of weapons into the European Union (EU) is not overwhelming, there is a regular trickle of small arms primarily from the Balkan region, as well as from Eastern Europe, which could increase as the EU and the Schengen Rim both expand to the east and south-east. The collapse of the Soviet Union, the end of the Warsaw Pact and the wars in former Yugoslavia has resulted in a relaxation of border controls and an excess supply of light weapons, some of which have found their way into Europe.”¹⁵

This new and favourable environment for the expansion and strengthening of organised crime groups was first established by the collapse of communist regimes, creating as it did internal power vacuums in these states to be filled by the nomenclature, increasing numbers of safe havens and ready availability of various types of resources (small arms and light weapons in particular).¹⁶

There are very clear connections between organised crime and illicit arms trafficking. Organised criminal groups act in accordance with the commercial rules of supply and demand that govern profit-making, and areas in which SALW are restricted or prohibited will be likely to be areas where there is conflict, thus presenting a prime business opportunity for organised crime groups.¹⁷

Although potentially extremely dangerous, arms trafficking are the least visible aspect of organised crime activity in the region. In essence, it unfolds on two levels: one is the trade of small arms,

¹⁴ Baghoyan, S, “Drug trafficking in South-East Europe”, United Nations Office on Drug and Crime (UNODC), Vienna, www.unodc.org.

¹⁵ Domitilla Sagramoso, “The proliferation of illegal small arms and light weapons in and around the European Union: instability, organised crime and terrorist groups”, *Saferworld & Centre for Defence Studies*, (2001): 1-2.

¹⁶ Ingeborg Schroeder, “Transnational Organised Crime. Illicit Trade and European Security”, in *Illicit Trade and Organised Crime - New Threats to Economic Security?*, EU DG for External Relations (Italy, 1998): 77.

¹⁷ ‘International Crime Threat Assessment’, December 2000, www.whitehouse.gov.

mostly handguns and assault rifles, aimed at the Western European markets (Italy and Holland are the most common markets).

In addition, in the past years, a large quantity of surplus weapons owned by the national armies of the Western Balkans was destroyed as a part of a US-sponsored program. The program specifically targeted shoulder-launched anti-aircraft and armour-piercing rockets, as well as other weapons which could be used for terrorist activities.

Still, vast quantities of weapons left over from the war are still owned by civilians or poorly guarded, and may easily find their way in to the hands of terrorists. Not nearly enough effort has been made, for example, to secure industrial and military-grade plastic explosives, which are manufactured in several factories throughout former Yugoslavia, and can easily be obtained at the black market.

Small arms and light weapons (SALW) are both a means of protecting the illegal activities of organised crime groups and a base of activity and source of income for groups engaged in the trafficking of illegal commodities. Illicit arms trafficking present a serious threat to security within and outside the Western Balkans.

3.2. Drug production and trafficking

Europe is probably the most profitable drug market globally. Not only the EU with 1 to 1.5 million drug users, but also some of the new EU members as well as other central and eastern European states are important drug consuming countries. Organised crime-related drug production and trafficking will remain a major threat in Europe, in particular with regard to amphetamine-type substances and heroin.

While all the varieties of illicit drugs, from home-grown cannabis to synthetic drugs are easily available in the Balkans, the heroin trade is the one that causes most concern. Because of its profitability and the human cost it inflicts through the destruction of lives of the most productive strata of the population (the average age of the heroin addict is 25), and the spread of AIDS.

Although heroin trade remains the largest and most malignant problem in the Western Balkans, other drugs are also present. The abuse of cocaine and amphetamine-type-stimulants (ATS), such as ecstasy, amphetamine, and methamphetamine, is on the rise, and cannabis is omnipresent.

Serbian, Macedonian, Kosovar and Albanian clans established a solid network reaching into all parts of the South Eastern Balkans. They created drug routes and formed ‘good’ relationship with local police officers, civil servants, businessmen, and former intelligence officers. Via the Balkan route, heroin travels through Turkey, Macedonia, Kosovo and Albania to the Western European markets. The estimated value of goods shipped might amount to 400 billion USD a year. Albanian drug dealers, for example, ship heroin from Asia’s Golden Crescent, frequently from Afghanistan. From there, the heroin passes through Iran to Turkey, where it is refined. From there, the heroin is taken by the Balkan/Albanian drugs dealers. According to the US State Department, four to six tones of heroin move through Turkey every month. The Albanian “Medellin connection” is particularly strong in Italy, where it operates with local mafia. Also Scandinavian countries claim

that Albanians control 80% of the heroin market there. Switzerland says 90% of its drug market is connected to Albanians and German law enforcement agencies claim that Albanians form the largest group involved in heroin trafficking.¹⁸

Illegal drugs and the violence associated with their trafficking, threaten to overload criminal justice systems, overwhelm health care systems, and even undermine democratic political systems.

All the signals from the past years indicate an expansion of the threat posed by narcotics trafficking.

Trafficking in drugs not only affected numerous lives, but, through links to terrorism and other organised criminal activities such as money laundering, corruption, arms and the illegal movement of nuclear, biological and chemical materials, threatened the security and stability of the international community.¹⁹

Drug production and trafficking is a problem that can be addressed only through coordinated actions undertaken at national, regional and international levels.

3.3. People as a commodity in the form of smuggling in persons and trafficking in human beings

Although human trafficking is an ancient phenomenon, it has been recognized as a serious problem by the West relatively recently, and even more recently in the Western Balkans, where it emerged during and after the Yugoslav wars, and quickly became rampant. The destruction of social fabric caused by the war, coupled with massive migrations, and the economic collapse, worked together to create fertile ground for dealers in human beings.

People are exploited as a commodity by organised crime primarily in the forms of trafficking in human beings and smuggling in persons, and both forms have serious human rights implications. The Western Balkans remains of particular importance with regard to trafficking. Violence and intimidation against victims are frequent; and corruption is reported to be widespread as a tool facilitating trafficking. It would seem that often, trafficking in human beings is treated as a question of illegal immigration, which means that victims are deported rather than provided with support and protection and that the organised crime background is ignored. Smuggling in persons and trafficking in human beings are likely to expand with negative impact on human rights, and they will continue to generate political controversies.²⁰

In the Western Balkans, this activity roughly falls into three sub-categories:

1. Trafficking of women, mostly for sexual exploitation;
2. trafficking of men, usually poor migrants, for illegal labour markets; and

¹⁸ The Center for Peace in the Balkans, Research Analysis, May 2000, www.balkanpeace.org.

¹⁹ Tanja Milosevska, "The international security dimension of narcotic trade", *Contemporary Macedonian defense* 13, (2006): 185.

²⁰ Council of Europe Octopus Programme Strasbourg, 6 September, 2004.

3. Trafficking of children, mostly Roma, and engaging them as beggars, thieves, and burglars.

All three categories were, and still are, present in the Western Balkans.

The main routes towards economically and socially well-off countries of Western Europe are the following: firstly, via Bosnia and Herzegovina, Croatia and partially Slovenia to Italy or Austria; secondly, from Moldova, Romania, Serbia and Montenegro to Albania, and across the Adriatic Sea into Italy; thirdly, from Romania, Bulgaria and Albania through Macedonia to Greece. In addition to this transnational dimension of human trafficking, internal trafficking from rural to urban areas is not decreasing and is even more difficult to be traced. In some cases corrupt local officials protect traffickers and thus ensure an unimpeded flow of women and children trafficked within the country.²¹

Only when the problem became so acute that it became obvious that it transcends its most common manifestations – prostitution, beggary, and illegal border-crossings—it became apparent that the urgent and coordinated action was necessary.

To be effective, anti-trafficking strategies must target both the supply side (the traffickers) and the demand side (owners, consumers or, in the case of trafficking for sexual exploitation, the sex buyers). On the supply side, the conditions that drive trafficking must be dealt with through efforts to: alert communities to the dangers of trafficking, improve and expand educational and economic opportunities for vulnerable groups, promote equal access to education, educate people regarding their legal rights, and create better and broader life opportunities.

Regarding traffickers, law enforcement must: vigorously prosecute traffickers and those who aid and abet them, fight public corruption which facilitates and profits from the trade, identify and interdict trafficking routes through better intelligence gathering and coordination, clarify legal definitions of trafficking and coordinate law enforcement responsibilities, and train personnel to identify and direct trafficking victims to appropriate care.

On the demand side, persons who exploit trafficked persons must be identified and prosecuted. Employers of forced labour and exploiters of victims trafficked for sexual exploitation must be named and appropriately punished. With regard to sex slavery, public awareness campaigns must be conducted in destination countries to make it harder for trafficking to be concealed or ignored. Victims must be rescued, rehabilitated, reintegrated into their families, or offered alternatives if unable to return to their home communities.²²

Local, state, national, and regional efforts to fight trafficking must be coordinated. By drawing public attention to the problem, governments can enlist the support of the public. Anti-trafficking strategies and programs developed with input from stakeholders (civil society and NGOs) are the most effective and more likely to succeed as they bring a comprehensive view to the problem.

²¹ Dejan Anastasijevic, “Organized Crime in the Western Balkans” (paper presented at the first annual conference on Human Security, Terrorism and Organized Crime in the Western Balkan Region, HUMSEC Project, Ljubljana, November 23-26, 2006).

²² Trafficking in persons report, Office to Monitor and Combat Trafficking in Persons, June 2006, <http://www.state.gov/g/tip/rls/tiprpt/2006/>.

Nations should cooperate more closely to deny traffickers legal sanctuary and to facilitate their extradition for prosecution. Such cooperation should also aim to facilitate the voluntary and humane repatriation of victims. Programs that protect witnesses should be encouraged.

4. CONCLUSION-WHAT CAN BE DONE ABOUT ORGANISED CRIME?

Organised crime is likely to remain priority concerns of European societies for the foreseeable future. However, as the nature of crime changes and as new threats emerge, policies against crime will need to adjust.

A few scholars believe that since a significant number of organised crime groups are utilizing various types of fluid network structures, combating them would benefit from a strategy that focuses on network analysis, in concrete terms as well as in cyberspace. Experts believe that in combating organised crime, there is a need for a number of strategies. These include: a greater political commitment by governments around the globe to recognize the pernicious and transnational nature of organised crime and to combat it; a great need for cooperation for mutual legal assistance and sharing information in the form of international agreements and treaties among states and within states among departments and levels of government, to develop and implement a multi-national and multi-disciplinary approach; a need for increasing public awareness regarding organised crime with a focus on reducing the demand for illegal products and services-to prevent corruption at all levels in the civil society and to enhance loyalty to the legitimate state governing system; the need for strategic, systematic and pro-active collection, analysis and sharing of intelligence, a need for pro-active development and application of the legal apparatus; and for “a systematic threat assessment of known organised crime groups through collecting information on their criminal activities, financial sophistication, violence potential, market/territory and ability to corrupt” as well as through network analysis techniques; and finally, a need for extensive training of law enforcement communities internationally about the complexity of organised crime and the tools for combating it.

Organised crime presents an immense security challenge to state integrity both internally and externally. Organised criminal groups trafficking narcotics, humans, or weapons pose an especially challenging threat to state integrity. Crime groups have dramatically expanded their reach through the globalisation process with greater access to advanced technology, international travel, communication and markets. Some organised crime groups maintain close ties to global terrorist groups, financing and supplying them with arms or helping with logistics.

It has become obvious that coordinated international action against Balkan organised crime is virtually impossible. It requires a multidimensional approach: first, in western Europe (except perhaps Spain, Scandinavia and the UK) the authorities should address both the demand for black services and products originated in the Balkans; second, the carrot and stick approach including EU accession for the countries of the Western Balkans should be employed; and third, there should be concerted international cooperation to support local national efforts to eliminate formal and informal structures linked to organised crime.

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ETHNIC CONFLICTS IN THE BALKANS AS A COLLECTIVE ACTION PROBLEM: *DO RATIONAL SOLUTIONS NEED NORMATIVE EVALUATIONS?*

Dorian Jano

“Any of the solutions to the Collective Action problem... could, in principle, solve the Collective Action problem. Which solution gets adopted is an empirical question.”

