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Understanding, Definition and Sanctioning of Organized Crime Under the Law of Republic of Kosovo

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Abstract

The presence and development of criminality in society dates back from the old ages to the present time, by transforming itself in various types of emergence, depending on the degree of social emancipation. In addition to social development processes, there are also changes from the viewpoint of ideas relating to the etymology of crime in society. In the beginning of XX century, the society dealt with drastic and dramatic changes in the whole domains of life, accompanied with changes in the form of occurrence of criminality in society. The term "organized crime" was originally used in 1896 in the annual report of Society for the Crime Prevention in New York. In this report, the term was employed to define the acts of prostitution and gambling, protected by the public officers. Whereas, as far as Kosovo is concerned, the International Administration – UNMIK – promulgated the Regulation No. 2001/22 "On Measures against Organized Crime". The Regulation No. 2001/22 provides the definition of the term organized crime where it sets forth the measures and penalties that may be imposed to participants of an organized crime, the basic and qualified forms. With the purpose of supplementing the legal grounds to combat and prevent the criminality in the country, the Kosovo Assembly promulgated on 6th July 2003 the "Provisional Criminal Code of Kosovo"¹ (PCCK) which entered into force on 6th April 2004, which as per the EU's recommendations, was supplemented and amended time after time until the Kosovo Criminal Code was adopted on 20th April 2012. The key terms to be elaborated in this paper are as follows: Understanding and definition of the organized crime, sanctioning of the organized crime, Kosovo Criminal Code and Combating and Prevention of the Organized Crime.

Understanding, definition and sanctioning of organized crime under the Law of Republic of Kosovo

The presence and development of criminality in society dates back from the old ages to the present time, by transforming itself in various types of emergence, depending on the degree of social emancipation. During the history, the preoccupation, interest and reaction of society to the criminal acts has been different. Depending on the social conditions, there were introduced the means and measures to fight harmful and threatening acts to the society. The society's reaction was accompanied through providing various opinions and findings relating to etiology and phenomenology of criminality.

In addition to social development processes, there are also changes from the viewpoint of ideas relating to the etymology of crime in society. The "notion of criminality means the wholeness of all crimes that were committed at a certain time, space and period. The Criminality is a massive phenomenon that encompasses in itself all types of crimes committed in one place"². Whereas the term "crime means an individual act of human behaviour by means of which the criminal code is violated or breached and such breach usually faces penalty – punishment"³. The use of the term criminality or crime by the authorities of judiciary corresponds with the term criminal act. It was similarly applied in the literature of the national criminal law which sets forth that "the act which infringes, harms or eliminates the legal value of a human and certain community, it is called a criminal act or a criminality according to a more general term under the criminal law."⁴ Whereas, under the international criminal law, the notion of international criminal act or the international crime has not received yet a complete and precise definition, but it has rather adopted a definition of more sociological and criminological character in which it

¹ Provisional Criminal Code of Kosovo, Kosovo Assembly, Prishtina, 2003, which entered into force on 20th April 2004

² R. Halili, *Kriminologjia (Criminology)*, Prishtinë, 2002, p. 20

³ R. Halili, *Kriminologjia (Criminology)*, Prishtinë, 2002, p. 21

⁴ I. Salihu, *E Drejta Penale Pjesa e Përgjithshme (Criminal Law General part)*, Prishtinë, 2003, p. 25

sets forth that “the international criminal acts represent violation of important international values. At the epicenter of these international values which are violated by means of these criminal acts, is found the corpus of universal human rights”¹.

The criminological literature sets forth that “the volume, type of crimes and criminal behaviour have been closely linked with the development and transformation of certain societies and social – economic systems”². By rights, it can be concluded that the causes of types of criminality are miscellaneous, they tend to change, advance and do not bear the same importance in various political – economic development related processes. There are no doubts that in today’s circumstances of the modern society, “the criminality attempts, above all, to penetrate into the territories of countries with new democracy, but also in economically undeveloped countries, because in these countries, there is certainly a convenient space to develop and spread many criminal acts”³. Political and system related changes to certain countries with influence in trends and extent of occurrence of organized crime, including difficulties and inabilities to prevent and combat such phenomenon, particularly in the transitional countries, should be added to these circumstances”⁴.

The term “organized crime” was originally employed in 1896 in the annual report of the Society for the Crime Prevention in New York. In this report, the term was employed to define the acts of prostitution and gambling, protected by the public officers. Thus, initially, as “organized crime was considered illegal business involving politicians, police officers, legal officers and professional thieves, where their crime was organized”⁵. On the other hand, in Europe, for the first time “the notion of organized crime was employed in Italy (the notion of criminal organization of mafia type, 1982). The Ministers’ World Conference “on organized transnational crime” (Naples 1994) adopted the UN’s political statement and Global Action Plan against Organized Transnational Crime”⁶. For a long period of time, the organized crime continued to be identified with mafia, mainly the Italian one. “The organized crime encompassed the illegal activities of the well-organized members, a disciplined and engaged union in support of illegal services and trade, including: gambling, narcotics, threats at work and other criminal activities of the members of these groups”⁷.

In general, the organized crime has received treatment by researches as a complex, professional and worrying phenomenon for the whole globe, where the distinctions regarding its concept and definition prevailed for a long time: “It is called an organized crime because the professional criminals, on the occasion of committing a criminal act, they make plans and coordination specifically and due discipline”⁸.

Other authors provide that “Although there is no uniform definition of the organized crime, the criminal groups in Europe and beyond, make efforts to coordinate their activities and divide their areas of operation among themselves. The organized crime has recognized new developments in the types of criminal activities and the modes of their execution, by distinguishing the crime in Europe according to its international element”⁹.

According to the DEA’s specialists (*Drug Enforcement Agency*), “the organized criminality is defined as an illegal activity which is committed by criminal groups, whose primary activity is to violate the criminal laws during a certain period for profit purposes”¹⁰.

Furthermore, other authors’ opinions and findings have made special contribution in determination of the concept and definition of criminal organization. According to author Howard Abadinsky “the organized crime is a non-ideological

¹ I. Salihu, *Drejta Penale Ndërkombëtare (International Criminal Law)*, Prishtinë, 2005, p. 306

² R. Halili, *Kriminologjia*; citation p. 123

³ B. Pavicic, *Savremeni Medjunarodni Kriminalitet*, Pirucnik, nr. 3/91, Zagreb, cit. according to V. Vula, 2013 p. 22

⁴ V. Latifi & I. Elezi & V. Hysi, *Politika e Luftimit të Kriminalitetit (Policy of Fighting Criminality)*, Juridika, Prishtinë, 2012, p. 194

⁵ V. Latifi, *Kriminalistika (Criminalistics)*, Prishtinë, 2011, p. 259

⁶ V. Latifi, *Politika Kriminale (Criminal Policy)*, Prishtinë, 2011, p. 239

⁷ V. Latifi, *(Criminalistics)*, Prishtinë, 2011, p. 259

⁸ R. Halili, “Disa veptra të kriminalitetit të organizuar në Kosovë”, *E Drejta*, nr. 4, (“Certain offences of organized crime in Kosovo”, *Law*, No. 4) Prishtinë, 2002 & R. Halili, *Kriminologjia (Criminology)*, Prishtinë, 2002, vep, cit p. 137

⁹ V. Hysi, *Kriminologjia (Criminology)*, Tiranë, 2005, p. 178

¹⁰ M.D. Moriarty, *Organizirani kriminalitet, gradivo DEA seminar për kriminalistë Pulë*, 1996, cit. sipas V.G.Vula fq. 27

enterprise involving a number of persons in close social interaction who are organized on hierarchical basis consisting of at least three levels, for the purpose of making profit and power, owing to participation in illegal and legal activities"¹.

At regional scope (for the members states of the European Union), a contribution regarding the definition of the organized crime has also been given by the European Union through the issuance of the Joint Plan dated 21st Dec 1992 "a criminal organization is called an organization which has a structure consisting of two or more persons, established to operate during a certain time and which commits crimes which are punishable under the law up to four (4) years of imprisonment or serious sentence"².

With the purpose of broader scope, following ratification by the countries, a contribution to the definition of the organized crime was made by the United Nations in 2000 in Palermo where it adopted the UN Convention against Transnational Organized Crime³ which entered into force in September 2003. The article 2 of the said Convention sets forth as follows:

"Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

"Serious crime" shall mean conduct constituting a criminal offence punishable by a maximum deprivation of liberty of at least 4 (four) years or a more serious penalty;

"Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

By conducting a review of the findings made by various authors, including the review of legal acts adopted by international organizations, it can be concluded that the organized crime is the most threatening form of criminality which is present in specific forms all over societies, organized by three or more persons under the hierarchy of a leader, group order, loyalty, responsibility and solidarity among such members, with the will and purpose of making material profit, planning to commit illegal activities according to assigned roles for a long period of time.

With the fast development of technology and the global economy, there were also developed the methods and tools for combating and preventing criminal behavior which are manifested in the form of organized crime, as one of the most dangerous forms of crime in the modern world. Possession of certain characteristics, in deed, makes the organized crime the most dangerous form in comparison with all other criminal behaviours in society. The organized crime shows fast adaptation skills in new conditions and circumstances, by finding ways of making huge profits. ⁴ The development of technology, communication, larger options to move goods and services, have provided larger opportunities to transfer criminal activities⁵. The criminal behaviours have recognized new developments by evolving from the oldest forms of criminality to the latest ones according to the conditions and circumstances of social development.

With reference to the interpretation of the notion on organized crime provided by the United Nations Convention "against Organized Transnational Crime", the author Skënder Begeja, in his book "Kriminalistika" (Criminalistics), presents the following criminalistical characteristics of the organized crime:

1. The purpose to have everything by committing as many types of crime as possible.
2. The members of a criminal organization are required to fulfill their obligation from being loyal to giving their life.

¹ H. Abadinsky, "Organized Crime" Ninth Edition w adsworth – Belmont, USA, 2009, fq.5

² V. Hy si hy rje në Kriminologji dhe Penologji (Introduction to Criminology and Penology), Tiranë, 2000, p. 52 cit. according to V. Latifi, Kriminalistika (Criminalistics) p.180

³ UN Conv ention "against Organized Transnational Crime", Palermo / Italy, 2000

⁴ Ibid

⁵ V. Latifi & I. Elezi & V. Hy si, Politika vep e cit..., p.148

3. A special characteristic is the hierarchical structure consisting of the head and his subordinates. Any deviation from this purpose leads to elimination of the criminal organization's member. This discipline leads to fulfillment of certain objectives.
4. Its main objective is the corruption of government officials, officers in charge of tracking, investigation, adjudication and prevention of crime.
5. The selection of members of a criminal organization has been lately made by the persons who have good knowledge and can use modern information system, telecommunications, electronic mail, pyramidal schemes of money¹.

Legal treatment of organized crime under the Law of Republic of Kosovo

The dissolution of Socialist Federal Republic of Yugoslavia (SFRY) was accompanied with war between its constituent units and after the international military intervention, peace was restored in the region. The UN Security Council adopted the Resolution 1244 at its 4001th meeting in June 1999. Kosovo was placed under international civil administration which was accompanied with deployment of KFOR protection military structures and UNMIK civil structure. The establishment of this new reality was followed with creation of institutional and legal vacuum which was filled on 25th Jul 1999 through issuance of the Regulation No. 1999/1 by the United Nations international administration mission which determined the Authority of the Interim Administration Mission in Kosovo. This filling of legal vacuum continued through issuance of UNMIK Regulation 1999/24 on 12th Dec 1999 relating to definition of the law applicable in². Yet, there were still several legal vacuums to combat certain forms of criminality which had not been of concern to the country before. For the purpose of establishing legal infrastructure to combat, prevent and punish all criminal behaviours which emerge as special forms of criminality, UNMIK issued its Regulation No. 2001/22 "On Measures against Organized Crime". The UNMIK Regulation No. 2001/22 provides the definition to the notion of organized crime; it further sets forth the measures and penalties which may be imposed upon the participants of organized crime, as well as the basic and qualified forms.

¹ S. Begeja, *Kriminalistika (Criminalistics)*, Tiranë, 2007, p. 640

² UNMIK/REG No. 1999/24, 12 Dec 1999

Article 1 APPLICABLE LAW

- 1.1 The law applicable in Kosovo shall be:
 - (a) The regulations promulgated by the Special Representative of the Secretary-General and subsidiary instruments issued thereunder; and
 - (b) The law in force in Kosovo on 22 March 1989.

In case of a conflict, the regulations and subsidiary instruments issued thereunder shall take precedence.

- 1.2. If a court of competent jurisdiction or a body or person required to implement a provision of the law determines that a subject matter or situation is not covered by the laws set out in section 1.1 of the present regulation but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory and which complies with section 1.3 of the present regulation, the court, body or person shall, as an exception, apply that law.

- 1.3. In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards, as reflected in particular in:

- (a) The Universal Declaration on Human Rights of 10 December 1948;
- (b) The European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Protocols thereto;
- (c) The International Covenant on Civil and Political Rights of 16 December 1966 and the Protocols thereto;
- (d) The International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
- (e) The Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965;
- (f) The Convention on Elimination of All Forms of Discrimination Against Women of 17 December 1979;
- (g) The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 17 December 1984; and;
- (h) The International Convention on the Rights of the Child of 20 December 1989.

- 1.4 No person undertaking public duties or holding public office in Kosovo shall discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, natural, ethnic or social origin, association with a national community, property, birth or other status. In criminal proceedings, the defendant shall have the benefit of the most favourable provision in the criminal laws which were in force in Kosovo between 22 March 1989 and the date of the present regulation.

- 1.5 Capital punishment is abolished.

Article 1 of the said regulation defines the organized crime as follows:

- (a) "Organized crime" shall mean the commission of a "serious crime" by a "structured group" in order to obtain, directly or indirectly, a financial or other material benefit;
- (b) "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years; and
- (c) "Structured group" shall mean a group of three or more persons that
 - (i) exists for a period of time and acts in concert with the aim of committing one or more serious crimes;
 - (ii) is not randomly formed for the immediate commission of an offence; and
 - (iii) does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

According to UN Resolution 1244, the Security Council of United Nations vested with powers UNMIK to organize first parliamentary elections in 2001 which were characterized with a fair electoral process in accordance with electoral standards which process was followed with the establishment of provisional institutions of self-government – Kosovo Assembly¹.

With the purpose of completing the legal grounds to combat and prevent criminality, the Kosovo Assembly adopted on 6th July 2003 "the Provisional Criminal Code of Kosovo"² (PCCK) that entered into force on 06th April 2004. According to specific etiological and phenomenological characteristics of organized crime, including its vast social dangerousness, the Provisional Criminal Code of Kosovo provides treatment to this type of criminality under chapter XXIII which sets forth the criminal offenses against property.

Article 274, paragraph 7 of the Provisional Criminal Code of Kosovo provides the definition of the organized crime:

- 1) The term "organized crime" means a serious crime committed by a structured group in order to obtain, directly or indirectly, a financial or other material benefit;
- 2) The term "organized criminal group" means a structured group existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain, directly or indirectly, a financial or other material benefit;
- 3) The term "serious crime" means an offence punishable by imprisonment of at least four years.
- 4) The term "structured group" means a group of three or more persons that is not randomly formed for the immediate commission of an offence and does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

With the adoption of the Criminal Code of Kosovo on 20th April 2012³, it was foreseen the sanctioning of criminal offences. In harmony with the recommendations provided by the European Union, the said code was subject to important amendments relating to punishment of criminal offenders, introducing higher penalties in the form of fine and imprisonment, including the policy of combating criminality that was raised in the highest degree against organized crime through definition and sanctioning of the types of its emergence. The chapter XIII of the said Criminal Code provides definitions to the terms used where article 120, paragraph 13 provides definition to the term **Organized criminal group** – which means a structured group existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain, directly or indirectly, a financial or other material benefit. On the other hand, the term **Structured union** - means a

¹ A. Bajrami, Sistemi Kushtetues i Republikës së Kosovës (Constitutional System of Republic of Kosovo), Prishtinë, 2011, p. 244

² Provisional Criminal Code of Kosovo, Kosovo Assembly, Prishtinë, 2003, which entered into force on 20th April 2004.