*Mark Irving Lichbach*²³

INTRODUCTION

In this article, urged by Lichbach above statement, I will try to empirically apply rational model choice of Collective Action problem to ethnic conflicts in the Balkans (1991-2001). Today many rational theoretical models have been proposed in trying to understand and explain the dynamics of inter-ethnic conflicts. Apart of the formal modelling of inter-ethnic conflict, a normative evaluation of rational solution(s) to the conflicts among ethnic groups is absent. This article poses the Balkan ethnic conflicts as a *collective action* problem. The different scenario in resolving these conflicts will be discussed and modelled in a rational choice explanation. Apart from formally modelling the solution(s) to inter-ethnic conflicts in the Balkans the importance of normative evaluations as well as the partiality of the solution to the peace agreements accords as an ex-post problem of implementation will be argued.

The complexity of intergroup conflicts and where to start with

Dealing with ethnic conflicts one needs to bear in mind the obscure complexity of the nature of intergroup conflicts since “intergroup conflicts are more complex than any other form of social interdependence”²⁴. So a three level analysis needs to be considered: the individuals, the groups (or teams), and the collective actions. The interdependence of these actions and the way how they reflect and influence each other is a very perplex web. The difficulty of an overall inclusive model rests on both, the analysis to be made *between* and *within* the groups (teams) and moreover on trying to map their interdependence and relation for the collective as a whole. Given such complexity the analysis of this article will be confine more in the *between* ethnic group problem of cooperation and less on the within group cooperation. Beside the theoretic complexity issue, other arguments, more practical, have been considered on justifying why these article will tackle only the *between* group collective problem. First of all, a vertical investigation of the inter-group cooperation dilemma can be also justified by ‘realistic’ observation where it have been evident (in the Balkan case, at least) that the within (ethnic) group cooperation seems to have function well. The actual

²³ Mark Irving Lichbach, *The Cooperators' Dilemma* (Ann Arbor Michigan: University of Michigan Press, 1996), 200.

²⁴ Gary Bornstein, “Intergroup Conflict: Individual, Group and Collective Interests”, *Personality and Social Psychology Review* 7 (2003): 141

social situation in the '90 in the Western Balkans showed that the vertical cooperation, that is, the within cooperation in any ethnic groups, was possible and often brought violent conflicts. While the most problematic, and in some cases still problematic, is the horizontal cooperation among ethnic groups. This inter-ethnic group cooperation rests still a potential threat for the stability of the entire region. Furthermore, even from an ethical point of view the vertical cooperation will result on a situation where mutual (or even one-sided) mobilization will be significantly dreadful for the entire collective situation bringing violent conflicts. If both ethnic groups, or even just one, are able to mobilize their members effectively, the end-result of the competition will be harmful (violent conflicts as the ethnic wars in Balkans have shown) for both sides. In contrast to the intragroup dilemmas where contribution is consistent with the collective welfare, in intergroup conflicts contribution is good for the group but bad for the larger society.²⁵ In rational terms, if defection in the vertical level (within group) precedes cooperation, this is still Pareto optimal for the collective as a whole since there will be peace and not violent conflicts.

ANALYZING TEAM-GAMES AND THEIR RATIONAL LOGIC CONSISTENCY

For all of the above reasons I do consider crucial to deal with ethnic conflicts at the horizontal level, as a Team-game. To put it into the Bornstein (2003) taxonomy of Games by Type of Players, my approach will be of type U-U game (unitary team-unitary team). Taken such an approach, the first and the most crucial question to be asked here is if considering teams as unitary player is consistent with the rational choice logic as we are consider groups (teams) and not the individual members of the groups as the units of analysis?²⁶ The literature on *social identity theory* legitimizes the rationality of analysis using groups as units of investigations by arguing that “the minimal group experiments stimulated the formation of *social identity theory*... where the basic premise of social identity theory is that individuals strive to achieve or maintain a satisfactory image about them and an important aspect of self-definition is group identification”²⁷. Can such individual actions guided by norms, values or reciprocity be rational *in se*? That is, does it presuppose that some sort of maximization of individual benefits or utility lies behind individuals’ choice? All the other “extra-rational motivations”²⁸, such as social norms, moral motivations, sense of participation and other reasons although can be count for the non-selfish behaviour of individuals they can still be rational following the Lichbach criteria for logical consistency. That is, their actions (deeds); 1) are intentional behaviours²⁹ (intentionally joining the group) since individuals demonstrate locally (ethnic positive) altruistic preferences regarding their ethnic group and; 2) are rational³⁰, since

²⁵ Gary Bornstein, “The Free Rider Problem in Intergroup Conflicts over Step-level and Continuous Public Goods”, *Journal of Personality and Social Psychology* 62 (1992): 599.

²⁶ Although groups involved in conflict are in a certain sense rational still, this approach has nothing to do with *rational methodological individualism*, as it considers the groups as the units of analysis and not the individual members of the groups.

²⁷ Károly Takács, “Modeling Inter-Group Conflict as Strategic Interactions”, *Review of Sociology* 9 (2003): 4.

²⁸ Eirik Mikkelsen, “Rationality and collective decisions and actions”, (paper til kurset Vitenskapsteori med etikk - SVF-8000, Institutt for økonomi, UiT. 2005), 20

²⁹ Intentional action means that actors assess their situation in term of their own desires and beliefs. Mark Irving Lichbach, “Rethinking Rationality and Rebellion: Theories of Collective Action and Problems of Collective Dissent”, *Rationality and Society* 6 (1994): 27.

³⁰ Rational action at this level thus simply means consistency in desires and beliefs. Lichbach, “Rethinking Rationality and Rebellion...”, 28

joining in group they intent to maximize also their individual benefits. So, ethnic groups are considered as effective coalitions that are formed to extract material benefits from others or to defend possessions.³¹ Furthermore, in its analysis and models Bornstein admits the existence of both, the individual rationality as well as that of collective rationality considered at two levels; the first level involves group rationality, whereas the second involves the interest of the “superordinate” group consisting of all members of the groups.³² Another reason favouring the “unitary” approach is the “discontinuity effect”, meaning that interaction between two unitary groups is dramatically more competitive than interaction between two individuals³³.

That is why ethnic groups (groups of individuals that make a joint, single decision) will be consider as ‘acting unitary’ and this will be analogous to the behaviour of individual players. Bornstein argues that: “Rational choice theory does not distinguish between groups and individuals as decision makers; as long as it can be assumed that the members of a group can make a binding agreement concerning a collective strategy (and can thus be considered a unitary player)”³⁴.

RATIONAL MODELLING OF THE BALKANS’ ETHNIC CONFLICT SOLUTION

The prisoner’s dilemma (PD) is a classic type of game that includes the fundamental features of collective action problems, where free-riding (or not cooperating) is always better for the player. This is, because the PD has defection as strictly dominating strategy: meaning that the strategy to free-ride (defect) gives a higher payoff, regardless of what other players do. The costs for signing the agreement was bigger than the benefits ($c > b$) and as a result negative payoffs ($b - c < 0$). Presenting the ethnic conflict in the formal equivalent of a 2x2 persons Prisoner’s Dilemma, - in which each ethnic group (player) must choose between a) competing (defection) against each other for different reason (such reasons may be territory, political power, status, ethnic pride) or b) cooperating with the other ethnic group to produce a jointly preferable outcome (that is peace), - makes the first strategy (competing against each other) the dominant strategy of both ethnic groups. That is, no-one will contribute toward a settlement for peace. So, how this collective action problem can be resolve? Putting it other way, how a peace agreement could be achieved knowing that none of the actors would dare to contribute toward such an agreement?

Imposing Peace Agreements - The third actor...

In his book Lichbach (1996) will argue, beside many other approaches, that the mutual cooperation can be achieved by signing what he calls “binding agreements”. Such a mutual cooperation can be achieved only when it is imposed by a third party since “potential contributors are very willing to have binging agreements imposed on them”³⁵. The model proposes by Lichbach³⁶ solves formally

³¹ Károly Takács, “Modeling Inter-Group Conflict...”, 5

³² Bornstein, “The Free Rider Problem in Intergroup...”, 599

³³ For more on discontinuity effect see John Schopler and Chester Insko, “The discontinuity effect in interpersonal and intergroup relations: Generality and mediation,” in *European review of social psychology*, Stroebe and Hewstone Eds., (Chichester, England: Wiley, 1992), 121–151.

³⁴ Bornstein, “Intergroup Conflict: Individual...”, 142.

³⁵ Lichbach, *The Cooperators’ Dilemma*, 191

³⁶ For a formal argumentation of this see exhibit on Lichbach, *The Cooperators’ Dilemma*, 190.

the cooperation problem since the conditions under which the “binding agreement” is a NASH equilibrium are at the same time Pareto optimal solution.

Considering these analyses it can be formally explained why ethnic groups have signed the peace agreements. The Dayton Peace Agreement on November 21, 1995 for Bosnia and Herzegovina³⁷; Interim Agreement for Peace and Self-Government in Kosovo, signed in Rambouillet on February 23, 1999³⁸; and the Ohrid Agreement on August 13, 2001 for Macedonia³⁹. In all the three cases it was the international community (third player) that imposes the peace agreements. Although these agreements were achieved it needs to be mentioned that different scenarios were presented in the three cases.

... and the different scenario

Even though all the cases can be modelled in one single game, in practice they did not happen under the same conditions. Even though in the final stage of signing the agreement the payoffs (benefits – costs > 0) were positive, the strategies to achieve it were very different.

The principle strategy used in settling peace, both in the case of BiH and Kosovo, was the so-called “take it or leave it” strategy, where the third party withdrawal increases the parties’ fear of continuing war, in formal language, leaving the status quo NASH equilibrium (Defect, Defect) of the PD. In the 1995 Dayton peace Conference for Bosnia it was only after the Secretary of State, Warren Christopher, told the delegations on the 20th day that he would announce the conference failure, that the parties finally resolve their remaining differences,⁴⁰ signing the agreement and successfully ending war in Bosnia. Holbrooke will describe it as “the Big Bang Approach to negotiations, where you lock everyone up till they reach an agreement”⁴¹. The same strategy was used in the Rambouillet (February and March 1999) negotiations, where US strategy seems to replicate Dayton by threatening the two parties: on the one part by threatening Serbia through using NATO bombing and on the other part by threatening the KLA (Kosovo Liberation Army) by undermining their international legitimacy in case they refuse to sign the agreement. The strategy of the third party in both cases was what Regan has argued to be the key to any intervention; that is “to make it costly for the combatants to continue fighting”⁴². For example “NATO and United Nations Protection Force Operation in Bosnia (UNPROFOR) did create the incentives for the Serbs to sign the Dayton Peace Accord by making it costly for the Serbs to persist in rejecting demands”⁴³. The

³⁷ For more see: <<http://www.state.gov/www/regions/eur/bosnia/dayton.html>>

³⁸ For more see: <<http://jurist.law.pitt.edu/ramb.htm>>

³⁹ For more see: <http://en.wikipedia.org/wiki/Ohrid_Agreement>

⁴⁰ William Zartman and Saadia Touval, “International Mediation in the Post-Cold War Era”, in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Pamela Aall, Chester A. Crocker, Fen Osler Hampson (Washington DC: United States Institute of Peace Press, 2001), 437

⁴¹ Cited from Peter Wallensteen *Understanding Conflict Resolution: War, Peace and the Global System* (London: Sage Publications, 2002), 284.

⁴² Cited from David Rowlands and Dane Carment “Three’s Company: Evaluating Third-party Intervention in Intrastate Conflict”, *The Journal of Conflict Resolution* 42 (1998): 575.

⁴³ Rowlands and Carment. “Three’s Company...”, 575.

same applies also for Kosovo case where the NATO bombing did it costly for the Serbian government bringing Milosevic to sign the peace agreement in June 1999.⁴⁴

As a result of such strategies their payoffs (b-c) of signing the agreement were changed by changing the costs. By comparative static if we decrease the cost of signing the agreement (increase the cost of not signing the agreement through punishment) the chances of cooperation increases.

A very different approach was taken on Macedonian crises where from the very early signs of violence observed in 2001 direct measures were taken by the international community (third party) aiming to change the payoffs of the two ethnic groups by giving them rewards instead of making it costly to fight. Instead of increasing the cost of defection they increased the benefits of cooperation through incentives. The strongest incentive that the EU used, to pressure the two parties in conflict for concluding a political deal (cooperating), was the looming signature of the Stabilization and Association Agreement (SAA) between EU and Macedonia.⁴⁵ The inducement of such an incentive (the probable candidacy for a future enlargement to EU) created the background for an open, inclusive ‘space’ of all the parties in conflict to cooperate, increasing so the benefits they would get if signing the peace agreement. Such increase in benefits (as result of adding the Incentive) were enough to overcome the cost (giving up of their ethnic claims) of signing the agreements. The EU strategy, in other words, was the best respond to the old problem of (ethnic-) cooperation in the Balkan region, since ‘collective’ rather than ‘ethno-national’ interests were being promoted.

The strategy in the case of Macedonia changed the payoffs (b-c) of signing the agreement by changing the benefits. By comparative static if we increase the benefits of signing the agreement, through rewards, we also increase the chances of cooperation.

NORMATIVE EVALUATION OF THE TWO SCENARIOS AND POSSIBLE PROBLEMS

In Kosovo and in Bosnia the third party aimed to change the *costs* of the game while in the case of Macedonia priority was given to *benefits*. Any of these changes reflected on overall payoffs of the game. Both of the two scenarios can be modelled as Selective Incentives solutions to the cooperation problem that ethnic groups in the Balkan were facing. In the case of Bosnia and of Kosovo “punishment” were the incentives while in the Macedonian case “rewards” were used as incentives. “Olson and most others writing in the collective action tradition make no distinction between positive and negative incentives, within their framework of rational decision-making there is no difference between them for the recipient of the incentive”⁴⁶.

But was there any difference and if yes where these difference between the two scenarios rests and how can we interpret that?

⁴⁴ Note: on the chronology of the events please refer to “Focus on Kosovo: A timeline of tensions” <<http://www.cnn.com/SPECIALS/1998/10/kosovo/timeline/>> (accessed 23 April 2007)

⁴⁵ Claire Piana, “The EU’s Decision-Making Process in the Common Foreign and Security Policy: The Case of the Former Yugoslav Republic of Macedonia”, *European Foreign Affairs Review* 7 (2002): 212

⁴⁶ Pamela Oliver, “Rewards and Punishments as Selective Incentives: An Apex Game”, *The Journal of Conflict Resolution* 28 (1984): 124

Although the solution in Macedonian case is same rational as the solutions in Bosnia and in Kosovo still the incentives offered in resolving the Balkan conflicts have a qualitative difference which portrays different goods to insiders (individuals) of the ethnic groups.

First of all, from an ethical point of view the Macedonian case was more successful than that of Bosnia or Kosovo since it overcome the deadly conflicts saving peoples lives. Secondly, the punishment in the case of Bosnia and in the case of Kosovo promoted by a strategy of “take it or leaved” resembled peace as a step-level good, that is, you rather have it all or nothing. In the contrary in the case of Macedonia the strategy of further integration in EU portray cooperation as a continuous good where both groups will benefit from it. Framing cooperation as a good for all has clear advantages from the perspective of both groups as it makes rational for all members, independently of which group they belong, to contribute in achieving peace. Thirdly, the reward strategy in the case of Macedonia makes it more successful than the punishment strategy used both in Bosnian or in Kosovo case in terms of promptness and deepness of the between ethnic group cooperation. The reward strategy has a longer term vision of conflict resolution.

Implementation as an Ex-post Problem

Lichbach evaluating the third party imposition to agreements and followers respond to rewards/punishment (incentives) admit that they as solutions to collective action problems “are very much in the rational-choice tradition and... are quite compatible with the pecuniary self-interest core of rational-actor theorizing”⁴⁷. The introducing of a third party to solve collective problem of cooperation, the settlement of peace agreement, among the ethnic groups is particularly important since it breaks the conflict path-dependency and more it resolve the derived problems of who provides incentives. But is that all?

The acceptance of the agreement does not imply ex-post adherence to the agreements. Since parties were forced to sign the agreement, the collective action problem do not ends there. The next collective action problem may reappear if the commitment to peace (intra-group cooperation) of both groups is shallow. The caution here is that without the “real consensus” of parties involved in the conflict any kind of solutions *imposed*, as good as it may be, is in danger of being rejected with the first possibility the parties will have. Think here, of the last Anna Plan for a unified Cyprus which were rejected by Greek-Cypriot referendum although both parties had initially agreed under the UN pressure or the difficulties in implementing the agreements in Bosnia. As Lichbach also notices, the paradox here is that although “people voluntary agree to be forced to make a choice that they would not voluntary make, they still try to cheat on the agreement”⁴⁸.

CONCLUSION

Lichbach (1995) already has pointed out that “the major difficulty with every solution to the Cooperator’s Dilemma is that each presupposes the existence of at least one other solution. For this reason all solutions to the Cooperator’s Dilemma are, in other words, fundamentally incomplete”⁴⁹.

⁴⁷ Lichbach, *The Cooperators’ Dilemma*, 195.

⁴⁸ Ibid. , 191

⁴⁹ Mark Irving Lichbach, *The Rebel’s Dilemma* (Ann Arbor Michigan: University of Michigan Press, 1995), ix

The approach I took to map the collective action problem of inter-ethnic group cooperation in the Balkans relied on more than one model. The *Binding Contracts* model combined with that of selective incentives was evaluated to better represent the “real” situation of how the collective action problems between the ethnic-groups in the Balkan was “solved”. Whereas the difference among the Macedonian case and that of Bosnia and Kosovo, more than mapping the situation had normative conclusions evaluating what solutions are bests for dealing with interethnic conflicts. As it has been argued in this article the strategies of the third party as well as the types of incentives (punishment/ rewards), although not explicit, they play a role on shaping the type of “public good” offered. The question over step-level or continuous public goods remains fundamental to the (real) solution in inter-ethnic group conflicts as well as it have policy implications. Framing the game as a zero sum thinking “take it or leave it” may tiger the in-group contribution but not the inter-group cooperation, which is needed for peace. By facilitating cooperation among the groups through rewards instead of punishments we present peace as a continuous public good and have a better chance to succeed because all individuals (independently of which group they belong) have temptations of selfishness on their side.

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**NORMATIVE ASPECTS OF EU POLICY TOWARDS THE WESTERN BALKANS:
LESSONS FROM THE CENTRAL AND EASTERN EUROPEAN INTEGRATION⁵⁰**

Cristian Nițoiu

* * *

The enlargement of the EU and NATO towards Central and Eastern Europe has been a much debated subject in international relations. Lately, two novel European integration approaches have been developed. First of all, liberal intergovernmentalism (Moravscik, 1998) shows that the expansion to the East can be best understood in terms of liberal values and norms. In this sense the practice of the Western community in shaping the attitudes of the opponents of enlargement is very important. Furthermore, geopolitical or ideological interests seem to have been decisive in some cases, particularly, as liberal intergovernmentalism predicts, where governments lack intense economic interest. Secondly, a neo-Gramscian analysis (Bieler, 2002) of the enlargements towards Central and Eastern Europe against the background of globalization clearly identifies the neo-liberal restructuring of the new members' and applicant countries' economic-political system as the underlying social purpose of enlargement. Thus, the decision-making processes in the EU, influenced by its internal distribution of power and the social forces of the states from Southeast Europe have to be taken into account when discussing their integration bids. But none of those perspectives has analyzed if the EU expansion was influenced by the way the Union acts as an international actor. Moreover, what challenges to normative power did the last enlargement entail, what are the new normative challenges in the Western Balkans, and what normative lessons can be drawn up from the integration of Central and Eastern Europe? These are some question I will try to answer in this paper.

The problems associated with the integration of the post-communist states from this Central and Eastern Europe have been explained by political scientist with a myriad of compelling arguments, but most of them haven't assessed the normative character of EU expansion. My goal is to identify the most effective explanations and solutions related to the normative issues of the last EU and NATO enlargement, and apply them to the process of European and Euro Atlantic integration in Southeast Europe. First, I will develop the background of the debate around the role of the European Union as an international actor, putting emphasis on the *Normative Power Europe* concept. Then I will turn to analyze the normative aspects of European enlargement and the challenges that it had in Central and Eastern Europe. My paper will argue that the normative setting in the Western Balkans is different than the one in Central and Eastern Europe, making domestic compliance costs to differ. Unlike in Central and Eastern Europe, the EU lacks legitimacy in the

⁵⁰ An earlier draft of this paper was set to be presented at the 6th EuPRA Congress of European Peace Research Association.

Balkans, which ultimately creates a normative political vacuum that is filled by domestic elites through non-compliance.

Over the last years there has been considerable debate over the role of the European Union as a global actor. Since 2002, when Ian Manners developed the term of normative power to describe the EU's foreign relations, the Union has come to be perceived as a normative actor that seeks ethic gains. Until now he has refurnished his theory several times, concluding that even though the EU is developing a more and more militarized appetite, this does not alleviate its status of *normative power*.

On the other hand, realists have criticized the liberal-idealist notions of the EU as a *normative* or *civilian* power. They consider that the realist perspective can shed light on the Union's foreign and security policy. In contrast with the *normative power* conceptualization, the realist view puts emphasis on the structural determinants behind the shaping of the EU's foreign and security policy.

The history of the debate around the role of the European Union as an international actor is not at all new. Duchene (1972, 1973) first introduced the idea of the European Union as a *civilian power* which is bent not on using military means, but by only promoting its norms through civilian means. In contrast, ten years later, in the context of the return to power politics, Hedley Bull, a representative of the English school, underscored that the EU cannot be perceived as being a regular international actor, and if it were, it behaves like a realist power. More recently the debate has shifted focus from the material side to a more ontological view of the EU. Thus, the EU became a to be perceived as a *transformative power* that had only weak influence in certain areas, but as a hole had the power of shaping norms in the same way a cosmopolitan power behaves (Leonard, 2005). The counterargument to this perspective was that the EU is actually imposing its own norms, though not in the same way that ancient empires, but by the power of its *example* (Zielonka, 2008). The main debate about EU normative power spawned from Manners (2002) seminal article. According to Manners normative power can be at times reinforced by military means, but the main idea of his argument is that power politics has no normative ends. European power becomes now the direct result of EU normative leadership and persuasion, excluding even power politics based on economic mechanisms (Manners, 2006a; 2006b). Additionally, in its relations with the world, the European Union projects itself as a *force for good* (Diez, 2007: 5). This kind of self-description is based on the fact that the EU chooses to accept the internationalization of its norms through the logic of appropriateness (Sjursen and Smith, 2004). Thus, derives "one of Manners' short hand definitions for normative power, that it is the ability to shape discourses" (Forsberg: 2009: 17). Adrian Hyde-Price offered a structural realist critique to the *Normative Power Europe* concept, arguing that in its international relations the EU must be viewed as a rational actor bent on interest maximizing (Hyde-Price, 2006, 2008).

Recent developments in the EU's neighborhood - the *Five Day War*, EU's divided stand towards energy security - have confirmed the prediction of the realist approach to international relations that the European Union is meant to perform as a normal interest maximizing power. Second track issues (promotion of democracy and human rights, etc.) are followed only when they produce both relative and absolute gains or are not costly for the interest of the European Union or for the broad national interests of the most important member states. Although the realist model entails a couple

of difficulties it has proved to be quite accurate, showing that when first-rate interests are at stake – maintaining good economic and political relations with Russia – Europe returns to the nineteenth century political philosophy of national interest.