³ Criminal Code of Kosovo, Kosovo Assembly, Prishtinë, 2012, which entered into force on 01 January 2013

group of three or more persons that is not randomly formed for the immediate commission of an offence and does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

The Criminal Code of Kosovo of 2012, under chapter XXIV, sanctions the organized crime, respectively article 283 sets forth the criminal offence "**Participation in or organization of an organized criminal group**" in which it provides as follows:

1. Whoever, with the intent and with knowledge of either the aim and general activity of the organized criminal group or its intention to commit one or more criminal offenses which are punishable by imprisonment of at least four (4) years, actively takes part in the group's criminal activities knowing that such participation will contribute to the achievement of the group's criminal activities, shall be punished by a fine of up to two hundred fifty thousand (250, 000) EUR and imprisonment of at least seven (7) years.
2. Whoever organizes, establishes, supervises, manages or directs the activities of an organized criminal group shall be punished by a fine of up to five hundred thousand (500, 000) EUR and by imprisonment of at least ten (10) years.
3. When the activities of the organized criminal group provided for in paragraph 1 or 2 of this Article result in death, the perpetrator shall be punished by a fine of up to five hundred thousand (500, 000) EUR and by imprisonment of at least ten (10) years or lifelong imprisonment.
4. The court may reduce the punishment of a member of an organized criminal group who, before the organized criminal group has committed a criminal offense reports to the police or prosecutor the existence, formation and information of the organized criminal group in sufficient detail to allow the arrest or the prosecution of such group.
5. For the purposes of Article, "actively takes part" includes, but is not limited to, the provision of information or material means, the recruitment of new members and all forms of financing of the group's activities.

With the purpose of prevention and combating the forms of emergence of organized criminality, the institutions of Republic of Kosovo have also issued other legal acts which contain provisions that directly or indirectly treat various forms of organized criminality such as: the law on amendment and supplementation of the Law no. 04/I-05 on declaration, origin and control of property of senior public officials and declaration, origin and control of gifts of all public officials dated 7th April 2014; law on supplementation and amendment of the Law no. 03/I-174 on financing of political parties, as amended and supplemented with the law no. 04/I-058 dated 19th August 2013; the criminal procedure code dated 21st Dec 2012; law on amendment and supplementation of the law no. 04/I-072 on control and supervision of state border dated 19th Aug 2013; law against corruption dated 12th May 2005; law on amending and supplementing the laws related to the mandate of European Union Rule of Law Mission in the Republic of Kosovo dated 7th may 2014; law on protection of witnesses dated 12th Aug 2011; law on liability on legal persons for criminal offences dated 31st Aug 2011; law on prevention and fight of the cyber crime dated 2nd July 2010; law on preventing and combating trafficking in human beings and protecting victims of trafficking dated 19th Aug 2013; law on amendment and supplementation of the law no. 03/I-196 on prevention of money laundering and prevention of terrorist financing dated 26th Feb 2013; law on implementation of international sanctions dated 4th May 2010; other, which are considered as important local instruments in respect of prevention and combating of organized crime.

Conclusion

Taking into account the findings provided by various authors in connection with the criminal characteristics of the organized crime, it can be concluded that the exercise of criminal activities by members of a criminal organization on continuous basis over a long period of time, under the planning and supervision of a leader, creates a professional criminal. The commission of criminal offences by these organizations, respectively by their professional members, is conducted as per the plan and distribution of duties, who are highly skilled and capable of, who use various advanced methods and techniques, who eliminate crime traces, who do not stay for a long time in one habitual residence, who know the techniques and tactics of police and other intelligence services, and whose activity expands at a global level by making professional use of their communications and transport income, including the general socio-economic condition.

In general, the organized crime is a complex phenomenon and highly heterogenic by adapting to the changing needs of economy and social and political institutions where it emerges and operates. Depending on the criteria taken for the basis of classification, the criminal phenomena emerge and operate in various forms of organized crime. Whereas, depending on the organization of a criminal group, they emerge and operate in various forms of criminal organizations.

Taking into account the treatment of respective provisions of aforementioned legal acts, it can be concluded that in terms of defining the notion of organized crime under the Criminal Law of Republic of Kosovo, such notion has been influenced by the international definition of the organized crime provided by the United Nations in 2000, in Palermo, on occasion of adoption of the Convention against Organized Transnational Crime which entered into force in September 2003. Additionally, it can be noted that the Republic of Kosovo has created a legal infrastructure, close to the European standards, which directly or indirectly, sanctions various forms of organized criminality in order to achieve to prevent and fight various forms of organized criminality which emerge in the Kosovo society.

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The Symptoms of Postpartum Depression in Fathers in the City of Elbasan.

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Abstract

This study makes an exploration of Postpartum Depression symptoms of fathers in the city of Elbasan. The aim of this study is the recognition of the existence of Postpartum Depression in fathers identifying them in the picture of the symptoms. The study sample consisted of 40 fathers who had a maximum of a year that became parents, with a stable job and the average educational level of formation. Sample selection was carried out in public kindergartens number 1 (one) and 2 (two) in the city of Elbasan. For the methodology of this study are used quantitative methods. The collection of data for this study was conducted in a period of about four months, during the months of February, March, April, May, 2015. The instruments used in this study are the Beck Depression Inventory, Postpartum Depression Scale Edingurgh. Beck Depression Inventory and Edingurgh rate were used as tools because both measure Postpartum Depression and that has the same picture symptoms episode of major depression with the only change the time of development. Instruments that are used to obtain the data necessary to test hypotheses raised in this study were initially piloted before applying them in the final stage. Results of this study showed that 85% of fathers taken in the study showed symptoms of postpartum depression as dissatisfaction with the activities, criticism of themselves, concern / irritability, changes in sleep, lack of interest in people / activities, lack of energy, fatigue, hesitancy in decision making, feelings of guilt, difficulty concentrating, pessimism, frustration, failures of the past, sorrow. The study suggests that measures should be taken for public awareness of the symptoms of postpartum depression are present and in fathers and the Postpartum Depression is not attributed only to women.

Introduction

Overview of the problem of study

From the review of world literature about Postpartum Depression 50 years ago, is always paid attention to women only by ignoring a considerable problems encountered fathers after birth of a child. From this perspective the Postpartum Depression in fathers is an extremely obscure phenomenon and as such it is attributed only to women over the years. But recent research indicates that fathers are equally affected by this phenomenon as women despite that they receive much less social support and that the arrival of the child in their life need to adapt to changes of their role in the family with a lifestyle completely different. Problems which reflect significantly to the development of postpartum depression in fathers in recent years are reinforce in a website created exclusively for them ([www. SadDaddy. com](http://www.SadDaddy.com)) where 3 thousand (3000) fathers in the US asked for help.

Birth of a child is an important event, but at the same time brings what is known as the "syndrome of the head" (couvade syndrome) that is a form of depression that is manifested by a desire to disappear or feeling like abandoned. The first studies on this syndrome were carried out by two psychiatrists at the University of Birmingham; Conclon Trethowan the

American psychotherapist in 1965. Will Courtney explained avoidance and a sense of claustrophobic proving a "neobaba" (new father), not a lack of sensitivity but Postpartum Depression symptoms in a non-individualized form.

All expect that the moment of the birth of a child necessarily is cheerful so it is difficult to understand that a man can not serve only as a emotional stabilizer for young mother as it is the feeling of inadequacy with the new status, lack of psycho-emotional preparation or personal impact of variables such as education, becoming a father for the first time or not, etc. , which cause a shock for men, who, although they do not born equal as women, they suffer the same as women from postpartum depression.

According to Adrienne Burgess of the Fatherhood Institute in England, hormones, insomnia, stress and the responsibility weighing on father as much as the mother, and in those cases where postpartum depression included and wife then the risk for father is even greater double. In addition to these stress, another stress to fathers was created and when they feel less able to practical services and daily activities to their child in relation to women who begin to criticize their husband's not being able to understand so they are and undermine marital relationship itself.

While we in our society do not accept the existence of Postpartum Depression in fathers, considering from personal beliefs that are not scientific beliefs. Therefore Postpartum depression in fathers is a phenomenon non explored in Albania, the incidence of which has not been determined, nor guessing yet, so this study seeks to make known, to recognize and through knowledge to make the most effective ways to treat and reduce the fathers experience as stigmatization affects search assistance despite treatment by their fathers that they are aware that significant changes are occurring in their lives.

Problems in the diagnosis of depression in men are closely associated with the rejection of the presence of symptoms from the subjects diagnosed. To make it more tangible and closer to the Albanian reality postpartum depression in fathers should be taken into account the special specifications related to the level of stress and problems that presents the life of an Albanian man, because Depression father is the key in creating problems behavior at later stages of development.

Definition of terms and their operationalization

Keyword: Postpartum Depression; Baby Blues; postnatal psychosis

Postpartum depression ¹ - It is a mood disorder, and symptoms appear to the mother but also to the father at any time during the first year of childbirth but most cases have their beginning within the first 4 months. Women are twice threatened by fathers from where 20-30% of women suffer from the Postpartum Depression.

There are three postpartum mood disorders:

At the end of the spectrum is the "Baby Blues" that affects about 80% of new mothers in the US and is expected to occur between the third day and ten after birth of the child. Symptoms are temporary and include crying; anxiety; mood swings and irritation.

At the other side of the spectrum is postpartum psychosis or leave and affects 1 in 500 mothers in the US usually 3-4 weeks after birth. Psychosis post-natal is a difficult situation where the mother may not be aware that she is ill and the symptoms include severe disorders of mood (elation or depression or fluctuations from one to the other), delays in the processes of thinking or strange thoughts, insomnia, etc. In this case there is a risk to life of the mother or baby because puerperal psychosis requires hospitalization when the mother's condition is very serious.

Between the postpartum psychosis and "Baby Blues" it lies Postpartum Depression which must state the perspective of bio-psycho-social.

The symptoms of the baby blues ² are limited and last 2 weeks after childbirth and not interfere with the mother's ability to care for herself or her child. Postpartum psychosis is an extreme form of postpartum depression which affects only 1 to 2 per 1,000 women in the US and it has potentially harmful effects for the mother and baby.

According to the DSM IV-TR, DSM V and ICD-10 depression postpartum (codes defining disorder F30 -F39) is a disorder that occurs in the first weeks after the baby is born (up to four weeks after birth). However many scholars and clinicians engaged in this field point out that postpartum depression can occur within the first year of the child's birth, and in the case of mothers occurs in an earlier stage compared with fathers to whom appear later and can last up the second birthday of the child ³. In view of the clinical symptoms of postpartum depression are similar to those of major depression and distinguishing feature is the period of development, so after the child is born it is develop postpartum depression to mothers and fathers.

In DSM-5 criteria for a major depressive episode are *as following*:

Meeting three or more of the following nine symptoms (including at least one depressed and loss of interest or pleasure) over a 2-week period.

Each of these symptoms represent a change from previous functioning, and it should be present nearly every day:

- a. Depressed humor
 - b. Angry to child, partner or family
 - c. Loss of interest in usual activities
 - d. Changes in appetite
 - e. Inability to sleep or sleeping in longer hours.
 - f. Difficulty in concentrating or recalling events
 - m. Feelings of doubt, guilt, feeling that you / useless, i / hopeless or / tired
 - n. Psychomotor retardation or agitation
 - h. Recurring thoughts of death
- B) The symptoms cause significant distress or impairment.
C) The episode is not due to use of a substance or medical condition.
D) The episodes can not be explained by the presence of a psychotic disorder.

METHODOLOGY

The purpose and objectives of research:

In this study is not intended to show how it has evolved the role and ways of experiencing partner's pregnancy from her husband, but is intended to recognize the existence of the phenomenon of postpartum depression in fathers identifying symptoms picture.

This scientific study also aims to determine the incidence of postpartum depression in fathers in the city of Elbasan and public awareness of postpartum depression in males and there is something that should be treated.

The final goal of this study is that after attempts to infiltrate into the male psyche and to know their conceptions and perceptions about parenting, to determine the level of fathers and Postpartum Depression picture symptoms.

Objectives of the study

This scientific study aims:

1. Define the level of fathers Postpartum Depression.
2. Define the incidence of depression in fathers Postpartum.

The hypothesis of the study:

Ha: Albanian fathers suffer from symptoms of Postpartum Depression.

H0: Albanian fathers do not suffer from the symptoms of Postpartum Depression

The focus of research

This research will be focused on:

1. By involving in the sample only fathers who had a maximum of one year that have become parents, with a stable job and the average educational level of formation. Determination of these characteristics makes the sample to be intentional and homogeneous

allowing an investigation in depth and detail.

Sample

The sample obtained in the study is intentional from where they were recruited from the registers of public kindergarten children 1 and 2 from 160 parents, 40 fathers who are maximum one year that have become parents, with a stable job and the average educational level of formation. (This is to avoid other variables that could be influencing economic status, education, etc.). The average age of fathers involved in the study was 31 years.

Study measuring instruments

Instruments used for evaluation and measurement of Postpartum Depression in fathers selected for this quantitative study are:

1. Scale Edinburgh Postpartum Depression
2. Inventory of Depression (BECK)

Both instruments measure symptoms of major depression with postpartum depression which has the same picture symptoms and therefore diagnostic criteria were selected to be used and in this study. In both instruments questions directed is avoided to use the word depression because it is assumed that there may be some impact in responding by fathers.

Results

Descriptive results on the incidence and Postpartum Depression level of fathers in the city of Elbasan Descriptive analyzes were conducted to determine the real state level and his incidence of postpartum depression in fathers in the city of Elbasan.

Hypothesis 1

H0: Albanian fathers do not suffer from the symptoms of Postpartum Depression.

Ha: Albanian fathers suffer from symptoms of Postpartum Depression.

After entering the data in SPSS version 20 to obtain the following results

Tab. 1 Beck Inventory

	Frequency	Percent	Valid Percent	Cumulative Percent
7	2	5.0	5.0	5.0
8	2	5.0	5.0	10.0
9	2	5.0	5.0	15.0
13	3	7.5	7.5	22.5
15	11	27.5	27.5	50.0
Valid 17	2	5.0	5.0	55.0
18	2	5.0	5.0	60.0
19	4	10.0	10.0	70.0
20	5	12.5	12.5	82.5
21	7	17.5	17.5	100.0
Total	40	100.0	100.0	

According to this table, it is noted that

For the 40 subjects involved in the research with 7 points, 8 points and 9 points were evaluated from two dads (individuals) representing 15% of the sample that report lower predisposition to develop postpartum depression.

With 13 points are evaluated only 3 individuals belonging to 7.5% of the sample, a result which indicates the possibility of developing postpartum depression in fathers referring to scoring instrument.

With 15 points have been awarded only 11 individuals belonging to 27.5% of the sample, a result which indicates the possibility of developing postpartum depression in fathers referring to scoring instrument.

With 17 points and 18 points were evaluated by 2 individuals belonging to 10% of the sample, a result which indicates the presence of symptoms of Postpartum Depression in fathers referring to scoring instrument.

With 19 points are evaluated only 4 individuals belonging to 10% of the sample, a result which indicates the presence of symptoms of Postpartum Depression in fathers referring to scoring instrument.

20 points have been awarded 5 individuals belonging to the sample 12.5%, a result which indicates a moderate level of Postpartum Depression (required psychological treatment) referring to the scoring of the instrument.

21 points were estimated 7 individuals belonging to 17.5% of the sample, a result which shows a moderate level of Postpartum Depression (required psychological treatment) referring to the scoring of the instrument.

In conclusion we can say that 30% of the sample (12 individuals) suffer a moderate level from Postpartum Depression; 20% of the sample shows symptoms of Postpartum Depression; 35% of the sample are at risk for developing postpartum depression and 15% of the sample reported lower predisposition to develop postpartum depression. See Fig. 1 fq. 107

Tab. 2 Edinburgh's Inventory

	Frequency	Percent	Valid Percent	Cumulative Percent
3	2	5.0	5.0	5.0
4	2	5.0	5.0	10.0
5	1	2.5	2.5	12.5
7	1	2.5	2.5	15.0
9	7	17.5	17.5	32.5
11	7	17.5	17.5	50.0
12	14	35.0	35.0	85.0
13	4	10.0	10.0	95.0
14	2	5.0	5.0	100.0
Total	40	100.0	100.0	

According to this table, it is noted that

From 40 people involved in the study with 3 points, 4 points are evaluated by two dads (individuals) representing 10% of the sample that has low predisposition for the development of Postpartum Depression.