Nonetheless, there are a few theoretical and practical shortcomings to such an approach. First, the European Union has implemented, post-war, human rights policies in Georgia, and managed to conciliate Russia's interest in the region. It is hard to calculate the exact costs of the EU involvement in conflict mediation and its post-war presence in Georgia. It could be argued that, actually the *Five Day war* established the European Union as an important actor in the international system. Russia proved more willing to recognize this status than the United States was since the first talks of European autonomous capabilities. Second, at methodological level, limiting the behavior of the European Union to security and interest maximization would not account for all the facets of its attitude. Member states and their leaderships might have assumed a central role in directing the EU foreign policy.

The predominant academic perspective of the last years about the EU's role as a global actor has regarded it as if it were a *normative power*. This idea resides not from what the European Union says or does, but from what it is. If this statement were to be valid, choosing economic interest instead of second rate issues, could not transform the *normativeness* of the EU, because it is strictly an exogenous result of the Union's structure and history. In this sense, Manners (2006a) identified six primary symbolic means in which the European Union promotes its norms: contagion (EU as a source of attraction for third parties), informational (declarations, demarches), procedural (institutionalized relationships), transference (trade norms, political conditionality), overt diffusion (EC delegations) and cultural filter (political learning).

Through the enlargement process the European Union can promote its norms giving them at the same time both efficiency and credibility. Actually, granting membership to the most developed countries in its neighborhood might be the best tool for the EU to act as normative power. However, this issue is not as clear as most literature might suggest. There have been many failures regarding normative power when the prospect of full membership was not put on the table – the southern neighbors (Tovias and Ugur, 2004; Bicchi, 2006), Russia (Haukkala, 2008) and Ukraine (Wolczuk, 2004). The normative aspect of political compliance was achieved only in the cases where the golden carrot of full membership was brought into the discussion. Moreover drawing on the recent development in the Caucasus, Johansson-Nogués (2007: 187) believes that, although the community's normative expectations are very high, the European Union is at least in its Eastern Neighborhood nothing more than “*normal*⁵¹ political force”.

Not all scholars believe that imposing and overtly promoting the normative coordinate of EU expansion is the best thing. Supporting imaginative objectives, like the prospect of membership, might be dangerous because it shifts the focus on to an altruistic European Union, which is thus forced to act as a “force for goodness in international society” (Sjursen 2006a, 2006b; Tocci, Natalie et al, 2008 185 31 2). Moreover, the European Union's not that normative and rather ambiguous response to the *Five Day war* of last year has shown, as Youngs (2004) underlined, that

⁵¹ Emphasis added.

normative power projection can suffer many setbacks when public goods are stressed by tension dividing them into common and private goods.

In the last decade scholars have been studying the effects of the European Union's normative power. The hard case of the *normative Europe* concept was considered to be the accession of the former communist countries from the Central and Eastern Europe. Significant domestic changes were introduced by the consequences of EU's *transformative power* (Grabbe, 2006) in the period coming up to the accession. Most of the European integration and Europeanization literature has focused on the domestic changes either economic (Bardi et al., 2002), social, or institutional (De Witte, 2002), and the reasons behind compliance with the European Union's demands (Schimmelfennig & Sedelmeier, 2004; Grabbe, 2006; Sjursen 2002).

Schimmelfenning (2003) has identified the factors that influenced the last European expansion, such as: precision, legitimacy, credibility, influence and identification. Three of them are of a profound normative character: legitimacy, influence and identification. The biggest problems arose in the other two areas: precision and credibility. In the Central and East European case, the lack of precision in criteria setting was balanced by the concrete demands concerning the legal behavior of the states, of all those made official reports of the Commission (Bardi et al., 2002). Although credibility is an intrinsic aspect of EU conditionality it can not fully explain the compliance of the newly acceding states. Moreover, compliance cannot function without credibility, thus making the latter a main coordinate of EU political conditionality (Sjursen, 2002). In some cases states did not comprehend correctly the conditions set up by the European Union, but ultimately this did not damage the credibility of the demands and their outcomes. On the other hand, Schimmelfenning (2003) underscored that in some situations that resonate with the national interest of the candidate states, the EU cannot credibly threaten them with withdrawing political aid or the prospect of membership. Normative aspects of the last enlargement resided in the high degree of identification with European norms, especially present in political elites. Being a part of Europe was the main goal of foreign policy of these post communist states. When Western Balkan leaders oppose EU conditionality for reasons that transcend state security and sovereignty, they put in doubt the normative setting of EU foreign policy and reject its external authority (Noutcheva, 2007:2).

Noutcheva (2007) argues that the Western Balkan preference for domestic sources of legitimacy has been the main consequence of lack of normative justification when it comes to EU policies. Most of the EU conditionality (Grabbe, 2001) has implied relinquishing parts of state sovereignty which a very sensitive subject in the Balkans. This has led to the insertion of domestic actors in this political hole created by those EU policies that are viewed by the population as lacking legitimacy. Under these circumstances it is very hard to uphold European norms in the way that decision-makers from Central and Eastern Europe used the EU's transformative power. Here, non-compliance with EU conditionality had its root more in economic and interest driven action of the various actors in the state, without any emphasis on normative ends or their legitimacy.

In both cases - the Western Balkan one, and the Central and Eastern European one, the adoption costs imposed by the EU conditionality were often associated with strong domestic opposition towards the effects of new rules on economic restructuring. Generally, the adoption costs are higher when the EU conditionality acts in fields related to state security and integrity

(Schimefelning, 2003). In this sense, the most sensitive normative issues that had to be dealt during the last enlargement were those in the field of human rights and minority protection. Such policies often were opposing the securitization rhetoric and actions of the state, turning the tide against the popular mindset of most post communist states men. While old EU member states have managed to desecuritize migration policies (Jutila, 2006), desecuritization of minority rights have raised the most important normative setbacks in multiethnic Central and East European countries (Roe, 2006). Fortunately, economic cost-benefit calculations have determined these states to accept EU normative power in the fields of human right and minority protection, and its conditionality.

What normative lessons can be exported from the last EU enlargement to the Western Balkans case? As I have underscored the normative setting is relatively different in the two cases. As the main drive for compliance in Central and Eastern Europe were the political elites, EU policies were imposed on the populations with few difficulties. EU compliance eventually came to be a tool of the domestic elites who used it to legitimate even the policies that had no relation with the EU. Thus the *Brussels told us* (Rachman, 2006) paradigm served two purposes: legitimating all policies that seemed to be European oriented and facilitating the support of local elites for EU conditionality. At the same time, domestic political elites in the Western Balkans filled up the normative void left by the European Union and eventually short circuited its legitimacy. To first answer the discrepancy between the two normative backgrounds would have to look at the factors that influenced EU policies in the two regions. Academic debate has spawned a couple of explanation concerning these issues. According to Sjursen (2002), “ethical-political reasons which testify to a sense of kinship-based duty” were the driving forces behind the move eastwards and have a significant impact on the Western Balkans accession. At the same time, primary interests like security (Stoian, 2007) and economic ones might be the main factors shaping the EU policies in the region Vachudova (2005). Schimmelfining (2004 and others) holds that a more complex web of factors must be conceived in order to account for the EU’s enlargement policy. Aspects of EU conditionality like precision, credibility, or influence might overwhelm rational explanations.

For Sjursen and Smith (2004), EU expansion policy can gain legitimacy through three paths, or *logics*: of appropriateness, of consequences, and of moral justification. Applied to the case of Central and Eastern Europe and to the one of the Western Balkans these logics confer different perceptions of EU expansion policy. The moral justification perspective refers to the universality of some norms of fairness, justice and equality that could ultimately yield external credibility. The logic of consequence refers to a rational choice based cost-benefit calculation that can provide the most efficient outcomes. This first two have had sensibly the same degree of influence *vis-à-vis* the two expansion processes, with an emphasis on the former for the economic and security interests that translated into the Commission’s demands regarding minority rights. The appropriateness approach rests on normative arguments that seek to identify the basic values to legitimize external actions. The insertion of the Western Balkans domestic elites in the legitimacy void left by weak EU normative policy and stand explains why this last approach comports significantly different results in this case. On the other hand, contesting EU legitimacy might in the long run prove useful for the Commission as these elites cannot use the *Brussels told us* paradigm like their Central and Eastern European counterparts did. Moreover,

it offers politicians in the candidate countries the political cover under which they can make the at times difficult and even painful domestic reforms while claiming that the steps are necessary, as indeed they often are, in order to be able to enjoy the fruits of European integration in full (Haukkala, 2008:6).

If we were to take national interest and preferences and collective identifications as the most important element in distinguishing the degree to which Europeanization and European normative ends are efficient, we would have to agree that:

Federal states with respective constitutional traditions change their collective understandings more easily to include Europe and orientations toward supranationalism than unitary and centralized states (Grabbe, 2001: 1020).

Considering their federal heritage, tough it ended in bloodshed, the Western Balkan states are more prone to accept supranationality and EU normative power than the Central and Eastern European states. But, the normative lack of compliance of the political élites from countries like Serbia or Bosnia and Herzegovina seems to nullify the assertion that relates a federalist history with accepting EU normative compliance. What remains is to distinguish the degree to which the population of Western Balkans identified with the European values and norms and how does the federal memory influence it.

CONCLUSIONS

The European Union's policy towards the Balkans is different than the one applied towards their Central and Eastern counterparts. I have argued that while the countries that were the last to gain EU membership always had the golden carrot of enlargement, Western Balkan states are receiving a confusing rhetoric from Brussels. The EU policy towards this region has balanced between imposing strict conditionality and the ambition of those states to be a part of the European Union. Moreover, at times the Balkans were considered no more than a neighborhood in which the EU must prove its normative power. This kind of behavior from Brussels in the end created a vacuum of normative power and legitimacy, giving way to non-compliance to the local elites who most of the times are not representative for the ethnic mosaic in the region.

The new political elites of the 1990s in the Western Balkans were deprived of the crucial resources needed to ensure a stable path to democracy. The main cause for this was the ethnical clashes of the last decade, which created a power vacuum in the region. Moreover in many instances the states failed to function normally and provide for their citizens all the public goods they demanded. That was why, in these kind of circumstances normative action from the European Union was needed. Over the years a lack of legitimacy and efficiency has spawned in the region, leaving the governance to political elites that usually serve particular interest and not the common good (Bechev & Andreev, 2007).

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ENLARGEMENT OF THE EU TOWARDS WESTERN BALKANS AS A SOLUTION FOR SECURITY IN THE REGION

Nastja Bratoš

1. A BRIEF HISTORY OF RELATIONS BETWEEN THE EU AND THE WESTERN BALKANS

After the decay of the Socialist Federal Republic of Yugoslavia in the early 90s the Western Balkans was considered as a region burdened with conflict, economic collapse, political repression and human rights violations. While the European Union (EU) was providing economic and humanitarian aid to the countries of the Western Balkans from 1990, its attention was more orientated towards the internal deepening and enlargement of Central and Eastern Europe. Because of the increased number of refugees from the Western Balkans the priority for EU became also the inclusion of South-Eastern Europe in the European integration.

“Under the German presidency of 1999 the EU announced a plan to draft a bigger regional Pact for stability in South-Eastern Europe. The pact included financial aid for the countries of this region and was adopted the same year”.⁵² The purpose of the pact was the long-term stability of the region, which required from the EU an assurance of gradual development and the possibility of accession to the Union for the Western Balkan states.

At present the candidate countries for accession to the EU are Croatia and the Former Yugoslav Republic of Macedonia (FYROM), alongside Turkey. The negotiations for Croatia began in 2005. However, because of the unresolved border issue between Slovenia and Croatia, several chapters are currently blocked for Croatia. This could be one of the reasons for the resignation of Ivo Sanader as Croatian Prime Minister, leading to even greater instability in the country.⁵³

On the other hand, FYROM has been a candidate country since 2005, but negotiations have not even begun. The name Republic of Macedonia is not recognized by Greece, which is the core issue between the two countries. Another issue of instability in Macedonia is ethnic tension between the Albanian minority and ethnic Macedonians, which in the early 1990s was developed into a theory about the spark for a new Balkan war.⁵⁴ The civil war did in fact erupt but lasted only a few months before the cessation of hostilities with the signature of the Ohrid Agreement in 2001.