With 5 points is rated 1 person (2.5% of the sample) that has low predisposition for the development of postpartum depression.

With 7 points is rated 1 person (2.5% of the sample) that is at risk for developing postpartum depression.

With 9 points and 11 points are evaluated by 7 individuals who constitute 35% of the sample that shows symptoms of Postpartum Depression.

With 12 points were evaluated 14 individuals, so 35% of the sample suffering from postpartum depression

With 13 points have been evaluated 4 individuals, 10% of the sample suffering from postpartum depression.

With 14 points have been evaluated 2 individuals, so 5% of the sample suffering from postpartum depression.

In conclusion, 12.5% of the sample has low predisposition for the development of postpartum depression; 2.5% of the sample is at risk for developing postpartum depression; 35% of the sample that shows symptoms of postpartum depression and 50% of the sample suffered from postpartum depression.

Individuals who suffer from Postpartum Depression syndrome have a rating level in Edinburgh inventory equal to 12.

In this way, we consider that our choice is the average equal to the average of the population. So $H_0: \mu_1 = \mu_0 = 12$

H_a: $\mu_0 \neq \mu_1 \neq 12$

From the above analysis of the data shows that H_a stands, so we can say that fathers in our research report symptoms of Postpartum Depression

Conclusions

Scientific study on "Postpartum Depression Symptoms of paternal" highlighted picture of symptoms of Depression that fathers experience postpartum during a child's first birthday. Also among the study described and analyzed the level and incidence of postpartum depression in fathers in the city of Elbasan.

Regard to the level of paternal postpartum depression in fathers in the city of Elbasan from the study that was done to collected data from the completion of the Beck Depression Inventory shows that 15% of the sample reported lower predisposition for the development of paternal postpartum depression; 35% of the sample reported the possibility of developing paternal postpartum depression; 20% reported the presence of paternal postpartum depression symptoms; 30% of the sample reported a moderate level of paternal postpartum depression (required psychological treatment).

Regarding to the level of postpartum depression paternal fathers in the city of Elbasan from the study that was done to collected data from the completion of Instance Edingurgh Depression postpartum paternal turns out that 12.5% of the sample reported low predisposition for the development of postpartum depression paternal ; 2.5% of the sample is at risk for developing postpartum depression; 35% of the sample appeared symptoms of paternal postpartum depression and 50% of the sample suffered from paternal postpartum depression.

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Remarks on Immanuel Kant's Theory on European Project

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Abstract

Nowadays dynamic and dramatic development of the European Union Countries (refugee's crises), is bringing into focus the role of the Union as a peace project. Hence, this project is not only subject of history books, but it is important as an active neighborhood policy, and an effort for stability beyond its borders. The aim of this paper is to estimate the projection of Immanuel Kant "perpetual peace theory" in the functioning of the European Union, in the context of ongoing development and its expansion. Kant's peace treaty is not "entering" to the condition of perpetual peace, but it takes in consideration the necessary steps to reach this goal. This paper analyses this treaty as a political peace guide, oriented by the theory of liberal democracy, elaborated on the works of Michael Doyle: "Liberalism and world Politics" (1986), etc. The analyses focuses on three final articles of Kant, which are presented in his philosophical treaty and are projected to the philosophy of the creation and development of the European Union, as a union of peace. This projection is not only part of institutions and international constitution, but also of the will of citizens of these liberal democratic states which are vital conditions for a Europe of Peace.

Keywords: peace, perpetual peace, European Union, peace treaty, Kant's theory, etc.

Introduction

The concept of "perpetual peace" of Immanuel Kant, 1795

In his treaty "Perpetual Peace", Immanuel Kant defines peace as setting to a war in which you are armed to disarm the enemy, you prepare for the war in order to avoid it, considering peace as a protection force, and at the same time as a positive force of freedom. Political peace between nations or peace at gun point, according to philosophic reflection of Fransuaze Prust (2004), takes the form of an alliance for peace. The alliance for peace at the same time differs from the contract, treaty of peace or the world republic. Kant specifies that the first distinction between the treaty of peace, which "seeks to end a launched war" and the alliance for peace stands the fact that the latest "tries to put an end to all wars". While the contract engages powers, which may tend to withdraw and spoil this act or this contract, the alliance "Match the Freedoms", brings together the existence of a state with another entity (another state), in order that the independence of the first guarantees the independence of the other.

On the other hand in a State of People, above nations, even if his way of governing would be Republican (i. e. the state as a world republic), it contradicts with the essence of politics: which is Freedom. Many nations would not be able to form a single state that is due to the eligibility to enjoy the reciprocal right of different nations. They will choose to stay without being merged into a single state because a state of nations "will have contradictions, since each state contains the ratio of the superior (the one who makes the law) with the inferior (the one who obeys the law, that in such circumstances it is thought to be people.)

A peace alliance (federation) is intended to preserve and guarantee the independence of States and to respect their boundaries, having as the main objective the prevention of war.

In 1795 Kant emphasized in the Treaty which we are referring to " If it happens that a strong and highlighted nation, manages to be self-established in a republic (which, by its nature, must lead us toward perpetual peace), then this will serve as the centre of the confederation for other countries, which will be connected here; and it will provide, in accordance with the idea of the people's right, a state of freedom among nations and in an insensitive manner, thanks to many connections of this kind, it will be spread more and more. "

Pursuing this idea, according to Proust (2004) Peace Alliance is a jewellery of combined motives, a multiple connections unity and verses, which can be approachable only in a proper place at a given time. They are the chance to "grab" something good, a chance to attract others to create a network, to establish a relationship and to begin the process of socialization. They create opportunities, not mergers; they are able to disseminate gradually the drawing of an eruptive mosaic or nests of peace.

Peace cannot survive without a federation of nations, in which the weaker member may require his rights and safeties, not for his power or annex, but for this great confederation, for the joint power and the annex of collective desire. (Kant 1784).

Kant's theory of perpetual peace and Federalization (Zum ewigen Frieden) in such a surprising way presents what is today The European Union.

Michael Doyle (1986) developed the theory of Kant by naming it "liberal peace".

Both authors stick a common argument: Liberal democracies do not declare war to each other.

In this paper we will seek to maintain this idea, trying to respond the question: Can we say that Kant's perpetual peace is being projected on the performance of the European peace project?

Used Methodology

The main aim of this study is to observe the projection of three articles of Kant's Treaty Perpetual peace, in the establishment and functioning of the European Union as a union of peace.

This goal implies the use of a research method based on bibliographic research and comparative analysis, to bring a critical overview of the theory of perpetual peace in liberal democracies, unions or federations as political organizations.

Kant Treaty and the opinion of Michael Doyle will guide the analysis of this paper, to present some arguments that identify EU as a union of peace.

Michael Doyle is clearly positioned on his political opinion as a supporter of liberal democratic theories.

In the elaboration of his thesis he has also referred to Emmanuel Kant's "Perpetual Peace" Treaty and its Articles, taking in consideration some recommendations and justified conditions in achieving eternal peace.

This paper will focus on the articles of Kant's Treaty, in the analysis of Doyle on these articles and their projection on some aspects of the performance of the Union.

The paper is composed by some theoretical sections and subsections, their analyses which will tend to give an answer to the question: Is the EU a peace projection according to Kant?

Some words on the theory of liberal democracies elaborated by Michael Doyle

Liberal peace theory of Doyle described in his article "Liberalism and World Politics" (1986) will be the theory which will parallel Kant's Articles of perpetual peace. In this article, Doyle confirms that Kant's political views, as a liberal republican on the establishment of state and peace federation, are a mirror of what America is today. He emphasizes that the political theory of Kant's Perpetual Peace is a good model to follow by the liberal democracies. Doyle supports this thesis on the evidence of liberal regimes that have existed from 1700-1982. After analyzing these evidences he highlights some

conclusions that seal his opinion as liberal democrat. "Liberal democracies are peaceful. . . even if there can be found tendencies to fight. Liberal states have created a separate peace, and as Kant argues, it should be, but on the other hand, they express liberal causes for aggression and Kant fears that they could be identified.

Some Doyle's records show that even when the involvement in wars have started due to protection of the liberal democracy principles, the end often has not been pleasant, and this for Doyle is a deviation from the Kant's concept and theory.

Referring to John Baylis, Steve Smith, and Patricia Owens (2014), we can say that the theory of liberal democracies does not consider army or even the war as a natural tool for the solution of difficult situations in international relations, as in fact it is considered by realists.

Cooperation and consensus between governments on laws, principles, common norms and international rules are the foundations and the essence of the construction and function of internal and foreign policies of these entities.

Some history of the European Union from the point of view of his contributors

Herman Van Rompuy, the first President of the European Council, in his speech before the Nobel committee in Oslo on December 10th, 2012, said: "Of course, peace might have come to Europe without the Union. Maybe. We will never know. But it would never have been of the same quality. A lasting peace, not a frosty cease-fire... what it makes it so special, is reconciliation.... which goes beyond forgiving and forgetting, or simply turning the page".

In his message we can reveal the philosophy of establishment, functioning and a long and difficult road to fulfil the goal: a union, a core of peace.

Winston Churchill for a long time supported the idea of the European Union as a way to put an end to its collapse. He supports the plan for a "European Federal Union" in an article of Saturday Evening Post of February 15, 1930: "European nations, when united, when they would be federal or partly federal, when would be aware of their continent, will constitute an incomparable body. . . We see nothing except good and we hope to have a rich European Union".

In a series of speeches and articles between 1946 and 1948 he articulated in details his vision. The starting point was his speech in Zurich on September 19, 1946.

Churchill appealed for a Europe based on a partnership between France and Germany. His speech in Zurich had a great impact.

In 1984 Lippens wrote, "Suddenly, in the last weeks of September, 1946, almost a year after the idea was nearly abandoned, United States of Europe came out in the headlines of newspapers again, thanks to the speech of a well-known man. Politicians found themselves in their offices forced or able to think twice that this demand for a European union was not "a lament" by any nostalgic member of the Resistance, but one of the three leaders of the winning alliances, which reinforced the movement for European Union. It led to the creation of the European Movement, as in a large cathedral, which gathers all its members, including here federalists, in support of European unity.

The first success was the call for the creation of the European Council. However, this was a disappointing experience for the federalists.

Jean Monnet and the First Supranational Community.

Jean Monnet had seen to the European Council the failure of federalists view. He believed that the right way to be followed should have a specific need and would find a solution within the power of institutions. In fact it meant the use of federalist principles to create a supranational body. This approach was rejected by federalists who wanted a full and immediate constitution. The main difference between him and federalists was the speed and methodology of this approach rather than its objectives.

Monnet persuaded Robert Schuman, the French Minister of Foreign Affairs, to undertake a new initiative and to create a supranational organization to deal with the problems of coal and steel industry, as well as, the necessary regeneration of German industrial power.

In his Declaration of May 9, 1950 Schuman proposed: "The coal and steel agreement should immediately provide a common foundation for economic development as a first step toward the federation of Europe, bringing together basic products and institutionalizing a High Authority, whose decisions will connect France, Germany and other member countries. This proposal will lead to the establishment of the first concrete European federation so important for the maintenance of peace."

To move forward with this idea, on June 20th, 1950 France organised an inter-governmental conference (ICC) conducted by Monnet. The main aim of this conference was not to charge the new organization with traditional visions of inter-governmental agencies, but to emphasize the unanimity, executive or national financial contributions of the representative states.

After the Coal and Steel Community was established, Monnet described it as follows:

"Today, six parliaments (France, Germany, Italy and the Benelux countries) have decided after a thoughtful discussion and by majority of votes to establish the First European Community which becomes part of their national independence and brings them together toward a common interest".

Spinelli supported Monnet in the preparation of his speech on August 10, 1952, that presented the creation of a new organization in which:

"The sovereign powers delegated to common institutions are implemented by a number of organisms which are the first structures of federal Europe, where can be found a control and balance system which ensures the democratic performance of all decisions".

However this first step toward integration was interrupted in 1954, when efforts to create a European Defence Community (EDC) failed. At this time it seemed that KEQCC will fail too.

The conference of Messina (Sicily) in June 1955 gave new hope for the creation of a European Union. As a result of this conference it was created a committee, with the purpose of elaborating a report on a European Common Market. It was conducted under the auspices of Mr. Spaak, the Belgian Minister of Foreign Affairs. The committee completed its work in April 1956, when he presented two draft projects: A project was to create a common market and the other project was to establish an atomic energy community.

This led to the signing of the two famous "Treaties of Rome", in March 1957. The first one established the European Economic Community (EEC) and the second treaty created the European Atomic Energy Community (Euratom). Treaties came into force by January 1, 1958.

In 1958, it was established the European Association of Free Trade (EFTA) after refusing the membership of: United Kingdom, Denmark, Austria, Norway, Portugal, Sweden and Iceland.

These countries became known as "the seven externals" as opposed to "six internals" of EEC. Great Britain and Denmark stayed in EFTA until 1973, the year in which they become part of EU (formerly EEC) and it was also planned the inclusion of the latest EFTA members in EU.

This process is known as the first expansion of the European project that increased the number of members from six to eight. It also marked a new era in European integration, the EU begin to implement regional policies for the financial support of the Community's poorest countries and regions in order to ensure a sustainable infrastructure.

In 1981 Greece joined the EU, followed by Spain and Portugal in 1986. In 1995, Austria, Finland and Sweden joined the European Union, which was officially created in 1993, when the Maastricht Treaty was signed. In 1999 the Amsterdam

Treaty was signed. These two treaties created the three pillars structure in which governments can cooperate and achieve goals: to ensure peace, prosperity and stability for their people.

In 2004 occurred the biggest round of enlargement when the European Union expanded in countries of the former Soviet Union, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia and the island states of Cyprus and Malta. In 2007 Romania and Bulgaria joined the European Union, to be followed by Croatia in 2013, and now the number of member states is 28.

Perpetual peace on the European project

Immanuel Kant's theses and Michael Doyle

The main theses of Kant's treaty is the "peaceful liberal union" which means that liberal states do not go to war with each other and that the union of liberal states will spread gradually to other states, making them liberal and eventually perpetual peace will be achieved because the liberal states do not go to war against another liberal state.

Kant believed that these three important (determinant) articles would ensure perpetual peace. These articles should be accepted by all nations, and when it happens perpetual peace will be achieved. Before defining these three articles Kant said that it was necessary that these countries should know six precursory articles (preconditions) that would provide confidence among states that are still in anarchy, i. e. in a state of war. These six preconditions are:

1. "No Treaty of Peace Shall Be Held Valid in Which There Is Tacitly Reserved Matter for a Future War"
2. "No Independent States, Large or Small, Shall Come under the Dominion of another State by Inheritance, Exchange, Purchase, or Donation" This provision is designed to determine the rate of "territorial integrity".
3. "Standing Armies shall in Time Be Totally Abolished"
4. "National Debts Shall Not Be Contracted with a View to the External Friction of States"
5. "No State Shall by Force Interfere with the Constitution or Government of Another State". In addition to and to support the second provision, this provision guarantees "political independence". Both principles highlight the modern equality of sovereignty.
6. "No State Shall, *during War*, Permit Such Acts of Hostility Which Would Make Mutual Confidence in the Subsequent Peace Impossible: Such Are the *Employment* of Assassins (precursors), Prisoners (venefici), Breach of Capitulation, and Incitement to Treason (perduellio) in the Opposing State"

These provisions are intended to build trust and mutual respect, required for the establishment of a true peace. Doyle directs his analysis focusing on the above mentioned articles that define perpetual peace.

Doyle has based his theory of liberal peace on Kant's "Perpetual Peace". He agrees with the conclusions of Kant that the state of peace cannot be included in the state of nature (between people that stay close to each other and enemies who create a constant dangerous situation), so peace should be institutionalized, and have a legal framework.