In addition, potential candidate countries in the Western Balkans are Albania, Bosnia and Herzegovina, Montenegro, Serbia and Kosovo under UN Security Resolution 1244.⁵⁵ Difficulties with these countries reside mostly in ethnic divisions, which are the potential source of conflict.

⁵² Baun, J. Michael. *A Wider Europe. The Process and Politics of Europan Union Enlargement* (Oxford: Rowman & Littlefield Publishers, Inc, 2000) 231.

⁵³ Kajzer, Rok. *Ivo Sanader odstopil, opozicija zahteva volitve.* (Delo, 2009) 1.

⁵⁴ Shea, John. *Macedonia and Greece. The Struggle to Define a New Balkan Nation.* (McFarland, 1997)314.

⁵⁵ European Commission, enlargement: http://ec.europa.eu/enlargement/potential-candidate-countries/index_en.htm (2. July 2009).

Bosnia remains an ethnically divided country with Bosniak (Muslim) plurality, and a Serb and Croat population. Confrontations between Serbs and Albanians also occur from time to time in the Serb controlled north of the Republic of Kosovo, while five EU states still do not recognize Kosovo.⁵⁶

Furthermore, the EU cooperates with the countries of the Western Balkans within the framework of stabilisation and association agreements, which means a treaty relationship between the EU and individual countries in the Western Balkans. At the centre of stabilisation and association agreements is respect for basic democratic principles and the foundations of a unified EU market. The economies of the region and EU are becoming more connected with the introduction of free trade areas with the Union and with reforms, of which the goal is acceptance of EU standards.⁵⁷ EU enlargement policy is based on standards indicated in Article 49 of the Treaty of the European Union, which states that: » *Any European State which respects the principles set out in Article 6(1)⁵⁸ may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements* «.⁵⁹ Due to past enlargement of the EU, the criteria over the years have become stricter for candidate states. Nowadays, the applicant country for EU membership must, in addition to fulfilling the standards set out in Article 49 of the Treaty of the EU, fulfil also the Copenhagen criteria. The Copenhagen criteria were promulgated by the European Council in 1993. From then on, the country wishes to join the EU must meet three criteria:

- *political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;*
- *economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;*
- *acceptance of the Community acquis: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.*⁶⁰

Because of the increased number of member countries forming the EU nowadays, difficulties arose in the EU pertaining to the effectiveness of its institutions. In order to be able to function effectively and quickly, the EU had to rethink its future direction. In 2001 the European Council in Laeken

⁵⁶ Joseph,P. Edward. 2009. *Europe's Balkan Failure. The U.S. vice president's trip is evidence of a lack of European leadership.* Foreign Policy, May 2009:1.

⁵⁷ Bratoš, Nastja. *Izzivi procesa nadaljnje širitev Evropske unije.* Fakulteta za družbene vede. Univerza v Ljubljani, 2008.

⁵⁸ Principles set out in Article 6 (1) are: freedom, democracy, human rights and the respect of the rule of law

⁵⁹ Consolidated Version of the Treaty on European Union, Access at: http://eur-lex.europa.eu/en/treaties/dat/12002M/htm/C_2002325EN.000501.htm (6. September 2009)

⁶⁰ Accession Criteria, Copenhagen criteria. Access at:
http://europa.eu/scadplus/glossary/accession_criteria_copenhagen_en.htm (6. September 2009)

authorised an international conference on the future of Europe to provide propositions as to how to adapt the EU's institutions to an increasingly enlarged Europe. The international conference prepared a draft proposition for the European Constitution (2003). The Constitution introduced changes to the functioning of institutions, decision-making procedures, new policies and it envisaged the consolidation of all the Treaties, legal regulations and policies into one document. Due to its rejection in referendums held in France and the Netherlands, a reformed treaty was proposed in place of the constitution. The so-called Lisbon Treaty will be valid only after the ratification of all EU member states. Since it was rejected by the Irish voters in 2008, although now accepted, and at present the ratification process among all EU member states is incomplete, the future shape of EU enlargement remains under question.

2. IMPACT OF THE FINANCIAL AND ECONOMIC CRISIS ON THE WESTERN BALKANS

The economies of Western Balkan states did not avoid the consequences of the global financial and economic crisis. The Ministers of Foreign Affairs of various Balkan countries discussed at the Bled Strategic Forum the economic challenges present in their region. They agreed that the region is facing a recession and that only regional cooperation can lead to improvement and development. Furthermore they valued highly the importance of membership in international organisations such as the WTO, EU as also being a part of CEFTA or SAA.

The Minister for European Integration in the Government of Montenegro Dr. Gordana Đurović was concerned about increasing obstacles to membership of international organisations like the WTO and EU, as the criteria and standards for becoming a member are now higher and stricter. She evaluated the growth prospect in Montenegro over the last 3 years: the growth average of labour was about 9%, where the indicator is a positive trend in the reduction of unemployment. Compared to a 30% rate of unemployment in 2003, today unemployment in Montenegro has been reduced to 11%. In addition foreign direct investment (FDI) into Montenegro was also very strong, but according to the Central Bank of Montenegro in the first half of this year there was almost no change on 2008. Moreover Dr. Đurović said that with measures such as the privatisation of the electric company, the opening of a major infrastructure project by building a motorway (between the Montenegrin part of the Adriatic Sea and Serbia), and high expectations of investment in tourism they will be able to cover the larger part of their problem concerning the economic crisis. At the end she emphasised the importance of a visa-free regime with the EU.⁶¹

Secondly, Nikola Gruevski, Prime Minister of Republic of Macedonia explained that the effects of the global economic crisis were reflected with certain delays in Macedonia's economic sector, a decrease in construction, industrial production, budgetary incomes, stock rates, direct investments and external trade. Measures were taken regarding the national currency, reducing taxes and extra fiscal arrangements in order to provide stability. He pointed out that measures should be market-orientated and that the crisis should be overcome as soon as possible. Importance should be attached to enabling further liberalisation of trade and regional development, which are necessities while

⁶¹ Dr. Đurović, Gordana. Minister for European Integration in the Government of Montenegro. 2009. Speech at Bled Strategic Forum. Panel: Economic Challenges in the Western Balkan. 31. August.

regional integration is also a solution. Gruevski said that only countries which are connected to each other show better results, which is why integration should begin in institutions and infrastructure projects like the construction of roads and railways.⁶² A major problem that has increased with the crisis is that 34% of the Macedonian population are unemployed (2008). Registering growth in 2009 will depend on quickly adjusting policies to the new environment. The supplementary budget, planned for the second quarter of the year, will be critical in this regard. Despite bleak prospects for FDI and exports, a carefully crafted and sustainable fiscal stimulus which will not crowd out financing for the private sector, combined with a still relatively healthy financial sector, a vibrant construction sector could help the economy avoid recession.⁶³

Thirdly, Mladen Zirojević, Minister of Foreign Trade and Economic Relations of Bosnia and Herzegovina (BIH) agreed that the region is facing the consequences of global economic crisis. In

BIH businesses are tackling a reduction in the inflow of credit, a reduction in investments, and the liquidation of companies – especially in construction. Regarding this situation, the population identifies the crisis, with job losses. In Zirojević's opinion the crisis could be overcome with the integration of markets, investment in energy and attracting foreign capital. The consequences of the crisis demand greater attention, above all from international organisations like the IMF. The World Bank estimates while there was no serious crisis in the financial sector, the economic sector and private consumption have slowed substantially since the end of 2008. Furthermore, while external financing requirements are being reduced, if governments at all levels fail in their plans to cut expenditure, the aggregate fiscal deficit could be as large as -3 to -5 percent of GDP, which would be unsustainable in the medium term in the context of the currency board.⁶⁴

In continuation, Gordan Jandroković, Minister of Foreign Affairs and European Integration of Croatia stressed the fact, that protectionism should not be an answer to the financial crisis. The Chinese word for crisis, is composed of two characters representing danger and opportunity. While the region is faced with danger caused by the financial crisis, we should try to find the opportunity in the present situation. Jandroković expects that the EU will do more to help candidate countries become members of the EU. Financial aid in the crisis should be devoted to infrastructure, business, education and care of the younger generation. Progress in the region depends on the EU's perspective of Balkan countries, because it is the only engine and motivation, which can help them with the positive development and stabilisation of South-Eastern Europe.⁶⁵ So far Croatia has coped relatively well with the present global economic crisis, unlike some countries in the region which have been hard hit. This is mostly due to sound monetary policies, and a stable financial and banking sector. With declining budget revenues due to the economic slowdown and uncertain economic prospects, the government embarked on a revision of the 2009 budget. As for Croatia's

⁶² Gruevski, Nikola. Prime Minister of the Republic of Macedonia. 2009. Statement at Bled Strategic Forum. Leader's Panel: New Global Governance for 21st Century. 30 August.

⁶³ Country Brief 2009 for Macedonia. 2009. Acess at:

<http://www.worldbank.org.mk/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/MACEDONIAEXTN/0,,contentMDK:20630587~menuPK:304480~pagePK:141137~piPK:141127~theSitePK:304473,00.html> (5. September 2009).

⁶⁴ Recent Economic Developments, Country Brief of Bosnia and Hercegovina. 2009. Acess at:

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/BOSNIAHERZEXTN/0,,contentMDK:20629017~menuPK:362034~pagePK:141137~piPK:141127~theSitePK:362026,00.html#econ> (5. September 2009).

⁶⁵ Jandroković, Gordan. Minister of Foreign Affairs and European Integration of Croatia. 2009. Speech at Bled Strategic Forum. Panel: Economic Crisis as a Threat to Security and Development. 31. August.

growth prospects and financing of the budget deficit, much depends on the tourism season and developments in the international capital markets.⁶⁶

The situation in Albania is a surprise commented Lulzim Basha, Minister of Foreign Affairs of Republic of Albania. Although the crisis has affected different branches of industry there has been economic growth. The reason lies in policies employed to diminish the administrative burdens of investors, liberal policies etc. Basha explained that their policy has been motivated by a desire to combat corruption and monopolistic practices. Albania has concentrated on at attracting foreign and domestic investors, by increasing their investment portfolio by 8-times. Development in past years occurred because of realisation of an infrastructure building programme. Albania has improved its logistical capacities by constructing more than 800 km of new roads, connecting Albania with the rest of the region. They plan to build one of the largest Mediterranean ports for container shipment and to improve railways. Great potential resides also in energy and tourism. However difficulties arise from the lack of integration within the Balkan region. Within the region the borders present an obstacle to the easier mobility of people and goods.⁶⁷ Based on the World Bank indicators for Albania, the export of services, foreign direct investments, GDP, high-technology exports and others have increased in past years, which should be an incentive for other countries in the region.⁶⁸

The economic situation in Serbia is not an exception to the world financial crisis. According to economic analysts, Serbia is currently torn between national bankruptcy and social unrest, because of the country's own shortcomings. The IMF estimates that the Serbian economy will no longer grow this year, but shrink by 2%. Moreover foreign investments have come to a standstill. The prices for electricity, heating and public transport have increased, and this has increased inflation by 8-10% this year. Unemployment at the moment stands at around 20%. The crisis has highlighted the severe structural problems of the economy. The balance of trade has a chronic deficit, and industrial production had dropped by a quarter at the beginning of the year. Investment is stagnating, and foreign capital is increasingly being withdrawn. However, around EUR 472 million will be pumped into infrastructure projects in 2009 alone. The EU will provide EUR 168 million in "pre-membership aid" in order to stimulate the Serbian economy. There are plans above all for cheap loans to both consumers and companies.⁶⁹

Over the past few years Kosovo's economy has shown significant progress in transitioning to a market-based system and maintaining macroeconomic stability, but it is still highly dependent on the international community and the diaspora for financial and technical assistance. Kosovo's citizens are the poorest in Europe with an average annual per capita income of only \$2,300. Unemployment, affects around 40% of the population and is a significant problem that encourages outward migration and black market activity. A limited and unreliable electricity supply due to

⁶⁶ The Impact of the Global Financial Crisis on Croatia. Country Brief of Croatia. 2009. Access at: <http://www.worldbank.hr/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/CROATIAEXTN/0..contentMDK:20150212~menuPK:301252~pagePK:141137~piPK:141127~theSitePK:301245.00.html> (5. September 2009).