Articles defining the perpetual peace

The first article of perpetual peace: "The Civil Constitution of Every State Should Be Republican"

Three principles should apply for a republican constitution, (1) principles of the freedom of the members of a society, (2) principles of dependence of all upon a single common legislation, (3) by the law of their equality (as citizens).

According to Kant the republican constitution is therefore the only form of constitution which resembles to an original contract, that he admits is the original basis of every form of civil constitution.

Republican constitution is also clear as it is based on pure concept of law and moreover it has the possibility of achieving perpetual peace. This is because it is necessary that every citizen approves when the war should be declared. For every citizen it is natural to be doubtful on a declaration of war because war means that the citizen himself would be involved in war, would pay for it and even more would borrow money to pay the burden of a war that in fact does not have an end because the threat of war continues.

When constitution is not Republican is very easy for a country to go to war because the sovereign is not part of the state, but its owner, and the war did not cause him any burden (as it would do with its citizens).

Second article of perpetual peace - "The Law of Nations shall be *founded on* a Federation of Free States"

It is necessary for each country to have security and therefore they should enter into a federation of nations, which has a constitution similar to their own. This would be a league of nations, but it would not have to be a state consisting of nations as it would be contradictory, since a state implies the relation of a superior (legislating) to an inferior (obeying), i. e. , the people, and many nations in one state would then constitute only one nation.

The need for a comprehensive agreement will be necessary, otherwise achieving perpetual peace would be impossible. Kant pointed out that it would have been a federation of peace that would be distinguished from a treaty of peace (*pactum pacis*) by the fact that the latter terminates only one war, while the former seeks to make an end of all wars forever. Kant emphasized that this federation would not aim to resemble to a state in the meaning of take over and exercise power; instead it should seek to maintain and ensure the freedom of the states within the federation.

Kant stressed that: A league of peace (federation) is intended to preserve and guarantee the independence of States and respect their boundaries, having as its goal to prevent war.

"For if fortune directs that a powerful and enlightened people can make itself a republic, (which by its nature must be inclined to perpetual peace), this gives a fulcrum to the federation with other states so that they may adhere to it and thus secures freedom under the idea of the law of nations. By more and more such associations, the federation may be gradually extended. "

It would be necessary for people to accept a legislative and executive supreme and a legal force to solve conflicts peacefully, not to have wars and therefore also stresses the idea that states should recognize these organizations in conflict resolution between them if they want to avoid war.

"But this power should not be an international state, because countries will have to give up their liberties but the best model would be a federation (social civic alliance) which will be gradually expanded and maybe one day includes the entire world.

According to Doyle, Kant does not develop an organizational system because he doesn't believe that institutionalization is necessary. Instead he finds it sufficient with a non-aggression pact, or perhaps a security agreement, elaborated based on the cosmopolitan law to be presented below.

Third definitive article for a perpetual peace - The Law of World Citizenship Shall Be Limited to Conditions of Universal Hospitality.

The third and final article describes a cosmopolitan law which would function in the framework of a union of peace. This does not mean philanthropy, but the right Hospitality, in its most appropriate form, appears in the foreign rights for not being treated as an enemy as soon as he arrives in another territory. According to Doyle, foreigners have the right not to be treated with hostility when they visit a union of peace. A foreigner cannot pretend a permanent residence, but only permission as a visitor, which does not threaten in any way the people he is visiting. Kant also stresses that liberal states will create a union of peace between them, but they will not remain at war with the non-republics.

Three articles of perpetual peace in the European project.

The purpose of this paper is to justify and argue the liberal peace theory in the European Union.

Many long violent conflicts have ended when the two countries are converted to liberal democracy and liberal peace area has expanded, emphasizes Doyle, in "Liberalism and World Politics".

According to him something rare, as an empirical law is observed in international relations - or at least something similar to a law, that is the non-existence war between liberal democracies.

To justify the above mentioned idea it is necessary to apply and design this theoretical basis on the functioning of the European Union.

To achieve the perpetual peace, three provisions treated above should be applied in a state or in this case in the European Union.

The first article of the Civil Constitution, the second one that is Federation of Free States and the third one that of Universal Hospitality.

The first article defines that the constitution should be republican; this means that it will be designed on the principles of freedom, dependence and equality. If we project these principles in the European Union, we notice a number of cases in which the European Union uses these principles. In 1990 it was signed the "Charter of Fundamental Rights of the European Union". This document is based on liberal principles of freedom, dependence and equality. In its introduction it is stated that

"Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice. "

This passage clearly indicates that the basic ideas of the European Union are similar to the first article of Kant. On December 2009 with the entry into force of the Treaty of Lisbon the Charter took legal status, which means that now it has a binding effect on treaties. Its aim was to make the fundamental citizens rights clear to everyone.

Another example of the commitment of the EU to the liberal principles is the Copenhagen criteria, which were negotiated at the Copenhagen Summit in 1993. Member states should adopt the criteria set out in this document. The criteria are as follows:

Political: stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities.

Economic: the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;

Acceptance of Community legislation: the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The political criteria must be met by the applicant country before the beginning of negotiations.

One of the Copenhagen criteria which emphasizes that countries which apply must have a functioning market economy, is also a criteria in the first article of Kant.

The second article states that it is necessary for a state to have security and Kant believes that the best way to achieve it is a Federation of Nations or a Union of Peace. The European Union is exactly a Union of Peace; in fact the union was created to provide peace in Europe. After the end of World War II, France was trying to keep Germany "under control" as the responsible country that caused the Second World War. However it was very difficult because British and Americans were looking for the revival of the German economy. The Frenchman Jean Monnet created what would be known as Schuman Plan, this led to the creation of the ECSC, which had as its main objective the creation of a High Authority that

would control industries which had realised the arms race before and during the war. This High Authority would hamper an arm race, ensuring peace in Europe. In this case EU goes beyond Kant's idea of a union of peace, which main goal was to ensure peace and being a non-aggressor pact. The EU exceeds this idea; it has been developed into a political union and with a diversity of policies.

By quoting again Kant we can try to make another projection on the development and expansion of the EU.

"can be proved that this idea of federation, which should gradually spread to all states and thus lead to perpetual peace. For if fortune directs that a powerful and enlightened people can make itself a republic, which by its nature must be inclined to perpetual peace, this gives a fulcrum to the federation with other states so that they may adhere to it and thus secure freedom under the idea of the law of nations. By more and more such associations, the federation may be gradually extended."

The EU began ECSC with the participation of six countries and gradually expanded into a great union with 28 member countries and a population of about 500 million. While the EU is expanding it has become increasingly clear that further development requires diversification of policies in many other areas not only peace and security. Kant has declared that the Union of Peace (Federation of nations) should not resemble to a state and therefore it should only focus on safety issues.

But he also emphasizes, as mentioned before, that this federation or the union of peace must have a market economy, which in fact contradicts his statement limited to a union of peace that focuses only on security issues. In order to have a labour market it is necessary to have market regulatory bases such as to avoid trade barriers in the form of duty or technical trade barriers, different standards, etc. To achieve free trade, it is necessary to have extensive legislation and standardization otherwise the market will not function.

The EU has created the internal market in which "The aim is to guarantee the free movement of goods, capital, services and people between the EU Member States, creating an "internal market" in which does not exist traditional barriers of exchanges, services and persons.

The third and final article is that of Universal Hospitality. This article stipulates that a foreigner should find hospitality when visiting the Union of Peace. EU members can travel freely and work wherever they want within the Union Countries. But, people outside the EU wishing to visit it do not have the same rights. Kant notes that visitors should have the right to enable communication or trade agreements with the residents of Pacific Union. He does not make it clear what exactly is meant by this, but an interpretation could be that the foreigner should not be prevented in any way when he wants to do business in EU. This is what it happens, although there are obvious customs duties, when someone wants to bring goods into the EU.

The interpretation of what Kant meant with the cosmopolitan right (according to Doyle) led to the conclusion that the third article about the free market is not met.

But, if Doyle and his followers are mistrustful in the fulfilment of the third article about free trade, I think that recent events such as the refugee crisis shed light on the projection that we are analyzing.

The fact is the hospitality and generosity of the governments and societies of the EU toward refugees, "foreigners" according to Kant. Even though, it is going through controversies and problems, again it is a clear projection of "hospitality" (a term defined in this article) on the activities of the Union in relation to the possibilities offered toward "foreigners" in their extreme need for security and accommodation.

The undertaken policies for permanent residence, are not expressing generosity and hospitality but beyond that, EU countries and people are donating and helping the families in need.

In the framework of these policies the Union shows that the right of freedom, peace and prosperity is a model that even individuals outside the union have the opportunity to experience.

So the third article of Kant goes beyond "universal hospitality, or the right for temporary residence", it creates opportunities for the "foreigners" by providing the right to permanent residence within the territory of states composing the "federation of peace".

The third article about the "cosmopolitan right and conditions of hospitality" towards "foreigners", especially refugees from unsafe countries are attempts that overcome and go further Kant's definitions.

Conclusions

In this paper we tried to bring attention on Kant's theory of perpetual peace, and its projection in the context of ongoing development and expansion of European Union.

To achieve this goal we used three final articles of Kant:

The Civil Constitution should be republican. In December 2009, the European Union gives legal status to the Charter of Fundamental Rights of the European Union in Lisbon Treaty. When Kant wrote that the constitution should be republican he was thinking of it as a state or federation. The European Union is functioning as a union of peace and its organizational form resembles to a state. The Charter is not a constitution of state, but gives certain rights to every Union citizen, regardless of which country they come from.

The second criterion that is the economic criteria (which means that the state must have a functional market economy) corresponds to the first article of Kant, which states that it is necessary a functional market economy. In this way we can say that the first article is completed.

The second article is about the union of peace that provides security to its members. The European Union was created as a union of security, but this is different from what Kant had imagined.

After the World War II, Europe was in chaos, and especially France who feared that Germany could be a threat not only for France but for the whole Europe. Jean Monnet presented Schuman Plan and the ECSC was established, with the main aim to control the arms industries that carried out a weapon race before and during the war. Kant stated in his philosophical treaties that a union or federation of peace would provide security against an external force, but in case of European Union the threat came from within the Union. But, however, the EU carried out the same purpose: to ensure peace. Today the European Union is still in the strong line of ensuring security and this can be noticed in the expansion of 2004. This expansion was realised not only with regard to political and economic goals, but also because the EU wanted to guarantee that the former Soviet Union countries did not constitute a threat if they, for example, would return to dictatorships. Copenhagen criteria assure democracy and this is used as a tool to reverse Eastern European countries in liberal democracy, a process that is still in progress in some countries.

The third article is the cosmopolitan right. This article is more fragile to compare with the European Union project; however, the free movement of people within the union is achieved. This can and should be considered as a major step when compared to the historical heritage of Europe.

During the Cold War, a wall was built to keep people divided between East and West Berlin. Changes are drastic and people of the European Union can now move freely between the 28 member states, there is also the abolition of visa restrictions for some EU candidate countries such as Albania, Macedonia, Serbia, etc. The problem occurs when people outside the EU or Europe want to move to Europe to sell goods and this may be a reason that the third article is not considered fulfilled. But the concern, and the solution of refugee crisis especially at the beginning of the civil war in Syria is a fact that speaks not only for a projection of the third article, but it exceeds the conditions provided in it. The union attempts to transmit and donate values that derive from liberal democracies are very clear.

As a conclusion it should be noted that

The theory of perpetual peace is achieved in the case of EU, perhaps not exactly what Kant has written but certainly it is peace.

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Homogenization and Mass Identity vs. Individual Identity. An Analysis in the Light of the Theory of "The Three Dimensional Spiral of Sense"

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Abstract

This study tests some hypotheses included in the psycho-social-communicational paradigm, which emphasizes the cognitive effects of the *media* and the role of the psychosocial subject as the recipient: the hypothesis of "agenda-setting" (Cobb y Elder, 1971; McLeod-Becker, 1974; McCombs y Shaw, 1976). It also conforms a new systemic theory of the author called "The Three Dimensional Spiral of Sense" (2015 d), applied at the area of Media. It is the first study in Latin America. The approach was macro-micro-meso-macro, micro, not quite common yet. It consists of a kind of *sui generis* systemism which recovers relationships (links, back and forth) between individuals and contexts, without overlooking neither the former nor the latter, thus, avoiding any type of reductionism. Individuals, organizations and frameworks interplay and feedback themselves. The four main objectives were: 1. Determining the degree of impact of the press in the mental patterns et detecting levels de homogenization en university graduates; 2. Analyzing the relation between institutional ideology, political ideology and media choice graduates make (traditional vs more progressive media); in other words, the meso, macro and micro interplay. 3. Ascertaining the personality factors that condition differential receptivity ("Filtering" of the news), related to the social-evaluative context. Methodology used included qualitative and quantitative techniques. The results show: a) a high level of influence of the media on the problems which have been prioritized by graduates; b) a high level of coincidence of the topics prioritized by Faculties (prevailing "ideologies"); c) individual and institutional homogenization which gets feedback within a macro context of homogenization of the news and of globalization. All this impacts on institutional and individual identities.

I. Introduction

"Mass media main function is building 'operational maps of de world'"

for users" (Cohen, 1963:13)

Social building of knowledge and homogenization of "mental maps" (in our opinion, more and more unified in a context of growing globalization of rendering and acquiring information) is a problem which, at the end of the millenium, remains unsolved, despite the many attempts made by the different disciplines and from the different theoretical-methododlogical points of view.

The seriousness and implications of the issue inspired a *sui generis* study which analyzes the influence of the media in social and mental constructions, from one of its models: the agenda-setting. The main concern about the issue was that qualitative homogenization of the information received is an aid for the dissolution of the psychosocial identity (social basic personality) of the different peoples (regardless of audience segmentation or the increase of information).

¹ Topics: Psychology, Communication, Sociology, Identity, Homogenization – Others: A New Paradigm

A part of Cross-Cultural Psychology, Social and Cognitive Psychology, the present study focuses on *the effect of the mass media on a public from different educational backgrounds in the mental homogenization and on personal and collective identity (micro level and méso level)*.

The study is based on communicational, psycho-sociological hypotheses conceived in the 70's, among which are the *spiral of silence* and the *agenda-setting hypothesis*. The data are used here at the light of the *sui generis* paradigm systemic of the author: *le Spiral Three Dimensional of Sens*. The latter paradigm was of special interest to us, due to the impact it causes, the epistemological and methodological renewal it represents and, above all, to its implications and consequences, highly motivating for those working in the field of social psychology.

Of an exploratory nature, this study (carried out in the unique cultural and social Argentine context) lies on the bases of real referents and involves important works in the field, as well as a sophisticated methodological task.

The centralization of the so-called "fourth power" is analyzed as an influential factor in people's systems of beliefs, attitudes and perception of social reality, and in relation to a wide range of basic variables, including the social-cultural, the psycho-social, the pedagogical-institutional, the structural and the communicational in a strict sense; always considering the consequences of their impact in the frame of a growing globalization (macro level).

Finally, several disciplines whose purpose is the analysis of processes in the formation of public opinion can join their efforts here, from the Cross-Cultural Psychology, to the Social psychology, to the Social and Political sciences; thus recovering the social, methodological and epistemological interrelation. The theoretical frame, the social and cultural relevance of the hypotheses at stake and the work in the field turn the present research into an original, holistic contribution in a developing Latin American country already sensing the influence of globalization.

The Objectives

The primary objectives were:

to elucidate such effects in audiences with different levels of education (micro level),

to detect levels of manipulation and homogenization of the "mental maps" linked with the centralization of the "fourth power",

to ascertain personality factors which condition differential receptivity of the addressees ("filter" of the news) related to the social-evaluative context (méso level),

Two lines interest us:

the first emphasizes the effects of the *media* according to each individual's psychology (Gerbner y Gross, 1973);

the second, based on the theory of "mental maps" which holds that the level of permeation of the mass media on people's mind depends extensively on different parameters connected to psychosocial characteristics of both the youths and the messages themselves (Tichenor, 1970; Galloway, 1974; Ettema, 1977) (méso level / micro level).

II. Framework: The Agenda Setting, Main Trends and Relevant Ones

Let us analyze the trends where the agenda-setting theory and our hypothesis system are inserted.

Most trends are based on the following principal: *The agenda does not tell us what we should think, but "a quoi" we should think*. Shaw states "(as a consequence of the influence of the media). . . the public is conscious about or ignores, pays attention or neglects, emphasizes or overlooks specific elements in public life. People tend to include or exclude from their knowledge what the media tend to include or exclude from their own content. They tend, as well, to confer facts, problems and people the importance that the media has given them" (1979: 96. Also Wolf, 1987: 163). Cohen refers to the topic in the terms used by Pasquier exactly thirty years later: "(if it is true that the press). . . can not always tell people what to think,

it is amazingly capable of telling the readers about what topics they should think something. " (Cohen, 1963: 13. Referred to by Wolf, 1987: 163).

This is the primary and most global hypothesis. As Shaw expresses, the fundamental assumption is that "... an important part of people's understanding of social reality is modified by the media." (1979: 96 and 101).

The perspective of the media has certainly changed: they no longer aim at persuading people, but at providing them with a "list of things one must have an opinion about or should discuss."

The agenda-setting theory has been influenced by the following trends for over twenty years.

The first one is politics-oriented, rooted in Cohens works (1963) and based on agendas from the ruling elite from foreign political sectors. Cobb and Elder (1972) label it *policy agenda building*. The main point of analysis here is the combination of the media and the citizens' agendas, together with that of the political decision-makers', emphasizing the complexity of the three. Nevertheless, the relevance of the issue goes beyond our purpose.

The second hypotheses deals with the agenda relationship of the subjects' media/agenda (micro level / méso level /macro level – political sectors).

Born in 1972 with McCombs and Shaw, further studies are carried out by Funkhouser for a period of ten years. At about the same time, Roberts looks at the problem from the point of view of the manipulation, a central aspect of our research. In his words: "as long as the addressee does not have the opportunity to check the accuracy of the representation of social reality, he ends up having a distorted, stereotyped or manipulated conception of it." (1972: 380. Also Wolf, 1987: 164).

As Shaw points out, emphasizing certain aspects and setting others aside, the media contribute to an interpretation of reality, which the individual applies in a fairly conscious way. Thus, (the media) "... provide the public with something that goes beyond the strict limits of the news. They also provide them with the categories in which to include it in a significant manner." (Shaw, 1979: 103; Wolf, 1987: 165).

The research carried out by the author –as well as McCombs– shows that the ranking of facts in the public is similar to that given by the media, considered in the long term and with an "accumulative" effect. Such effect, which obviously ratifies what has been stated about "long term" effects, implies –as Wolf has pointed out– a serious methodological problem. How can one be certain about them? How can they be observed? Which is the most appropriate technique? The empirical proof finds a serious difficulty in this respect.

The above-mentioned works (Shaw and McClure-Patterson) confirm another paradigm presented by Klapper and col. about the role of *predisposition* and its mediation in the exposition of programs. McClure (1976) expresses that "the agenda setting is probably an indirect effect arising from previous disposition of the public receiving the message" (1976: 28). Shaw, states that, for the one part, "voters' psychological and social characteristics" play an important role in the use of the media for political purposes. For another, that interpersonal relationships influence the agenda effect, thus explaining –when they are poor, their most significant effects.

Making emphasis on the *selective processes* (perception, memory, attention, etc.) and thus, on the active role of the recipient, Roberts states: "(the media) are efficient in building the image of reality that the subject structures in his mind. Such image –which is only a metaphor for all the information about the world that the subject has received, organized and stored, can be conceived as a standard to which new information is compared so as to give it its meaning. Such standard includes the frame of reference, as well as the person's needs, set of values, beliefs and expectations which influence what he perceives from the communicative experience." (Roberts, 1972: 366). Considering the influence of all these factors, as Wolf points out, the public's agenda becomes something far more complex than the mere structuring of the media's order of the day, which comprises different issues and problems.

Siune and Borre (1975) once again confirms the influence of the media in the priority that the public gives to certain issues. They corroborated that the importance given to the issue of the economy or of fiscal policy increased as did the importance given to this topics by the media. Rather the opposite happened with topics like education, culture and social problems,

virtually neglected by the media. The co-existence, then, of psychological and sociological factors in the agenda effect – already mentioned in the Lazarfeldian paradigms– represents an important field for research.

McLeod, Becker and Byrnes (1974) made an important contribution from the psychosocial point of view. They demonstrated that ". . . *the agenda effect is stronger among those individuals who have discussed the issues than among those who have had no interpersonal communication*" (Pasquier, 1994: 67). Lazarfeld's old paradigm re appears connected to the hypothesis of the agenda setting.

The results become relevant from our perspective, since we attempt to recover the importance of the public's critical role ("filter"), so as to oppose the absolute power sometimes given to the media when building the "cognitive maps".

Mc Combs, in time, emphasizes the "need for orientation": ". . . *when the topic is very important and the individual's knowledge is poor, he will turn to the media "pour parfaire sa maitrise du sujet"*. A higher exposition to the media will, in turn, strengthen the agenda effect. " (Pasquier, 1994: 67) t. n.).

Going even further, Zucker (1978) and Eyal (1979) express that ". . . *the more the topic refers to an issue of which individuals have no direct social experience, the greater the media effect*" (Pasquier, 1994: 68; Zucker, 1978; 227; Wolf, 1987: 175).

The finding becomes even more relevant in a globalized world, where most of our knowledge comes from the media, situation which fosters individuals' defenselessness. In other words: the growing cognitive public dependence on the media reduces the filtering expected from the audience. Gross says: "(there are) *bits of reality that subjects do not experience directly or define interacting in every day life, but which they "live" through the symbolic mediation of the mass media*" (Gross 1883; 225, cit. by Wolf, 1987: 165).

Iyengar (1979 and 1980) indirectly associates the media and education and concludes: ". . . the least skillful individuals and the least willing to contradict the information given are the most likely to be influenced by the agenda effect, due to close relation between the way in which the information is presented and the agenda effect". Imagine the influence of these concepts in underdeveloped contexts. . .

Our research included several tests to measure aptitude (labor, academic, etc.). Being graduate students, the individuals showed, in addition, a conscious criterion for criticism, which was above the level of the general public's.

In sum: despite the existence of works dated back in the 70's and in the 80's, an integration of theories has not yet been achieved, and plausible answers have not yet been found as to how social information is construed; information which is more and more standardized in globalized contexts where the dividing line for such information is drawn in terms of the "info-rich" vs. the "info-poor".

Consequently, the information presented so far gives an idea of the complexity of the hypotheses and the extent of the issue. After a period of over two decades, many problems remain unsolved and several "cognitive" gaps are still to be bridged.

Finally, if we admit that what the subject reads has already been in the papers and on TV, and that he reads it bearing in mind a set of values, beliefs, prejudices and knowledge, we are led to assume that he is not defenseless before the media. His reading is subject to a conceptual, semiotic, psychological (in a broad sense), emotional, cultural and social background, which surrounds and influences him.

The Hypothesis

Forty nine central hypotheses were considered, which include base, academic, educational, structural and communicational variables in a strict sense.

There would be a marked correlation between the degree of importance assigned to the information by the media and that assigned by youth (high incidence of "mental construing"),

-receptivity of the addressees would vary according to cognitive competence;

-certain psychological characteristics would render the subject less susceptible to media influence (micro and méso/macro level).

III. Method

Sample

The sample was made up of graduates (N= 516) and drop-outs (N=2157) from eighteen careers in Cuyo University (Argentina) between 1980-1993. The study was extended to the present (2014). The sampling was stratified and the start, random. The confidence interval was taken at 95% and error margin at 4, 4% .

Regarding the subjects, data were gathered from institutional files and through personal interviews. Due to the special characteristics of the research, there was, in addition, a sample of the media and news.

Concerning the media, some work was done based on recorded national and international TV news reports and, especially, on the written press, since this is the main source for the agenda setting (Mc Combs, 1976: 6). Two local newspapers (Los Andes and Uno) were analyzed, as well as the major national newspapers, with different editorial orientations (La Prensa, La Nación, Clarín, Crónica, El Cronista Comercial, Página 12 and Ámbito Financiero). We assumed that such variety of material would provide us with some insight into the differences between the ideologies of the news. Likewise, some relationship might be found between the media and pedagogical-institutional (universities and courses of studies) variables, basic variables (sex, age, social background, etc.) and psychological-social variables (prejudices, anomaly, pessimism of perspective, rejection of existing structures, etc.). The meso/micro interplay becomes evident. The similarities or coincidences and the differences found among the graduates in different courses of studies show the impact of the immediate context from the media, but also from the socio-economic-political macro level, since the media are often manipulated by the central political powers in order to sell a homogenized reality often times distorted.

As regards the different study-courses graduates' representations, we found sort of "caricatures", which really called our attention if we think that Universities are privileged areas that shape critical thinking. On the contrary, we found sort of "culturally drugged" individuals. Thus, engineers paid full, or even exclusive attention to the news related to their disciplinary area, graduates in Social Work just read news about employment, health, etc. The rest of the world of news was out of their worlds.

This revealed the meso/micro/meso relation, since the individuals internalize what the institutional system taught them to consider important, and then, they revert such image upon the same system with feedback.

On the other hand, news ideology arose from the analysis carried out with different newspapers (some traditional and some more progressive). The perspective each of them showed about, for example, a specific problem in the country, was absolutely different. It was also observed in the newspaper choice graduates made: those belonging to more stylistic studies chose traditional papers, those belonging to more progressive groups, who recruit themselves into study courses related to social, medical needs, chose more progressive papers.

The meso/micro interplay became evident. This remark – one of the mainstays of the Dr. Aparicio's theory present on the first analyses – is confirmed in the latest cohorts.

The same was observed in other complementary studies, that is why this theory, based on 30-year empirical research at CONICET (National Council of Scientific Research), would be announced in 2005 a, 2007 a and b, and in every publication until its release in 2015, applied to 6 complementary disciplinary areas, even though it used to be called similar names (1994^a and b; 2005 a and b, 2014 d).

Being the samples –and corresponding proceedings– of such different nature, the techniques are presented in two distinct moments.

Instruments

Quanti-qualitative techniques were complemented: semi-structured survey, in-depth interviews, life stories and anecdote accounts. Also, tests were applied in order to observe the behavior of certain psychosocial variables (such as control locus, stress, aggressiveness). The analysis was made in two instances: products and processes. The convergent (theoretical and methodological) was adopted.

Let us analyze now the techniques applied to determine the *agenda effect*.

The design and analysis was based on two given agenda models (McCombs & Shaw, D. (1972). The highest frequency observed in the options given for each piece of news in a rank of the Lickert type determined the most relevant news for the public. The media agenda was determined through the analysis of the content in the television networks (morning and evening news), and through the nine local and national aforementioned newspapers.

Following international literature, the time frame was fifteen days for data gathering of the media and the public's agendas. Being research aiming at determining the accumulative, long-term agenda effect, the decision about the time frame was crucial. The period for determining the agenda comprised only one week, during a political campaign, the decision based on methodological reasons which historically justify such choice.

Procedure

Survey of data covers a period of more than ten years.

Implementation of the aforementioned techniques. Being a lineal study, the follow-up was carried at homes, as graduates and drop-outs were no longer in the educational system.

The survey of both agendas (those of the *media* and of the public), setting up of the time frame, took into account the models of the agenda/effect: awareness, relevance and priorities (Becker, Mc Combs, McLeod).

Graphic *media* was also used (six representative national newspapers, displaying different "ideologies"), as well as visual *media* (television newsreels). The comparison procedure for both agendas and analytical strategy are original.

The range of variables was very wide (N=151), covering psychological, base line, pedagogic/institutional, structural and communicational aspects.

Finally, hypotheses and results were compared.

The methodological options made it possible to analyze, on the one hand, the psychological dimension related to the life stories and academic aptitude measurements. The effects of the intervening variables were recognized by means of discerning interpretation of news; on the other hand, it was possible to compare the difference between the impact caused by news from the press and from television.

IV. Results

Hypotheses concerning Social, Cognitive and Media Psychology were corroborated.

The theory held for other contexts is confirmed: the press has a greater impact in the construction of "operational maps of the world" (macro/meso level – micro level).

It was observed that the agenda/effect is present: youths consider relevant only whatever is so for the media (micro level). The remaining information is not recovered nor is able to access the "cognitive maps".

A high homogenization of thought is thus confirmed, as a result of the homogenization of news (incremented in quantity but of unified quality)

Nevertheless, it is interesting to point out that the strengthening of a certain image of reality is not found in the same way, nor every time, depending on the conjugation of different factors among which education and personality act as decisive filters. Results show different interpretations and levels of "filtering" in accordance with n-ach, fatalism, stress, prejudices, among other variables.

The topic, then, is a complex one: the subject's role is neither passive at the cognitive level, nor it is at the psychosocial level. He actually "filters" information. Yet, the question is: to what extent is he really active? How much of the information he receives is he actually able to "sift", when the vast majority of it is acquired "via media", with no further parameters to evaluate the situation?

Discussion

Three axes and some degree of concern account for the analysis: mind homogenization and mass identity vs. individual identity. The results make evident a close inter-relation which, more often than not, is ignored. The media are machineries, organizations, and often politicized entities.

What are, then, the steps to be followed in a more and more globalized world? Resorting to an anti-media campaign or preparing people for conscious selection and responsible management of the new technology at every social level, through education, a critical mind and respect for the national values? Fostering access to new technologies or giving the existing tools their place back as simple instruments in the service of "human" development? How can "upward equality" be achieved without standardization or lack of individual identity, keeping, at the same time, cultural diversity? How can independence and pluralism be achieved in the media without jeopardizing the cultural patrimony of future generations or, even worse, that of the weakest groups and peoples?

As F. Mayor Zaragoza expressed: "The current globalization, irretrievable, is incompatible with each one's kingdom at home". In this frame, the results obtained are an invitation to reconsider the role of the media as cultural pillars, in an attempt to achieve "equality" without weakening the personal identity. This is, keeping the psycho-social identity or the identification with the several social elements, without misinterpreting the existing psychosocial representations of the different immigrant groups, so as to encourage mutual growth and tolerance. Keeping a sense of identity within one's own group is fundamental to understand that sense of identity in other groups, for endo-group and exo-group are complementary categories.

Protecting self-identity means becoming "less mass", rescuing the psychological individualism, and avoiding homogeneity, "trimming" of the personal and social psychology, and any kind of manipulation, from the social and cognitive one, to the bureaucratic (*unconscious manipulation* or unwitting bias from organizations in favor of the news). Uniformity appears as inevitable. The micro/meso interplay is evident, i. e., personal identities getting feedback from institutional identities (Aparicio, 1995 b, 2005 b and c). The macro political-communicational context also comes into play.

The results obtained from the research (done with university students on the bases that they were better "prepared" to "sift" information) show that the social-cognitive dependence generated by the media is significant. To what extent are then exposed those in underdeveloped contexts, with no real possibilities for education or psychological development? The challenge thus claims mainly for us, professionals of Trans-cultural Psychology and working for National Development.

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From the Synergy to the Discrimination - Analysis of Attitudes and Decisions of the Prison Staff Towards Muslim Prisoners in the Context of Multicultural Education

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Abstract

The aspiration to keep the synergy in relations between majorities and minorities repeatedly emerges as the cause of conflicts in social relations. It is also a subject of the interest of the multicultural education, particularly in countries of Eastern Europe, building contacts with the culturally and ethnically diverse groups to a wider scale. Relations in culturally, religiously and ethnic diverse societies, are becoming more and more related to the personal attitudes and a given policy. These issues acquire in the prison circumstances even greater significance, as given moods and personal attitudes of the prison staff create the pragmatic aspects of the professional activities addressed to the sentenced. Additionally, the key role is played by the quality of the penitentiary policy and the legal culture. The article presents the comparative analysis of the research carried out in 2016 amongst the prison staff in Poland. The subject of the research concerned attitudes that influence the decisive processes. The personal relations have been analyzed in the context of the relation with the sentenced Muslims. The aim of the research was not only to reveal the quality of the decisions concerning the sentenced Muslims, but also the sources of such decisions. The latter, in consequence, may shift, as the research results prove, towards synergy or discrimination. The diversification of the discrimination was one of the intriguing aspects, disclosed at various levels that not always explicitly concerned the discrimination of the minority.