⁶⁷ Basha, Lulzim. Minister of Foreign Affairs of Republic of Albania. 2009. Speech at Bled Strategic Forum. Panel: Economic Challenges in the Western Balkans. 31. August.

⁶⁸ World Development Indicators. World Bank for Albania. Access at: <http://ddp-ext.worldbank.org/ext/DDPQQ/report.do?method=showReport> (5. September 2009).

⁶⁹ Serbia between national bankruptcy and social unrest. Wien International. Access at: <http://www.wieninternational.at/en/node/13576> (5. September 2009)

technical and financial problems is a major impediment to economic development. Kosovo has one of the most open economies in the region, and continues to work with the international community on measures to improve the business environment and attract foreign investment.⁷⁰

3. ATTITUDES OF EU MEMBER STATES TOWARDS FURTHER EU ENLARGEMENT TOWARDS THE WESTERN BALKANS

Guidelines for the future enlargement policy of the EU towards the Balkan region were set in 2001 in Solun. The Solun Agenda for the Western Balkans anticipates the European perspective of the countries of the Western Balkans, as potential candidates. Furthermore, it stresses values such as the consolidation of peace, promotion of stability and democratic development. It enriches the Stabilisation and Association Process, enhances support for institution building, with instruments like twinning, monitoring and reforms. It promotes the fight against organised crime, cooperation in justice and home affairs and promotes economic development.⁷¹ One of the reasons why the EU might prefer have the Western Balkans within its borders is for stability. It is the only way to overcome existing bilateral tensions such as exists between Greece and Macedonia, or Slovenia and Croatia. An additional reason is the economic one. The Balkan countries provide the possibility for investment in infrastructure and in energy. Thirdly, the Balkan region also has strategic importance for the EU. While enlarging towards the Balkan region, the Black Sea area, Caucasus and Central Asia will become proximate neighbours of the EU. Ultimately, through achieving stability in the region, social or economic, there will consequently be less migration.⁷²

Among the reasons why EU member countries foster the integration of the Western Balkans into EU are: assurance of long-lasting peace, stability, prosperity, security, good neighbourly relations, stable democracy, higher living standards, justice, stimulation of investments, the unification of Europe, human rights, the fight against the corruption and organised crime and sustainable development of the region. Furthermore, the reasons for which EU members support further enlargement towards South-Eastern Europe are the strategic importance of the Balkan region for Europe, historic ties, responses to globalisation challenges etc.⁷³ While the attitudes of EU members are uniform on the foundations of the Solun Agenda, some of the attitudes of EU members differ. In particular the older member countries of EU like Holland, France, Portugal and Spain have reservations over further enlargement. They fear that an enlarged EU could not function effectively and that the organisational abilities of an enlarged Union would be questionable.

4. CONCLUSION

⁷⁰ Central Intelligence Agency. The World Factbook. Economy of Kosovo. Acess at:
<https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html> (5. September 2009)

⁷¹ The Solun Agenda for the Western Balkans. European Commission. Enlargement. Acess at:
http://ec.europa.eu/enlargement/enlargement_process/acccession_process/how_does_a_country_join_the_eu/sap/therssalo_niki_agenda_en.htm (5. September 2009).

⁷² Mulej, Robert. 2009. Living With the Neighbors. A talk with Erhard Busek, the former Special Coordinator of the Stability Pact for Southeastern Europe. *SEE Business. Business Magazine for Southeastern Europe.* 5 (14).

⁷³ Bratoš, Nastja 2008. Izzivi nadaljnega procesa širitve EU. Fakulteta za družbene vede. Univerza v Ljubljani. (47).

The establishment of the EU was a response by a destroyed Europe to World War II. The only way to overcome ideological differences and simultaneously remain connected in order to assure the development of the European continent was economic cooperation. With additional enlargement processes throughout history, the EU has elaborated its structure from an economic, political and institutional point of view. Today's financial and economic crisis erupted because of misplaced values in the world. The logic of the Machiavellian idea presented in *Il Principe* that » the ends justify the means « stimulated the capitalistic behaviour of hegemonic powers to abuse the loans of banks in order to buy, make and waste more. The result was the collapse of the financial system, because the money was present only as an illusion, because in reality debts were increasing and reserves were evaporating. Because the world became a global village, the financial crisis did not affect only those who caused the problem, but also the innocent. The multinationals spread around the globe started to dismiss workers who were in fact responsible for huge factory incomes. Unemployment increased and with that social instabilities. If the world switched from bipolar to multipolar, the international organisations like the IMF, EU, UN and others were bound to react to the crisis, with fiscal politics, and financial aid to stimulate the countries' economies which dropped in the recession.

Referring to the Western Balkans, the region is faced also with the financial crisis. The main branches affected in various countries in the Balkans were the same as in other parts of the world: construction, the automobile industry, textile fabrics, tourism and others. Western Balkan countries which are also facing internal problems beside the current financial crisis had to cope with the problem by themselves. If they are not able to produce a sufficient budgetary income, while foreign direct investments diminish, they will be obliged to request more loans from the IMF which will result in even greater external debt and present a burden for future generations.

In conclusion, if the crisis represents danger and opportunity, the time has come for a new form of international cooperation in order to provide stability and security to Europe as a whole.

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HUMAN SECURITY IN FOCUS

Ivana Tomovska

INTRODUCTION

In the last few decades the concept of security has grown, both to satisfy new demands for securitization and also to address the new challenges created by globalization. With the expansion of security there has been a parallel process of norm transition with respectable normative consequences for the security agendas of the actors in the international political arena. In order to investigate the concept of human security one needs to look at three issues: firstly, what is individual/human security - is it problem-based or category-based? The other issues to be considered are emancipation and individual security, and the state as a threat to individual security and humanitarianism. To do this, one must examine the referent object, securitizing actor and the source of threat to the concept of individual/human security.

The theory of ‘securitization’ involves the search for a referent object, or according to Buzan’s argument, ‘Securitization can thus be seen as a more extreme version of politicization’ (Buzan *et al.* 1998, 23). Securitization is particularly concerned with three questions: ‘security of whom’ (or referent object); ‘security of what’ (what are the values at risk) and ‘security from whom or what’ (what are the sources of threat) (Møller 2000, 43). Prior to the end of the Cold War security was measured in rather narrow, militaristic terms, focused on ‘national security’ and the survival of the state. The post-Cold War environment can be considered as a renaissance of security studies by taking a new, more humanistic approach. Expressed in theoretical terms, the focus of security has shifted, providing a new concept of ‘human security’. Human or individual security treats the following parameters: the referent object is the individual and humanity as a whole; values at risk vary from mere survival of the individual to quality of life and human rights; possible source of threat can be the state but also the impact of globalization (Møller 2000, 43). If the source of threat used to be solely external (conflict between states), now the source of threat can also be internal (interstate conflict). Another imposing issue while analysing human security is the epistemological issue – what is its level of analysis; is it examining the individual while maintaining system level analysis? The nature of knowledge should be acquired by analyzing the individual, however in a wider, even global perspective.

The difference between previous notions of security, including ‘societal security’ and the concept of human security, is the fact that human security takes a step further, treating human development as a need for security as well, ‘Job security, income security, health security, environmental security, security from crime, these are the emerging concerns of human security all over the world’ (Møller 2000, 41). Amnesty International, one of the pioneering organizations regarding human security, states that the ‘real source of insecurity is corruption, repression, discrimination, extreme poverty and preventable diseases (Dunne and Wheeler 2004, 12). Paris also identifies seven elements of human security: economic, food, health, environmental, personal, community and political security

(Paris 2001, 90). In terms of the survival of the individual, death could come as equally from hunger, AIDS, human trafficking, etc. as it could come from a soldier's weapon. In terms of human development, low quality of life, extreme poverty and human misery can be even worse than the incarceration of an individual. In that respect human security issues are mostly present in underdeveloped and developing countries where there is lack of a state institutional framework to legislate appropriate policies. The degree of human vulnerability is much higher in 'weak states', where there are increased levels of national and societal security problems (Buzan 1991, 113). Human security issues are changing the agenda of state and non-state actors in that they are creating a link between security and sustainability. Another interesting characteristic of human security is that its agenda is led primarily by non-state actors, such as non-governmental organizations and supra-state actors, such as the United Nations, European Union, etc (Sens 2004, 141).

PROBLEM BASED OR CATEGORY BASED?

The concept of human security and human rights in particular is often flawed and mistaken with that of minority rights, producing a number of difficulties in differentiating between these two terms and creating confusion. This leads to the question: is the concept of human rights problem-based or category-based? Often, there is the case of overlap between the two. For example, the Roma or Romani communities are regarded as a disadvantaged and excluded group throughout Central and Southeast Europe, which makes their need for human security a category-based problem. On the other hand, if one argues that racism is a human security issue and that all people from African origin are disadvantaged, it would be a false statement. Regarding the previous question of minority rights and/or human rights, often there is the danger of interpretation and confusing societal security and human security. Cockell argues that 'protracted social conflicts are most often characterized by the contested pursuit of basic human needs by disadvantaged social groups. Such human needs often include group security, recognition of identity and culture, access to the political process, and effective participation in the local economy' (Cockell 2001,17). Furthermore, Cockell argues that 'Human security components that are important for conflict analysis are: societal and communal security; human rights and personal security' (Cockell 2001, 17). Indeed, human security components are present in the issue of minority rights; however, human security and minority rights are based on two different levels of analysis. The problem/category-based analysis of human security leads to the second issue of human security which is the link between emancipation and security: is it a 'zero-sum game', who decides the degree of emancipation, when is emancipation ultimately achieved.

EMANCIPATION AS SECURITY

The idea of 'emancipation as security' has been described by Neufeld as a critical and liberating strategy, 'which focuses on the more "empirical" question of how security issues are framed in political discourse' (Neufeld 2004, 109). However, there are a number of difficulties with this concept beginning with the mere definition of 'emancipation', the practical problem of achieving desirable levels of emancipation as well as distribution, division, hierarchy and relationship of

equality. Using Axworthy's argument Neufeld describes the aim of emancipation in achieving human security as the following:

It includes security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights. At a minimum, human security requires that basic needs are met, but it also acknowledges that sustained economic development, human rights and fundamental freedoms. It recognizes the links between environmental degradation, population growth, ethnic conflicts, and migration. (Neufeld 2004, 114/5)

According to the Commission on Human Security, emancipation can also be understood as the protection and *empowerment* of people: 'Protection shields people from dangers. It requires concerted effort to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making' (Commission on Human Security 2003). Those two components are mutually reinforcing and can be regarded as part of the 'emancipatory package'. Economic underdevelopment and lack of emancipation can even lead to larger-scale armed conflict and can shake the societal security of a state (Gough 2002, 146). As part of human rights and emancipation, Henry Shue distinguishes two sets of 'basic rights': 'subsistence' which includes social and economic rights, and 'security from violence' which includes civil and political rights (Dunne and Wheeler 2004, 18). However, a problem occurs when NGOs and donors often subscribe to agendas based on 'empowerment' and 'sustainability' without connecting them to the real needs of local communities. This leads to a confusion of priorities for the people in need; one can argue that for example drinking water and food, which fall into the category of economic and social rights, are far more urgent needs than empowerment and civil and political rights issues. However, the counter-argument would be that political and civil rights are equally important and necessary as the daily bread, since without them the individual cannot fully exercise his/her freedom.