Keywords: discrimination, multicultural education, muslims, prison staff, synergy

The wave of European migration as a perspective for creating social moods.

Migratory processes in Western Europe have been coming in a wave motion since the 1960s/70s and they seem to last incessantly (Islam in the European Union, 2007, 7-8). The migration waves are of different range which is indicated by quantitative data reflecting their scale and directions. Until 2008 asylum-seekers migrated from poor economy countries mostly keeping steering France (35160 people), Italy (31160), Great Britain (30550), Sweden (24350) and Germany (21370). For each country the migration directions were also differentiated because Sweden and Germany were destinations for dominant groups of Iraqis (25% and 31% of asylum-seekers), as well as for Serbs (8% and 7%). Turks (6%) and Vietnamese people (8%) arrived in Germany. Migrants from Nigeria (17%), Somalia (14%) and Eritrea (9%) mainly landed in Italy. Great Britain mostly received citizens from Zimbabwe (14%), Afghanistan (12%), Iraq and Eritrea (8%). France became the destination for migrants from Russia (10% of asylum-seekers), Serbia (9%), Mali (8%), Sri Lanka and Congo (7%) and Turkey (6%), (King & Black & Collger & Fielding, 2010). Current 2014-2016 migratory events have changed the ratio of migrants, apart from poverty, other reasons for escaping from military-conflicted or politically unstable countries have appeared. The migration to the European Union countries or to Turkey is the effect of criminal terrorist acts taking place in African countries and strongly connected with religious cleansing that is evidenced by massacres made on Yazidis by terrorists of Daesh.

According to a report published by BBS News (26. 02. 2016) the first wave of present-day migration of asylum-seekers in Europe covered: Syria (over 250 thousand people), Afghanistan (over one hundred thousand people), Kosovo, Iraq (from fifty to one hundred thousand migrants), Albania, Pakistan, Eritrea, Nigeria, Serbia, Ukraine (up to fifty thousand). The main migratory directions are Germany, Sweden, Hungary as well as Italy and France. One should also take into account tightening which hinders the migration in Great Britain. Although the country is one of the destination places for many migrants, the restrictions make just few people reach the British Isles and thus social proportions are changing, especially in those countries where historically the scale of refugee migration has not risen much so far. In 2015 the number of refugees seeking asylum was affecting on relatively homogenous nations and small populations. In proportion of asylum-seekers to one hundred thousand inhabitants the large rates were recorded in Hungary (1798), in Sweden (1667), in Austria (942), in Norway (602) and in Finland (591). In the whole European Union the average proportion reached the level of 255 asylum-seekers to one hundred thousand inhabitants. Being focused on realities connected with Poland it should be indicated that it is rather not a country of destination for migration. Ratio of the current refugee wave that has reached Poland is relatively not big. On one hundred thousand inhabitants the amount of asylum-seekers was 35 (BBS News, 2016). Poland is in the group of Eastern Europe countries where the amount of migrants, especially from Muslim countries, is minimal. It also important for the quality of solutions connected with jurisdiction and penitentiary aspects towards Muslims. The scope of cultural, ethnic or religious diversity of Islam in Polish prison policy is on the level of general solutions stressing their diversity. However, in contrast to those tendencies, the amounts proposed by European Union that illustrate refugee plans of relocation are significant for Poland. By such an inconsiderable real migration so far, the relocation would cover six thousand people what places Poland on the fourth position in the European Union after Germany, France and Spain (BBS News, 2016).

Contemporary wave of migration is a contribution to take discussion not only on political, social or economic issues, but it seems to be a real problem for both jurisdiction and penitentiary policy towards aliens in all countries of Eastern Europe. Undoubtedly it is obvious that migratory movements are the cause of delinquency thus the questions about legal and organizational norms in prisons appear. Nowadays in Polish conditions, the discussion on proceedings with criminals of different culture, religion and diverse ethnic groups is very important and current. It follows from not too many experiences that have been collected so far, because the amount of foreigners in Polish prisons and custodial remands is minimal and comes to the level of 0,4–0,6% in whole population. To the most representative groups are citizens of neighboring countries from southern and eastern territories. The amount of Muslims is minor, but it doesn't eliminate organizational and mental problems. Quite the opposite, because the philosophy of carrying out a sentence and each criminal isolation assumes individual work with convicts. Scope of those problems is qualitatively different than in other European countries.

It is worth of stressing that philosophy in carrying out sentences towards offenders in Poland is of different meaning. Here, an important role play therapeutic, supporting and advising activities which can be found in a resocialization trend. It is a specific phenomenon because aiming at criminal's correction and his personal change, in some European countries like for example France, seems not to be interesting for penology. After execution every man should be given a chance for social existence. In Poland philosophy of resocialization is a part of pedagogy which notices the aspects of corrective work, changes motivation and identity of a prisoner, and is not only a social security (Stepniak, 2014, p. 34-38).

Therefore some questions about general possibility of preliminary custody and imprisonment towards Muslims appear. It is absolutely not about discriminating exactly that group of people, which is relatively small in Poland, but about emphasizing their cultural, ethnic and religious diversity. The philosophy of proceedings individualization towards criminals should start questions about synergy of rights, compromises, possibility of communication and observance of diversity. In addition, Muslims in Polish prisons show their ethnic norms of behavior, beliefs and rituals, which in their opinions, are a part of religion or Islamic law. But practice shows they often don't follow from law or religion, but from local customs and tradition. It additionally generates problems if about defining those people's needs, organizational conditions, and above all, the way in which they are perceived. Literature takes up a subject of hiding common rules, law and religion in human's existence which are wrongly combined with ideology. The ideology tries to find a historical grounds by creating itself as a source of

law, but in actual fact it is a creation that serves contemporary goals (Hobsbawm, Ranger, 1984). Therefore, the crucial purpose of presented research results is to indicate the space in which those conditions can be realized. That is the space in which Muslim diversity is perceived by prison staff, where synergy or discrimination tendencies are being searched, where law diversity is stressed, or where compulsory assimilation to prison condition according to the culture of the country of majority is found.

Multiculturalism and transculturalism versus penitentiary policy.

Recently multiculturalism has been having stronger and stronger meaning in dynamically changing social reality, also in Eastern European countries. Changing social proportions and departing from monolithic nation models requires to notice a cross-cultural space even though till now they were marginal matters. Migration, religious, ethnic and linguistic diversity that are distinctive features of minority are also reflected in penitentiary policy and practice of many countries. Especially when the norms of international law, human rights and humanity are fundamental in European Union countries. The above standards render impossible application the same rules while treating persons of different culture or religion. Diversity management in prisons is in a way immanent feature of culturally diverse communities (Achermann, 2009, p. 6). It is a large field to discuss because the use of separate norms or proceedings in penitentiary practice is not obvious. Especially in Eastern Europe countries (Poland, Czech Republic, Lithuania) which had no such problems before, and remain at the disposal of European Union law influences. At the level of law regulations e.g. Recommendation R(84)12 of Committee of Ministers concerning alien prisoners (Recommendation R(84)12, 21. 06. 1984) it seems to be obvious. However, a quality of penitentiary practice is complex and combines law issues, organization conditions, history and etiology of a certain philosophy in treating criminals. There is no ignoring social experiences in contacts with Muslims, as well as prison staff personal attitudes. Especially the last problem must be taken into consideration because prison service officers and the prisoners create one social organism, and therefore the quality of law fulfillment or creating standards are dependent on personal attitudes. This is the reason the above analyzing is concentrated on a scientific review of prison staff personal predictors which are a starting point to further description of standards and directions in acting with a Muslim prisoner.

Multiculturalism is also a part of prison life, and in a way, a state of mind of people who see others in the same social space. According to Marian Golka's opinion multiculturalism appears where there are various groups of relatively different cultural and racial features, and their different features contribute to mutual diversity perception with its different effects (Golka, 2012, p. 270). Diversity seems to be extremely glaring and immanent in the conditions of prison isolation. It divides the participants of that space into warders and offenders, punishment enforcers and convicts, Catholic and Orthodox believers, atheists and Muslims, and finally into strangers and homies. Alienation of Muslims in Polish prisons, despite a minimal amount of them, is significant and noticeable because of very clear differences in habits, norms and values. In addition, a small number of Muslim prisoners causes that all the decisions and solutions done to them are always exceptions to standard procedures.

Multiculturalism as a general term is not concentrated on different standpoints because the bounds in-between diversity sometimes are clear and sometimes not. However, the bounds and differences in Polish prisons are immensely sharp. Vertical relation between officers and convicts, and between homies and strangers is immanently full of mistrust, care and distance. Although those features are being generated by acts of isolation and potential risk from criminals' side, they strongly emphasize the conflict of interests. That's why Bruno Drwęski indicates a dynamic understanding a phenomenon of multiculturalism which notices a collision of interests in different groups, but also explains the genesis of conflicts. In his opinion the strength of so-called multi-culti isn't that each culture has the same rights to show its outward features in a particular country and particular moment. It is about convincing most of citizens- among minority groups- they are ensured with minimal comfort which is adequate to the level of the age. Features like: origin, ideological, nationalistic or religious belonging are not a barriers limiting personal and social development. They're also not the obstacles for social advancement of one's children (Drwęcki, 2016).

Arjun Appadurai represents an interesting view in considerations of clashes between different groups and their conflicts of interests. He points four confrontation circumstances. In his opinion, globalization caused relocation of many nations thus they lost their identity and support in homogenous commonwealth. Conflicts are also generated by excessively stressed division on minorities and majorities. It causes tensions, especially when minority's rights are limited by majority. The third reason of conflict origins is drastic economic, political and social inequality what was well illustrated by the above analysis of directions in contemporary wave of refugees. The fourth reason of multicultural conflicts is a large availability to the means of violence, whereas brutality expresses anger and hate towards the strangers (Appadurai, 2009, p. 12-13). Moreover, Marian Golka sees the genesis of multicultural conflicts in rivalry and removing groups from their territories. He also refers to structural reasons that are mutual conflicts of interests and goals. At the same time strong contradictions between values, behavior patterns, as well as psychological and social reasons are the conflict sources. They reflect accumulated prejudices, loss of safety or ambivalence. It entails limitation of one's own values, some risks and rivalry for advantage (Golka, 2012, p. 291-292).

While analyzing situation in Polish prisons mostly psychological and social reasons are noticeable because they generate conflicts and diminish foreigners' rights to cultural diversity care. The thesis follows from current social experiences of country where ethnic, religious and cultural minorities are not as much visible as in Germany, France or in Scandinavia. In citizens' opinion Poland is nationally and religiously homogenous country. Unfortunately, such opinions are fed by nationalistic groups. In prison life personal attitude is of the same importance as the prison law which is implemented by people of certain beliefs. The law cannot impose them any vision- neither synergy nor discrimination – if its enforcers follow completely different beliefs. Additionally, prison is an institution where competing for dominance appears in everyday reality. Talking about discussed relations between Polish and Muslims, stressing different behavior norms, ethnic differences, or different social perception one can assume that dispute about value dominance is going to be unavoidable. This is another aspect showing difficulties connected with discussion on penitentiary policy and dealing with small group of Muslim prisoners. Transcultural conflicts may be generated by psycho-social reasons, and not necessarily by size of population. It is also worth to stress that in Eastern Europe counties studies on perceiving Muslim prisoners, and especially their different needs are not carried out on a large scale. It may be connected with trust in power of domestic and international regulations which try to sanction conditions of imprisonment and respect of sentenced foreigners diversity. Synergy seems to strengthen in law, but the question is whether prison officers' opinions are convergent with that belief.

Social climate of perceiving foreign criminals in Poland.

Analyzing objective aspects of foreign delinquency in Poland it's hard to clearly point factors which shape social opinion towards that group. Delinquency occurrence is an indisputable fact just like the opinion that migration processes cause some of immigrants commit illegal acts and must be kept in isolation. Therefore thinking of law synergy it's worth to take into account factors which create social climate in Poland. In this case, the analysis covers objective data, of course one must be aware of stereotypes and opinions presented in media which are negative towards Muslims. Undoubtedly, the stereotypes, just like in other countries, appear together with the wave of migration from Islamic countries, and serve to media and ideological aims, as well as they become subjects in public debates.

By illustrating the amount of crimes committed in Poland by foreigners, it's noticeable there were different waves of intensity of that problem. Generally, the intensification of that phenomenon has been growing since 1990, when systemic changes in Poland started. Since then Polish police has been recording crimes committed by foreigners, and finally the problem has appeared in Polish custodies and prisons. According to statistical evidence presented by Polish Police Headquarters, crimes committed in the years 1990-2015 show the accumulation falls on period between 1995 and 2003 and oscillate on the level of 5. 1K – 8. 3K (Graph 1). Nowadays that phenomenon is on relatively low level and amounts about 2. 2K cases per annum. Nonetheless, a fear of increase in delinquency among immigrants in Poland is presented in media messages and is one of the arguments against welcoming refugees from present migration wave.

Second important aspect analyzing the phenomenon of perceiving Muslim criminals is the picture of foreigners' delinquency. For 90's and 2000's dominant group of foreigners were citizens from former Soviet Union. In comparison with group of Muslim criminals disproportion is significant and that tendency remains both in 1990-1999 and 2000-2012 (Table 1. and Table 2.). Those are estimated data applying to potentially Muslim countries. In Poland official police or prison statistics that could show declared religions are not being conducted. It comes out from belief that religion is a personal matter and is not associated with monitoring delinquency level. Moreover, international regulations don't allow administrations to gather personal data exceeding necessity.

Polish police statistical data indicate (Table 1. and Table 2.) that potential amount of criminals originated from Muslim culture is minimal in comparison to population of foreigners and to general population of convicts in Poland, which in the years 2014-2015 oscillated on the level of 80K and 77K people. Therefore there are no objective reasons to treat Muslim criminals as a very aggressive group. In addition, Polish penology is not strongly experienced in punishing them what could suggest the guards' opinions will rather aim at synergy and stressing different rights than at discriminating diversity. Nowadays, a small population of Muslim convicts potentially facilitates developing considerations and synergy standards. Going further, there should appear some specific actions of methodical resocialization work towards those people. But the key aim is to recognize personal opinions of prison staff which may not be consistent with objective premises and anticipated tendencies of political correctness.

Methodological objectives of the research.

The research analysis was realizing the prospect of quantitative studies, using data from a survey carried out among 80 respondents. The research was conducted in the years 2015 and 2016 and covered prison service personnel in Poland. The respondents were officers and non-commissioned officers, employed at custodial remands and penitentiary institutions. Selection of the respondents was random and covered two group, penitentiary personnel and security staff. From the organizational point of view in Polish penology, officers represent various departments that are responsible for organizational duties (administrative and commissary personnel), penitentiary personnel- responsible for resocialization, and the most numerous group is security staff- responsible for safety and keeping effective isolation of criminals. Due to the scope of duties and direct relations with convicts, the research was focused on security guards and penitentiary personnel. Respondents were randomly selected from different regions of Poland. From the perspective of quantitative analyses that condition of random selection is of great importance because the opinions of persons from border-territories and their experiences may diversify declared opinions on relations with a 'stranger'. The results gathered from 80 officers: 40 officers and non-commissioned officers from penitentiary section, and 40 non-commissioned officers from security service were compared. The research was conducted in a diagnostic test method and written interview technique.

The aim of the studies was to show leading tendencies represented among prison personnel. Therefore a quantitative analysis accurately illustrates the results, showing the tendencies as general directions. They picture prevalent opinions on culturally different convicts; showing tendencies to synergy or discrimination. The research is to answer to a key question: whether the officers of prison service prefer unusual procedures of performing punishment because of ethnic diversity of sentenced Muslims? That perspective goes beyond correctness of international regulations which refer to a necessity of differentiated acting with such prisoners because religious freedom. The tested tendencies are both the result of own experiences and prognostic beliefs- how I'd like to behave towards a Muslim offender.

The second question: What were respondents' motivations?- is corresponding with analyzed tendency to respecting different expectations of Muslims. Personal opinions of respondents result from a certain motivation. They were defining the arguments of own decisions by giving their complications.

Procedures of acting with Muslims offenders.

Conditions of imprisonment and preliminary custody are absolutely total. They can't be changed by a person who being in isolation loses control over own decisions, gets experienced with deprivation of intimacy needs, self-determination and freedom. Total situation increases the meaning of legal and organizational procedures which decide on readability of taken decision and action unambiguity. Stay of foreigners with their different ethnicity and religion causes a serious disruption, because some procedures need changes and updating. Undoubtedly, for prison officers they are not standard actions, but they are strengthened in European law. Recommendation R(84) by 12th Committee of Ministers of EU Member States points explicitly in recommendation 26 a necessity of personnel education in field of different needs consideration and understanding problems occurring among particular groups of offenders. The procedures of imprisonment should be unusual, but an important question is if the officers are ready for that.

The research showed a few general tendencies showing readiness or its lack, to deeper reflections on the needs of sentenced Muslims. The discussed problem was the readiness to consider ethnic difference in opposite sex relations when subject matter contains knowledge not only about law solutions, but personal emotions. Up to now studies also proved that Muslims, both in refugee centers and in prisons present comments connected with relations with women. Women are performing functions as social workers and Border Guards officers and because of that they give orders and manage with males' issues. Much stronger subordination occurs in prisons where female officers act as sentence executors. Male Muslims claim that such a relation is against their tradition and socialization, and harms their honor.

It is a very complex issue because in Poland and in other European countries occurs a conflict, not only between social relations, but also in cases of equal treating of everybody, having rights to practicing professions or to be protected before sexual discrimination. In European culture a woman plays different role than that perceived by Muslim tradition. It is also hard to deny that some social relations are a part of male socialization from Islamic culture that they follow. Additionally, in that melting pot of contradictions, occur European recommendations which call for respecting different religions and traditions. Therefore, respondents declared readiness to respect submitted claims in order to place sentenced Muslims in sections served only by male warders. It is not about a general obligatory subordination and performing orders, but the fact those orders are given by females.

The research results were different for men and women, what is illustrated in Table 3. In group of 80 men the change of procedures towards Muslims was definitely unacceptable, almost 65% of respondents were against such concessions. Relations with female officers shouldn't be reduced because it is a fixed feature of organizational conditions in Polish prisons. Females' answers weren't so much unambiguous, 50% of respondents would accept a situation in which the rules of imprisonment were changed in response to Muslim convict's expectations. However, the decided situation was very complex due to a collision with the rules of equality between sexes. In that case, any concessions could be perceived as organizational changes, forced by convicts, what naturally arouses officers' care and resistance.

Officers' decision complications towards sentenced Muslims.

Motivation analysis followed by respondents is a determinant for general tendencies and a certain way of thinking about punishment. Basically, several thematic categories can be enumerated in which those motives can be found. The pros and cons were illustrated by Graph 2.

Arguments against the changes (see Graph 2):

- a). necessity of respecting the law and regulations being in force in Polish prisons,
- b). respecting the rules of European culture,
- c). respecting equality of rights and lack of discrimination due to sex,

Arguments for the changes:

- d). eliminating conflicts in relations between convicts and officers,

- e). observance of Islamic religion,
- f). positive relationships,
- g). female officers safety.

As for the Polish penitentiary law there are indeed no such directives to change the system of work organization, rather it is the case of the internal organizational dispositions. Furthermore, the recommendations of the European Union describe the scope of adjusting the penitentiary conditions to different ethnic and cultural needs in a rather general way. The proposal clearly puts the stress on the importance of the procedures regulating the work of public representatives. The prevailing view is that the national law should not make any exceptions when it comes to negotiating the ethnicity-related needs. Such motivation is, however comparable with the notion of the native culture being accepted as setting the superior standards.

The joining of the two similar arguments is worth stressing: on the one hand noticing the cultural requirements of a country (20%) and the other the parallel aspect: the cultural requirements of a country associated by respondents with the equality (11%).

Connecting almost identical decision-making motives results in the fact that the role of the majority culture, the role in which gender relations are defined differently than in the Muslim world, turns out to be a leading trend. It is crucially important in connection with the analyzed motives of the sources of conflict in multicultural societies.

The important role plays the battle about the domination of the majority, which is clearly indicated in the discussed research studies.

The findings show that defining the co-existence of different groups is based on the minority compliance concerning the existing tradition and standards of the majority. It is worth mentioning especially in the context of difficulties in constructing the political process, as well as in the methodology of penitentiary work towards foreigners.

Motivation connected with the respect towards the expectations of cultural diversity groups manifested itself reaching the level of 9%. The respondents were willing to change the standard recommendations on treatment of convicts due to their religious beliefs.

Of course, on the one hand readiness for change of attitude should be noted, but on the other hand another important aspect of penitentiary practice appears. The relations with women, the roles which are attributed to them, as well as the social dependencies are not the result of religion itself, but rather of ethnic tradition. The role of women differs widely from country to country and it is the effect of tradition, social communication and sometimes ideologization, which is used for the current political and social purposes (Hobsbawm & Rangen, 1984).

Patriarchal ideology attempts to regulate legally and religiously social relations in order to give them significance and subordinate them to specific goals as in Pakistan or Iran.

As the last revolts proved, in many Muslim countries the existing laws against female education or the strict dress code which does not clearly emerge from Quran (Khagat-Bennai 1959) change, together with the transfer of political power.

Thus, the decision-making process concerning social relations, as being a part of the Islamic world, raises some doubts, because dogmatically sanctioned events start to proceed, the ones which are not empowered to act in such a way.

It is very harmful for penitentiary practice, as there exists a high danger of manipulation and the convicts may try to take advantage of their situation, using their beliefs in terms of religious issues. Consequently, they tend to demand a deep respect for cultural diversity, which is not true, because into this category fall the ethical traditions.

In this case the results indicate that the decision-making process of the public representatives could be described as against gender equality and women empowerment. Their decisions could expose the staff to discrimination, although the

expectations of the convicts were not the manifestation of their cultural diversity, but rather they resulted from the ethical and multicultural foundations.

Taking under consideration the expectations of the convicts regarding this issue, a specific motivation concerning the limiting of the conflict escalation occurred (16%). The improvement of relations between the staff and the convicts reached the level of 7%. These were the circumstances which dominated in a group of prison officers, who were directly concentrating on interpersonal relations. Both, the pedagogues and psychologists were noticing the danger arising from ignoring the signs coming from foreigners. The difference in performing of professional tasks among penitentiary staff and prison officers indicated that they were emphasizing completely different issues: on the one hand the atmosphere among the convicts and on the other hand the obedience of penitentiary rules and the cultural aspects of a selected country, without any exceptions when it comes to Muslims.

Conclusion

The Polish prison officers do not have much experience working with Muslim convicts which is indicated by statistical data concerning imprisoned foreigners in general. Similarly, regarding the level of criminal activity, also the Islamic community perpetrators are not considered potentially dangerous to society (see Table 1 and Table 2). Despite this fact, the attitudes towards the possibility of using different penitentiary procedures towards Muslims are for the most part not accepted by the officers. Of course the analysis were carried out regarding the difficult and questionable situation when it comes to legal, ethical and organizational matters, confronting women's rights in Poland with the mental and ethnical differences in perceiving them by Muslim men.

Such complicated situations show the great difficulties in a decision-making process, as opposed to everyday issues such as for example the matter of religiously-based dietary restrictions.

The regular rights regarding cultural diversity have been determined by the penitentiary rules and for this purpose special procedures have been established and so this is the reason why they can be perceived in terms of the complete administrative solution. The rule-governed procedures do not raise doubts and do not involve personal opinions.

The data analysis indicates two crucial issues important in the Polish penitentiary system. On the one hand there is a strong belief that the standard procedures, not focusing on the cultural diversity, are the only acceptable ones. However, some opinions suggest the implementation of punishment system considering the issue of assimilation into the majority culture. It seems to be an interesting matter from the perspective of multicultural education, which deals with the assimilation as such, the integration of foreigners when it comes to both, the assimilation into the majority culture as well as to harmonizing the aspect of having rights and understanding. Based upon the results of studies it seems that theory does not influence practice, it creates no clear direction for the penitentiary policy. The results proved that especially the officers share the conviction of the procedure codification, so in the long run the lack of clear penitentiary regulations considering the synergy of rights may unleash the opposite tendencies.

Another problem deals with the easily accepted argumentation regarding religiously sanctioned diversity. It is a great challenge for the multicultural education as well as for the studies highlighting ethnic traditions and their local origins.

So far, there have been no inquires that related to sorting out the expectations and demands towards the convicted Muslims concerning their religion, Islamic law and the local ethnic traditions. Certainly, the existence of different types of schools and various ways of proclaiming Shariat make it difficult, but on the other hand the situation seems alarming when not only the convicts but the immigrants as such consider the issues which are merely the local tradition as being Shariat-related. Such situation may generate problems and favor manipulations and concessions, which is far from reaching compromise and synergy when it comes to multicultural societies. This confrontational situation appears to be difficult and it does not seem to have a clear solution, because its aim was to motivate respondents to act. At the same time it is the

area of cultural norms and patterns, which indicates on the one hand at the uncompromising attitude and on the other at the sensitive synergy of the matter.

Chart 1. Criminal activity of foreigners in Poland between 1995-2003.

Source: Polish Police Headquarters M. Perkowska, 2013, pp. 191-192

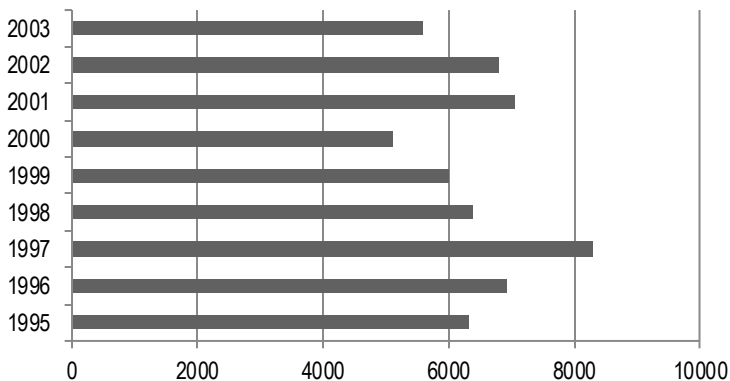


Chart 2. Distribution of arguments regarding the decision-making process among the officers

Source: based on my own research

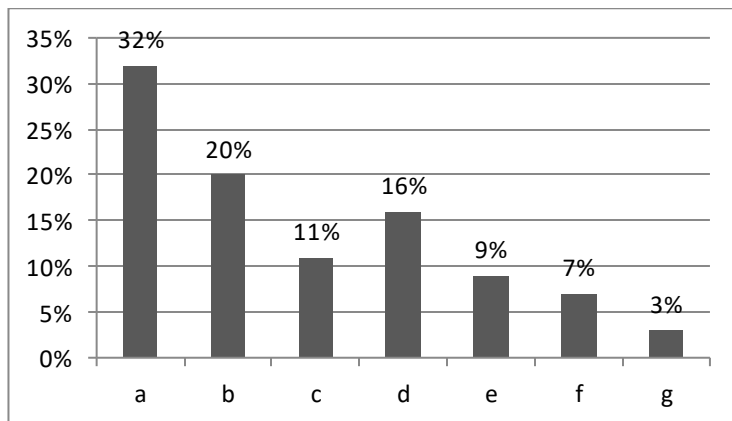


Table 1. The number of foreigners from selected countries suspected of committing (1990-1999)

Dominant criminal groups		Criminal groups from the countries seen as potentially Muslim ones	
Ukrainians	12 208	Turks	125
Belarusians	7 536	Afghans	121

Russians (ZSRR until 1992)	8 025	Iraqis	25
Germans	3 883	Lebanese	15
Lithuanians	3 045	other African countries	121
Romanians	2 429		
Bulgarians	1 087		
Czechs	898		

Source: Polish Police Headquarters M. Perkowska, 2013, pp. 191-192

Table 2. The number of foreigners from selected countries suspected of committing crimes (2000-2012)

Dominant criminal groups		Criminal groups from the countries seen as potentially Muslim ones	
Ukrainians	16 628	Turks	274
Belarusians	7 454	Pakistani	84
Germans	3169	Iraqis	35
Armenians	3 122	Bosnians	34
Russians	2 708	Libyans	31
Lithuanians	2 471	Lebanese	24
Bulgarians	1 519	Sri Lanka	19
Romanians	1 399	other African countries	565
Czechs	751		

Source: Polish Police Headquarters M. Perkowska, 2013, pp. 191-192

Table 3. The analysis of decision distributions considering taking into account the expectations of male Muslims in the examined groups of men and women N=80.

	<i>The change of prison conditions</i>	<i>No change of prison conditions</i>	<i>No data</i>	<i>Total</i>
<i>M</i>	17	40	5	62

%	27,42%	64,52%	8,06%	
<i>W</i>	9	9	0	18
%	50,00%	50,00%	0,00%	
<i>Total</i>	26	49	5	80

Source: based on my own research

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Securitization as Policy Choice: Macedonian Case

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Abstract

The global geopolitical transformations that have occurred in last years have raised questions about various nonmilitary concerns as a result of changes in the global order based solely on the premises of the military aspects of security. The evolution and debate on security began to shift from the traditional basis into contemporary segments of the security analysis incorporating approaches into other areas beyond the traditional concepts of security. In variety of debates of the broadening of concept of security, various scholars began to elaborate that security threats may appear in many other areas outside that of military and political sector. In this aspect Copenhagen schools examines aspects of security at micro and macro level and it represents analysis that intertwine with each other and which derive a more broad understanding what actually constitutes security for a country or community. Expanding areas of security analysis refers to the statement that security has to do with survival of a nation or society which also reasonably includes a range of concerns about the conditions of survival. The adoption of this concept expanded in various fields is a result of the need to better understand the logic of what are the related sectors and is a result of understanding what the interaction between the different sectors are. The aim of our paper is through the broadened mechanism of the concept of security to analyze the challenges and opportunities of the Macedonian security policies and how they are interlinked with other sectors. It does so by looking through the causes of tensions between ethnic Macedonian and Albanians in Macedonia, not only among the issues and emergency events that cause them, but also among the structural factors that shape and frame such a misperception.

Keywords: Societal Security, Securitization, Copenhagen School.

Introduction

The concepts of security based on state and power and their focus on the military aspects of security threats failed to take into account various nonmilitary concerns that began to appear as a result of changes in the global order that was based solely on the premises of the military aspects of security. Additional concerns based upon identity as main source of disagreement that emerged in the world after the Cold War in a state of constant transformation at the global, regional and local level, for many states undergoing the process of transition were challenged by these new phenomena. Consequently, problems began to appear fueling ethnic conflicts such as those in the former Yugoslavia.

Despite the different approaches of state formation and nation-building that newly created states or those in transition have undertaken in the years that followed the Cold War, the tendency to engage in a form of securitization sought to advance the position of the dominant group using institutional mechanisms of the state. The tendency toward ethnic privilege often showed a marked preference for homogenization and discrimination in process of state-building. This most of the time happened tacitly adopting discriminatory policies towards smaller groups and leading to gradual fortification of favoring larger groups' in the structural hierarchy of the state.

Special case in this regard constitutes Republic of Macedonia after years of declaration of Independence in 1991. It succeeded in avoiding an armed clash in the early years of the nineties from the threats of the then Yugoslav army, though, failure of the state leadership to identify the interior challenges paved the way to an armed Albanian revolt in 2001. This

shift of security situation constitutes an important moment of analysis for the causes and reasons of the evolution of the uncertainty from the exterior to the interior of Macedonia.

Such development of events is mostly combined with the identification and analysis of the implications of security paradigms of Macedonia in a contemporary context of evaluation measures that will respond to the perception of the risks and uncertainties from the outside as well as from the inside. The approach to these challenges may require an analysis of the new security situation in horizontal analyzing additional sectors of security that constitute important discourse about security environment in Macedonia and in vertical view for the fact that additional levels of security in the post-cold war period require additional analysis.