As an illustration of emancipation needs, one can take the example of the Roma communities in Central and Eastern Europe. The members of those communities are experiencing poverty, socio-economic marginalization with additional increasing aversion and violence from the side of the majority (Trehan). The marginalization also includes exclusion from labour markets, exclusion from the education system, extreme forms of spatial segregation; in a word exclusion from the right to exercise active citizenship. The Romani people are also experiencing serious security issues such as: police brutality, racism, intolerance and discrimination (Trehan). Activities within the third sector successfully support the Romani movement for emancipation; however, the question is how much are the Romani communities in reality benefiting from those projects. On a European level there is an agenda for Roma emancipation and a number of other supranational organizations have their own Roma programs, such as the Organization for Security and Cooperation in Europe (OSCE), the Open Society Institute, etc (Trehan). One can argue that EU integration can help the emancipation of marginalized groups in terms of raising the issue at a supranational instead of national level. Another way of treating the Romani issue is to look at it as a minority rights issue. This approach is a rather slippery slope, including the danger of giving up the possibility of greater civic participation for the community. Also, this approach can lead to creating a further division and possible conflict between the minority and majority groups.

Granting minority rights as part of the emancipation package leads to the ‘societal security dilemma’ which is seen as a situation where ‘one group’s security spells insecurity for the others’ (Møller 2000, 48). The question which arises is: can emancipation represent a zero-sum game where each player can only gain at the expense of others? This often occurs when there is prior conflict between the minority and majority groups (or between two groups in general) and when there is a case of contested identity, ‘The constitution of identities is often a reciprocal process. As each subject seeks to perform its identity, it threatens others, whose identities are consolidated in response.’ (Weldes et al 1999, 15). Even when there is not a prior conflict between two groups, affirmative action policies as part of emancipation can be perceived as a zero-sum game by individual members of the other community.

Finally, there is the issue of state’s role in emancipation and the role of consolidated democracy and civil society as a framework for emancipation. There are rather opposing views of the state’s role and *ability* to emancipate. According to the social-democratic view, ‘Democracy produces a more responsive state that can appropriately chaperone its people through the development process, as opposed to relying on outside aid’ (Gough 2002, 147). However, when it comes to the question of the state’s ability as an emancipator and protector than there is a different argument, stating: ‘In the brave neoliberal world order, however, we are now instructed that domestic progress towards the good life is a luxury we can no longer afford. The purview of the discourse of progress and the good life has been restricted to the international realm’ (Neufeld 2004, 121). This leads to the third issue of human security which is the problem of the state as a threat to individual security and the cases of humanitarian intervention.

THE STATE AS A THREAT TO INDIVIDUAL SECURITY AND HUMANITARIAN INTERVENTION

There have been numerous cases when the sovereign state as such cannot provide the basic economic and social rights of the individuals and it also acts as an oppressor, putting the physical survival of the individual into question. Usually this occurs when there is a transition from one socio-political system to another in cases of post-colonial, post-communist countries, etc., when the basic institutions of the state do not exist or they have been eroded. Campbell goes as far as finding the state ‘to be a source of authorized articulations of danger’ (Campbell 1998, 199). With the individual as the referent object and the state as a source of threat, the following dilemma occurs: who is left to protect the individual? This is the moment when non-state and supra-state actors come into play, such as human rights NGOs and the United Nations. Also, it is within this aspect of human security that norm transitions are taking place and new international norms are being created.

In terms of the human security debate, norms have a very important and powerful role to ‘influence states’ behaviours towards individuals’ (Betts and Eagleton-Pierce 6). Norms do not only have the power to influence state behaviour, but can also set the agenda for, what is called, ‘global governance’. What used to be in the realm of national sovereignty and state power is now replaced by global governance due to globalization (Betts and Eagleton-Pierce 6). Also, in the past few

decades there has been a displacement of the adopted norm of ‘non-intervention’ with the concept of ‘human security’ and ‘humanitarian intervention’ (Sens 2004, 144). Overall, there has been support for a new customary rule in international law, however only to the degree of *custom* and not of *treaty* (Welsh 2004, 181). This burdens the consensus behind the concept of ‘humanitarian intervention’, especially when actions are needed.

There are two contested opinions when it comes to the need of humanitarian intervention. The sceptics argue that human security and consequently humanitarianism is only a ‘leitmotif in foreign policy’ by which state actors pursue their hidden political agendas through international organizations (Suhrke 1999, 265). Some would go as far as to describe human intervention as ‘Old-fashioned power politics dressed up as humanitarianism’ (Møller 2000, 46). The interventionist argument would be that when it comes to saving human lives and alleviating human suffering every possible mean should be applied; or using Foucault’s argument “wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone” (Campbell 1998, 201). Whether it is a case of power politics or a noble cause, one can argue that the concept of ‘humanitarian intervention’ has great normative implications:

‘The terrain on which the conceptual and policy contest over “humanitarian intervention” has been fought is essentially normative. It takes the form of norm displacement, shifting from the established norm of non-intervention to a claimed emerging new norm of “humanitarian intervention”. (Thakur 2004, 193)

Consensus over ‘humanitarian intervention’ also imposes the question of legitimacy of actions. Welsh argues that ‘one of the major functions of the UN in international society is its role as a “collective legitimiser” which places the burden of legitimizing humanitarian interventions at UN institutions (Welsh 2004, 177). The issue of legitimacy is closely connected to the issue of overriding state sovereignty. The norms of non-intervention as well as some other norms, such as ‘territorial recognition’ are based on the principle of state sovereignty over domestic affairs (Axworthy 2004, 247). One can perhaps argue that in a world of sovereign states governed by the rule of law and democratic principles providing freedom for its citizens there would be no need to alter the norm of non-intervention; however, the current circumstances in the world prove that interventionist norms are needed.

CONCLUSION

The concept of ‘human security’ has been radically expanded the existing concept of security (Møller 2000, 43). By examining the three issues regarding individual/human security: is it problem-based or category-based; emancipation and individual security; and the state as a source of threat to individual security and humanitarianism? One can also observe the normative consequences of the concept of human security. When it comes to human security, norms are being challenged ‘Normative contestation reflects the reality that the international normative architecture is polymorphic, not isomorphic’ (Thakur 2004, 201). International normative architecture may be such, however in the overall discourse and search for meaning of what ‘human security’ represents, one should not forget

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POLICE REFORMS IN MACEDONIA ON THE PATH TO EU INTEGRATION

Aleksandar Cekov

INTRODUCTION

Reforming the Police is certainly one of the most challenging tasks that a government can undertake on the path to the EU integration. As the most visible manifestation of the government authority and responsible for maintaining public security; it is one of the most sensitive reform sectors and should be treated with additional care. Therefore, in order to efficiently cope with the challenges of the new threats such as organized crime terrorism etc., the police must adopt a feasible modus operandi in accordance with national and international law, as well as with full respect of human rights.

The Reform Process of the Police Sector in Macedonia was initiated parallel with the proclamation of independence, as the country adopted the policy towards democracy and rule of law. Nonetheless, in the period up to 2001 the reforms were mainly directed at establishing democratic institutions and the legal basis for further reforms within the Security Sector more generally. This neglected some important aspects of democratic policing, which later proved to be crucial in the aspiration for NATO and EU integrations. Thus, some of the important changes in this period were in line with promoting parliamentary oversight over the Security Sector. This empowered parliament to approve the Security Sector budget and also promote the concept of a security sector governed by more civilianized bureaucracies⁷⁴. Yet, further developments in democratizing the police were necessary on the path to EU and NATO integrations.

In that sense, the intention of this paper is to scrutinize the challenges and the progress made so far in reforming Police along the path for Macedonia's integration into the EU and thus contribute to the endeavors for more qualitative debate on reform process in order to meet the EU requirements in this field. The paper will start with a historical overview of the process and will continue with an examination of the key norms of police governance. Furthermore the paper will address the objectives of the reform process, the status of the reforms, as well as the challenges of police reform. As close cooperation between the Police structures in the region is required by the EU on the path to integration, this paper will also address the level of cooperation established so far, as well as the potential to deepen this cooperation in order to accelerate the whole process of integration of the region into the EU and NATO structures.

HISTORICAL OVERVIEW OF THE POLICE REFORMS IN MACEDONIA

From a historical perspective the whole process of police reform in Macedonia, from the country's independence onward, could be divided into two periods according to the quality of the reform process and the intensity with which the reforms were introduced. The first period starts right after the proclamation of the independence in 1991 and lasted up to 2001⁷⁵, whilst the second starts from

⁷⁴ Yusufi, Islam (2003) Security Sector Reform in South East Europe;

⁷⁵ The Armed conflict between the NLA and Macedonian Security Force

2001 and it is still on going. In the first period was evident lack of clear and substantial National Strategy in terms of approximation to the EU norms in this field and firmly promotion of the principles of democratic policing. As stated above, in this period were introduced the reforms which were in direction of establishing democratic institutions as substitution for the old authoritarian system before the independence in which the Police besides the basic role of ensuring the public security also had the role of protection the political elite and guardian of the adopted ideology in that time, rather than being a citizen's service and ensuring the ruling of democratic principles. Despite the political consensus about the integration into EU and NATO structures until 2001 the intensity of the reforms was weak and some crucial principles were lacking so that policing in Macedonia could be qualified as governed by democratic norms taking into account the multiethnic dimension of social life in Macedonia. The neglect of the latter proved to be main reason for the conflict from 2001, when the Albanian paramilitary structures clashed with the Macedonian Security Forces in order to promote their demands for improving the situation of the nationalities in Macedonia. Among the other demands, they put on the table the question for reforming the police so that Police takes more accountable and decentralized role. The conflict ended after the signing the Ohrid Framework Agreement which, among the other provisions included political guidelines for reforming the police. These events marked the beginning of the second period of more intense reforms. As the fulfillment of the provisions of the Framework Agreement were one of the conditions for integrating into European and North Atlantic structures the reform process appeared on the agenda as one of the most urgent issues. The urgency of the issue was also accompanied with the need of involving the reformed police structures in the post conflict peace building, since the "old" police structures were lacking legitimacy to undertake such mission.

KEY NORMS GOVERNING POLICE IN MACEDONIA

Macedonian Police strives to follow the EU norms in this field which are based on the democratic governing of the police structures. Defined as such, it is evident that this is a broad concept and it has to be narrowed down in order to avoid any misinterpretations of the concept by all the actors involved in the process. Democratic norms for governing police are well defined and described in the OSCE guidebook for democratic policing. According to the guidebook, the police in one country in order to be qualified as governed by democratic norms should fulfill the following goals:

- Maintain public tranquility and law and order
- Protect and respect individual's fundamental rights and freedoms
- Prevent and combat crime
- Provide assistance and services to the public
- Responsive to public needs and expectations
- Use the authority of the state in the people's interest
- Upholding the rule of law

- Police accountability and transparency

Although the list of the goals here it is not exhaustive it includes the main direction in which the reform process should be driven to successfully meet the democratic policing objective. Furthermore, the police should adhere to a code of professional conduct and demonstrate professionalism and integrity in order to live up to the public trust. Regarding the organizational structure the states are obliged to create structural and managerial environment that will enable the police to effectively and efficiently implement the provisions of the rule of law, domestic and international law, and accepted human rights standards⁷⁶.

OBJECTIVES OF THE POLICE REFORMS IN MACEDONIA

Most of the democratic norms stated above were met in the first generation of introducing reforms in Macedonia. Yet, as outlined in numerous reports, further improvements were needed in the sector. The objectives that Macedonia pursues to fulfill in the process of reforming the police sector, have arisen as a result from the EU requirements in this sector as well as the complex social-political situation that exists in Macedonia, especially regarding the multi ethnical structure of the population. Thus, the key objectives, as elaborated and outlined in the important documents⁷⁷ in this field, could be identified as:

- Complete implementation of the provisions of the Ohrid Framework Agreement and introduction of the principle of decentralization and equal representation of minority communities in the police structures;
- Transfer of responsibility for the border control from the Army to Police structures
- Improvement of the policing function, its preventive role and efficient management of internal security threats;
- Promoting the concept of Police as service for the citizens;
- Modern technical equipment

Implementation of the Ohrid Framework Agreement became one of the key preconditions for Macedonia in the process of joining the EU and NATO. Therefore, the government along with relevant actors put a lot of efforts in fulfilling the provisions from the OFA. One of the key provisions in the OFA refers to a reforming the Police in Macedonia in order to suit the general situation regarding multi ethnic dimension of social life in Macedonia, as well as improving the efficiency and thus, gaining legitimacy in the peace building efforts of post conflict environment in Macedonia. According to the Ohrid Framework Agreement⁷⁸ the process of decentralization and devolution of the competencies will contribute to a more responsible local government and to the

⁷⁶ OSCE Guidebook for Democratic Policing

⁷⁷ For example:

- Framework Agreement August 2001
- Draft Police Reform Strategy dated 2.9.2002

⁷⁸ www.president.gov.mk/eng/info/dogovor.htm

security of the local community. According to the Law on Self-Government the Municipal Council adopts the municipal annual public security report and submits it to the Minister of Interior and the Ombudsman. If necessary the Council provides recommendations for the Territorial Police Services. The Council also decides on the election of the local police department commander taking into account the Ministry of Interior's proposal. These reforms to the endeavors for closer cooperation in the local community and reinforces the community's local control over local police activities. At the same time, it increases awareness of public security issues and, at some point, makes the police accountable for the local security situation⁷⁹

One of the most challenging parts of the Police Reforms in Macedonia was the transfer of the responsibilities for the border from the Army to the Police structures. For this reasons forming a new body within police structures, Border Management Department, was necessary which will be responsible for border control. The decision to implement the Integrated Border Management Process was taken by the Government in 2002 with the intention to faster European Integration and NATO membership and to maintain national and regional peace and stability. The process of restructuring was completed within 13 months. Within the BDP, various sectors are responsible for the following operational issues: Sector for European Integration, Cross Border Cooperation, Sector for Analysis, Sector for Border Crossing Points and State Border Surveillance, Sector for Support of Border Police Operations and Sector for Administrative and Logical Support and Coordination of Foreign Aid. Four regional centers are responsible for border issues. An internal analysis in the Ministry of the Interior indicated that all kinds of criminal activities across the borders were significantly reduced, in comparison to the period when the Army was responsible for the border control.

In the part of improvement of the police functioning and efficiency in the area of combating corruption, organized crime, road traffic accidents, the delivery of good initial and further training as well as the appropriate technical equipment are indispensable⁸⁰. It has been numerous times outlined the importance of decentralizing police in improving the efficiency of the police sector. As the main weakness of Macedonian Police in the past was deemed to be the centralization and thus, alienation from the citizens instead of being their service, devolution of competences has been expected to have great impact on efficiency since devolving responsibility is the key to a police force be more motivated to do their job properly. As stated in the OSCE's guidebook "The reforms of Macedonian Police", the more freedom to take decisions, more scope for initiatives and autonomy make police staff more successful⁸¹.

Democratic principle of Police can not be satisfied solely by executing the basic tasks such as maintaining public order and enforcing laws in one country. Therefore the reform process needs to go step further and change the approach in the policing and adopt new quality in performing the role of embodiment of government authority. It is common in developed democracies Police to assume the role of citizen's service, meaning that democratic police will develop and implement their activities according to the needs of the public and the State and emphasize the assistance to

⁷⁹ Georgieva, L. (2007) The Police Reforms in Macedonia, Geneva

⁸⁰ Dugas, U., Geck. W., Pfanneschmidt, O., (2003) Reforms of Macedonian Police; Skopje

⁸¹ Ibid

those members of the community in need of immediate help⁸². Despite the endeavors of the Macedonian police to acquaint the citizens with this concept through the numerous campaigns, for instance Days of Police etc., it is general impression that intimidation as a residue from the former system that most people still feel towards police, is one of the major obstacles the concept to be fully implemented, which is also case in many countries from the eastern bloc.

Modern technical equipment is a prerequisite for successful functioning of the police. The EU has identified the need of modernization of the border control points and introducing the new biometric passport for the Macedonian citizens as preconditions for successful implementation of visa liberalization process. The fact that Europe Commission will recommend the country for the visa liberalization which should start from 1st of January 2010⁸³, represents an acknowledgment that the process of reforms in this sector has been carried out successfully.

KEY CHALLENGES TO REFORM PROCESS IN MACEDONIA

On the path of introducing reforms, it is most common the process to be faced with both anticipated and unanticipated challenges that hinder the process which requires additional energy, knowledge and resources in order to overcome them. For the purposes of contributing to the on going efforts of developing the strategy for police reforms, this paper will try to identify the key challenges of police reforms, and try to offer sustainable solutions.

The police in the past was perceived by the citizens as the service of the ruling party and highly politicized. To some extend, there are some residues from this perception even now, which has bad influence on the image of the country at international community. Having in mind the recommendations of the relevant EU institutions for the need of depoliticizing the whole public administration, the police sector should change the strategy for employing new officers, as well as to change the approach of the way the police is functioning and introduce more professional code in executing daily activities.

During the armed conflict in 2001, in the frames of the police structures was introduced new special unit “Lions” which had strong political ties with the ruling party at that time. The officers in this unit were employed on group based selection criteria, which means their purpose was to ensure that the certain group interests are met. After the ending of the conflict the unit was restructured under the strong pressure of the international community. The positive experience of restructuring this unit should have been used in restructuring the police in general and the merit based criterion take place unconditionally. Further, the merit based criterion is deemed to promote more professional environment and provide far better results in combating organized crime. In multi ethnic society the merit based criterion is necessary in order to give police legitimacy in the post conflict peace building efforts.

⁸² Council of Europe, Resolution 690 (1979) on the Declaration on the Police (1979), part B,; United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Article 1
Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 44, 49 and 51. (as in OSCE's guidebook for Democratic Policing)

⁸³ <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/724>

In order to improve the effectiveness the police reform process should take into account the importance of social group perspective. As every society is consisted of various social groups, this dimension in police reform will contribute to better responsiveness to the crimes committed against particular social groups. In that sense, the police should strive to have representatives from various social groups in order to meet the needs of these groups and provide better service in general. For instance, a younger officer may have better knowledge and understanding of the situations in the bars and clubs and thus offer better solution for crimes related to drinking and youth delinquency. Step forward was made with introducing the multiethnic police patrols in multiethnic communities in Macedonia. The multiethnic patrols contributed considerably in peace building after the armed conflict. In that spirit was the employing, after the necessary training, of considerable number of female police officers, as in the past the number of female officer was very low. The advantages of employing female officers are numerous and they have been well documented⁸⁴:

- Female officers act less “inappropriately” than their male counterparts
- Female officers are less inclined to use deadly force
- Female officers in general experience less resistance from male offenders they arrest
- Female officers posses better communication skills than their male counterparts and are better able to facilitate the cooperation
- Female officers may be more effective at defusing potentially violent situations than their male counterparts

Although the list is not exhaustive it gives good insight of the potentials and advantages of female police officers. Furthermore the increased representation of the female police officers is also an operational imperative if police are to effectively respond to gender based violence⁸⁵, since the women would trust more the female police officers in reporting the violence.

Yet, the Police should provide environment for the female police officers that will be free of sexual and other forms of harassment and mobbing as well as to regulate the maternity leave corresponding with the practice in developed countries.

The reforms in police sector could not be carried out successful without taking into account the judicial sector. As two sides of the same coin, in terms of providing security and punishing the criminals, the police reforms should be implemented in close cooperation with the judicial sector, in order to provide more effective security sector.

POLICE COOPERATION IN THE REGION

⁸⁴ Bezuidenhout, C., “Performance of Female Police Officers in a Male Dominated Environment: Replacing Myth with Reality”, Institute for Human Rights and Criminal Justice Studies 2001

⁸⁵ ibid

Regarding the cooperation that Macedonian Ministry of Interior has established with the neighboring countries, the process could be characterized as very successful based on the following characteristics:

- Regular meetings at two levels; regional and local
- Exchange of information
- Improved cooperation in the field of deportation
- Coordinated activities regarding the prevention of illegal crossings and the facilitation of traffic at the border crossing points
- With Albanian, an established joint working group which prepared a draft protocol on joint patrolling⁸⁶

Unlike the well developed cooperation between Macedonian from one side and Bulgarian Greek and the Albanian MoI from the other side, the cooperation with the Serbian authorities is still weak and has been established solely in the field of information exchange and deportation. Nonetheless, the latest activities on the Regional level shed some new light on the cooperation in South East Europe. Namely, during the Austrian presidency in 2006, the Ministers of Interior from the countries in the region (Albania, Bosnia and Herzegovina, Macedonia, Moldova, Montenegro, Romania and Serbia) signed the Police Cooperation Convention. After the ratification by all seven countries, the Convention entered into force on 10th of October 2007⁸⁷. The intention of the Convention is to provide a legal framework for comprehensive police cooperation in the region of South East Europe. The convention is based on three pillars:

1. Decision making process, with the two decision making bodies- the Expert working group and the Committee of Ministers
2. Implementation Program and
3. Operational Cooperation

Also, it is worth mentioning that Macedonia is member of South East European Cooperative Initiative (SECI).The benefits of the membership are perceived through the advantages of SECI. As different form the other similar initiative, SECI is not political cooperation but a real operative collaboration. Within the Project the Customs and the Police work together in direct cooperation in order to cope more efficiently with the trans-national crime, working under the guidance and counsel of recommendations and directives of the INTERPOL and WCO⁸⁸. The rational modus of SECI is to facilitate the rapid exchange of information between law enforcement agencies from different countries regarding trans-border criminal cases. Also SECI Center coordinates regional operations, putting together the resources of the 13 SEE member countries in order to fight

⁸⁶ Odzakov, F., “Police Reforms in Macedonian Ministry of Interior”, DCAF, Geneva

⁸⁷ Information retrieved from: <http://www.pccseesecretariat.si/index.php?item=9&page=static>

⁸⁸ Information retrieved from: http://www.secicenter.org/p128/Mission_and_objectives

organized crime in the region. In SECI Center there are seven task forces addressing issues of drugs and human trafficking, as well as other forms of trans-border crimes.

The importance of police cooperation stems from the fact that Macedonia is pointed as a transit country in numerous trans-border crimes. Substantial progress has been made in the field of human trafficking as in the last report of US State Department the name of the country was in the TIER 1 group, saying that the country complies with the act's minimum standards for the elimination of trafficking, followed only by Croatia from the countries in region. Yet, as joint effort is required in combating trans-national crimes, Macedonia need to assume the role of the leader in terms of organizing meetings with the neighboring countries, where the positive experience in that field would be shared, in order to help other countries to make progress as well, and together fight organized trans-border crimes.

The driving force behind the cooperation between the Western Balkan countries lies in the determinacy of the countries to continue the reform process fulfilling the requirements of the Union and thus to join European Union. The regional cooperation became crucial precondition for EU Integration as new strategy has been adopted from the Union. Namely, after the Thessaloniki Conference the European Union has set up a new requirement for a deepen cooperation in every field, including the Police Sector. The progress of the country will be measured in context of the regional cooperation on the path to European institutions, as a way to increase the level of approximation. Nevertheless, the accession of the countries will be on the individual base, assessing the country's progress in every sector. The cooperation in the Police Sector is essential due to the reason that European Union is especially interested in promoting the principles of security on the territory of Western Balkan countries and preventing the cross border criminal activities.

CONCLUSION

The paper examined the reform process in the police sector through the key norms of governing the democratic police, objectives and the challenges that a reform process face with. The intention is to contribute to the efforts of developing programmatic strategies to the ongoing process of improving the democratic police.

With great help by EU Missions and OSCE, combined with the determinacy of the Macedonian government to implement the democratic principles, the reform process has been evaluated by the relevant authorities as progressing with very good pace. Crucial objectives were implemented and thus, the base for full functioning of democratic principle based police has been set up. Yet, further improvements are required so that functioning of the Macedonian police could be characterized as democratic, up to the EU norms in policing.

Having solid institutional set up is a good precondition for successful reforms. Nevertheless, as in every process of introducing some changes, time is required so that actors and the stakeholders adapt on the changes and comprehend them. Although the progress has been reported and documented in every field, the process should resume until the police meet the standards the EU requires in the integration process.

The process of introducing reforms is often hindered by various obstacles that impede the process. The actors involved in the reform process should be well prepared and able to foresee and anticipate the potential obstacles in order to successfully overcome them.

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