Starting from here it is beneficial to approach the causes of tensions between ethnic Macedonian and Albanians in Macedonia, not only among the issues and emergency events that cause them, but also among the structural factors that shape and frame such a misperception. Such structural factors, to name a few, include political discrimination and economic, social and cultural inequalities. These elements that generate dissatisfaction among the people continue to be of great importance in the country.

Towards a broadened theoretical approach

After the end of Cold War debates about the scope of traditional security approaches began to be considered more deeply by various analyst and researcher. The evolution of analysis and debate on security began to shift from the traditional basis into contemporary segments of the security analysis incorporating approaches into other areas beyond the traditional concepts of security. Traditional perspectives, especially those based on the realist concept until this time considered security as derivative of power concentrated in the state as actor. During this period in continuity to realist approach there are observations of additional segments such of those of constructivist school that analyses security situation in socio-cultural interactions and institutional regulations.

In variety of debates regarding the broadening of the concept of security, Barry Buzan's book *People, States and Fear* more specifically elaborates that security may appear in many other areas outside that of military and political sector. He argues that the concept of security in a realistic approach is too narrow and as such does not reflect the security challenges faced in a contemporary context. For Buzan, security has to do with defense of freedom from threat and the ability of states and societies to protect their independent identity and functional integrity against forces of change that they see as hostile. The essential purpose of security is survival that also reasonably includes a range of concerns about the conditions of survival (Buzan, 1991, p. 432).

Based on what was mentioned above about it is to be noted that Copenhagen schools examines aspects of security at micro and macro level and it represents analysis that intertwine with each other and which derive a more broad analysis to better understand what actually constitutes security for a country or community. Such approach to security is focused on the societal aspect of the analysis that brings it closer to the constructivist approach as it has to do with every aspect or influences that forms the perception about security (Stone, 2009, p. 2).

Expanding areas of security analysis refers to the above referred statement that security has to do with survival of a nation or society which also reasonably includes a range of concerns about the conditions of survival. The adoption of this concept expanded in various fields is a result of the need to better understand the logic of what are the related sectors and is a result of understanding what the interaction between the different sectors are. Copenhagen school emphasizes the important sectors in terms of comprehensive security analysis with specific interactions with each other are separated into five main sectors:

- Military security with the interaction of the state military defense and military perceptions of others to the state.
- Political Security, which means stability and legitimacy of the state system
- Economic Security stresses material resources of maintaining state power
- Social Security refers to sustainability concerns in terms of collective identity such as language, culture etc.

- Environmental Safety that has to do with the maintenance of local and global environmental conditions in society relies on (Buzan, Waever, & Wilde, *Security: A New Framework For Analysis*, 1998, p. 8).

This enables the analysis to evaluate each field in order to break down with specific assessment the connection with other sectors that generate a clear and more comprehensive understanding of security requirements of a unit of analysis. Such a conceptualization is needed in order to distinguish what may be a political decision in certain cases and what a military undertaking in other situations. The dissection of a referent object from an actor is necessary in order to better identify the act of securitizing. Securitization is actually the dividing line between social interactions that identifies the threat to the extent that it generates extraordinary measures beyond regular procedures. Securitization brings together the point in which all approaches come together to a common framework as it passes to another level of analysis (Buzan, Waever, & Wilde, *Security: A New Framework For Analysis*, 1998, p. 5).

Starting from such a position, Waever, another scholar from the Copenhagen school shows that the definition for securitization is a result of activities undertaken by the policy makers based on the established rules of the game and thus they reformulate the issue and present it as an emergency problem in need of finding an accelerated solution. Hence securitization presents a different political version with a more extreme nuance of implementation.

In explanation of this thesis, Waever begins from the point that every question can be presented as:

- Not political- when the state does not face a specific question and it is not part of a public debate.

- Political- when the question is part of the policy and is as necessary for the government to decide and to provide relevant tools and solutions

- Securitization- when the question is as an existential threat and based on that necessary emergent measures are needed for a rapid response to the specific threat (Buzan, Waever, & Wilde, *Security: A New Framework For Analysis*, 1998, p. 23).

From what was said above it follows that the essence of elaboration of theory of securitization is that not always defined events pose threats that need urgent and prompt measures and not always they may pose security risk for the state. But first and foremost the issue becomes emergent based on the decision of the actor of securitization. Securitization actor is not always just the state as such, as the traditional approach to security pronounces. This role may also be held by the political leaders, experts, international organizations etc. Which means that is the actor who presents arguments for the existing character of the threat and then he refers the concrete object threatened. Referent object in this regard represents precisely what it needs to survive as a result of a current threat. Thus, it can be said that the criterion for securitization has to do with the fact that when the issue presented under threat has a political effect than the securitization process has begun. And if an actor he reaches through the above-mentioned politicization to undertake steps outside the framework and rules set, then we are dealing with a case of full securitization (Buzan, Waever, & Wilde, *Security: A New Framework For Analysis*, 1998).

In that regard Buzan and admits the argument of realist that security must be linked to survival but also at the same time he adds that while the military option is the most important one for the security of the state, it may also provide other aspects of social life such as language, culture, national identity that can be considered at certain points in time under threat and hence pose security implication to national security of state. His theory further expands and gets closer to the constructivist when he incorporates the position that security and threats are not fixed notions but of social construction. The fact that Buzan expands the reference of security as a result of social interactions makes his analytical system to be Constructivists at the same time (Buzan, *New Patterns of Global Security in the Twenty First Century*, 1991).

Same as in the debate about broadening the concept of security studies, comprehensive security analysis sees societal security as referent object parallel to that of the state. This is largely because in the traditional terminology state as referent object is formalized through specific territory identified by national borders and legitimacy through political and institutional system. But given the fact that many countries do not pose a national cohesion in the internal or external territorial aspect the concept of identity therefore appear to be very important.

From what was said earlier, identity can be understood in the contours of proving the limits for a legitimate and real political activity is subjective and belongs to a field of a permanent competition. From this point of view, the appearance of the security of identity and threats to it may have a very important role, in the determination of who are "we" and who are the "others" of which "us" need protection (Cho, 2009).

According to Waever this means that societal security is defined as the ability of the community to survive within agreed terms for evolution in the framework of the traditional model and normatives that identify it. These norms are represented through language, culture, national/ethnic identity and at times may not be compatible with the organization or geographic territory of state. When these communities are in conflict with the state agenda and their survival is in a threatened state, then there is a need within the state system to identify one or more communities that seek to securitize their societal identification (Buzan, Waever, & Wilde, *Security: A New Framework For Analysis*, 1998).

Consequently it follows that societies may react in several ways to ensure their survival and this can happen when there are ways that the agenda of security of the societal identity can be incorporated and institutionalized in national security but in cases of non-cohesion of the identity boxes within state they are forced to choose other means of survival from the posed threats. These threats as stated earlier may be of a military nature but they can appear even in non-military forms. Such threats may initially be cultural and simultaneously be politicized and may be treated as urgent and hence can activate securitizing move (Collins).

Aspects of Societal Security in Macedonia

Macedonia has undergone two major historical transformations since its independence. The consolidation of the state internally and regionally that have continuously led to fears of potential destabilization of the country. Each of these challenging transformations constituted strategic and fundamental opportunities that have taken Macedonia on the brink of membership in NATO and the European Union. Both of these processes can be considered threats if the state institutions are unable to respond, and as opportunities if the state institutions and the political elite find the courage and means to move forward through the given framework to become members in the aforementioned organizations.

The fear of possible escalation of conflict in Macedonia was eminent since the early 1990's due to the underlying reasons of how two major ethnic groups viewed the state and what it represented to them. Macedonian ethnic group was in search of a state that will clearly be defined as national state of their own and hence diminish external perceived threats that there is no Macedonian nation and subsequently consolidate the state that came from the breakup of Yugoslavia as an ethnic entity that will be internally stable. The formulation of the constitution on the other hand placed Albanians in conditions where they would be second class citizens, with extremely diminished possibilities to institutionally achieve and improve their cultural, linguistic as well as other political and economic opportunities in a country that they lived and contributed through explicit constitutional exclusion referring to them as other citizens.

The constitution proved to be a justifying segment of Macedonian Political elite to undertake a number of policies and actions that will further entrench the existence of the state as ethnocentric during the period of 1990's. This was done largely in oppressing the political demands of Albanian community through actions that undermined their existence as a community. The tensions between the two largest communities involved all issues pertaining to how Macedonia should look and what path it takes as it declared independence. The reasoning of exclusions was additionally backed up by the formulation of the new constitution that gave legitimacy to such exclusions and aimed at retaining the state power in the hands of ethnic Macedonian group. This approach however, was not well absorbed in other domestic communities of the country. The perceived external security dilemmas that it faced in the early 1990's, served as a justification for the leadership of the country to exclude a relatively important segment of society internally (Engstrom, 2002).

Macedonia's population is multiethnic and as a new country it did not take into consideration the communities' composition when formulating the constitutional preamble. The preamble of the constitution of 1991 designed the state as ethnocentric thus, omitting its multiethnic character of the population. The political establishment of the time when building the new state institutions did not take into consideration the fact that more than third of the country's population were excluded to actively participate in building the state security, based on the socio-cultural preferences of their choice. As Macedonia gained independence the state institutions and power were held by the Macedonian ethnic group.

The Macedonian political elite found justification in the preamble of the constitution to institute laws enforcing ethnic discrimination that in essence constituted human right abuses. The laws were selectively applied and at often times were aimed and directed against the ethnic minorities. In this case the members of Albanian ethnic minority as the largest ethnic group were at the forefront of such abusive and selective application of discriminatory policies. These exclusive laws in nature prompted initiatives that further separated the two main ethnic groups from each other. Albanians began to view the state as instrument that is giving the Macedonian majority means to restrict their basic rights and access to services that the state provides (Holliday, 2004).

In response the Albanian community organized its own referendum that was seeking autonomy and further mobilized itself in organizing around national cause. In 1994 as a consequence a deputy minister of defense and several other high ranking members of the Albanian Party for Democratic Prosperity were sentenced for subversive activities and organizing armed revolt against the state. Such a revolt never happened however several of the members arrested did serve prison sentences and subsequently were barred from political participation. Over this decade systemic privileging of Macedonian community and subsequent downgrading of the rights of Albanians through constitutional reference developed into numerous threats to the security.

The government's failure to respond to the demands of Albanians was due to the lack of will from Macedonian political elite and under-representation of Albanians in government and public institutions. There was limited number Albanians represented in the governments since the independence. This was particularly true in the first two governments formed post-independence. Apart from the selective laws that aimed at protecting the ethnocentric nature of the state the limitations in the representation through government were putting additional stain to adequately respond to the needs of the Albanian community. The participation in the government not only was limited in numbers but also in the powers that they were given to enact policies. The formations of governments did help bring the political elites together but it failed to generate a response to the essentials of improving the interethnic communicating and respond to the demands of Albanian ethnic group. The main requests of change of the constitution, the need of different approach to the Albanian language and education, reforms of local self-government became more acute with the passing of time (Hislope, 2004).

In 1994 Albanian intellectuals backed by Albanian political parties established the Tetovo University and requested that the state not only recognize it a legal status but also provide necessary funding for it as it did provide financial support for two other state funded Universities in Macedonian language. Educational rights were also tightly connected to the constitutional contest as the 1991 formulation of the constitution specified Macedonian and its Cyrillic alphabet as the only official language in Macedonia. This meant that the Albanian University level education and funding for it to be unconstitutional. The Macedonian government backed by the support of the Macedonian opposition political parties, instead of trying to find solutions to the issue reacted by sending police as it considered it not only illegal but also unconstitutional (Ragaru, January 2008).

These are some examples of portraying security threats to Macedonia at the intrastate levels. As noticed the main threat of the situation in Macedonian domestic affairs was a result of societal security and the dilemma therein. Such a societal security problem often arises in multiethnic states when the government considers the existence of different communities inside their territory to be a threat to their sovereignty, so as to justify exploitation and denial of citizenship to the members of these communities. It forces the other community to take measures that will guarantee its survival but also as the solution to the issues foretells it may have had other outcome had there been a different political approach to the concerns raised.

Based on all that has previously presented regarding securitization theory it can be stated that a certain sense securitization can be understood as an intensification of politicization. Namely, while politicization is understood as an attempt of raising any issue, or questions about the issue in which there are various possibilities for solutions at the given time that additionally requires certain amount of political or public accountability, in the other hand securitization depends on prioritizing one issue over other issues with immediate or urgent requirement of resolving it in a priority framework and through use of extraordinary measures.

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Security Implications of Forced Migration and the Refugee Flows

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Abstract

This article analyzes the current migration and refugee flows and the security implications that it poses to the receiving as well as the transit countries. Recent public debates, underline the importance and concerns of the ever wider character of the mixed mass flow phenomena, followed by its implications in the humanitarian, economic, financial, social, political and security domain. It does so, by highlighting the concept of a broadened comprehensive security through the lens of the Copenhagen School. The broadened concept of comprehensive security provided by the aforementioned school, offers the most inclusive approach in analyzing the linkage between the *migration and security* nexus. The purpose of the paper is to present the point of interaction between the established rules of the receiving nations and the anarchic situation that migration and forced refugee flows may spur. The recent refugee flows into Europe brings to attention this very complex discourse, as it generates public debates which in turn call for extra ordinary institutional measures, namely by *securitizing migration*. The *securitization of migration* has significant implications for the analysis and the construction of national security policies at local and regional level.

Keywords: migration, security, securitization, comprehensive security, refugees

Introduction

Referring to the current concerns and debates in many countries in South east Europe and the wider region, migration has become a matter of high importance for domestic, regional and international politics. Its importance nowadays seeks the involvement and attention therein, not only of the specialized international organizations but also that of national government agencies such as defense, internal security and foreign policy. An attention of such kind brings to the forefront the need to address the relations of migration and refugee crisis as a matter of security and international politics.

The importance and concerns of the mass flow of migration and refugees ensued by the humanitarian, social, political and security implications emphasize the need of strengthening cooperation of relevant actors such as specialized international organization and also of national and regional bodies to counter with necessary measures the escalation of migration, forced refugee flows and illegal human trafficking.

The perception of immigration has developed alongside the rapid increase and expansion of issues of security analysis that to extent link immigration to the disruption of social life of a country as it is known. In relation to security and migration this has to do with the threats that have not been existent prior to the occurrence of mass flow of immigrants in the country. The traditional approach to security has focused primarily on military concerns and post cold war approach to security looks at a wider aspect of interaction, in those terms immigration also may cause a perceived threat to the security of a society or a state (Krause & Williams, 1996, p. 230)

Due to the ever widening concept of security in the post-cold war settings a number of issues that are not solely based on the military sector have expanded to include environment, poverty economic and political security, and international migration as security threats. In this way the comprehensive security analysis developed by Copenhagen school has moved

away from the state centric approach to security, broadening its concept to include a number of issues that in a security discourse may pose a threat and hence it may need adoption of rules that will protect it from the perceived threat.

The essay emphasizes the theoretical approach to immigration as a security risk and also looks at measures that have been introduced in retaliation to the European refugee debate and concerns that have risen recently due to the mass flow of forced migration from the civil unrests in the Middle East. The following pages will investigate the claim that the perceived threat of mass flow of immigration from one region to another can culminate with extraordinary measures undertaken by various governments and agencies to ensure the political economic and national identity security of their citizens that are threatened in the case by the flow of immigrants in their country or the use of a specific country as a passage to another final destination.

Theoretical approach and migration security links.

Migration is a process that refers to the movement of people across jurisdictions, within state defined borders and outside of it. There are different types of migrants that may impact the established norms and rules differently. The process can be characterized as an entire system of interactions. Every element of this migration system requires specificity and unbundling. While most of the discourse on literature deals with immigration as movement of people there may be as well interconnection with identity of immigrants and the receiving society (International Organization for Migration).

For purposes of the analysis, we differentiate among attributes of the migrants, the motivation and volition of migrants, the transmission mechanisms for migration and the duration of mobility. The most useful categorization when dealing with security studies links migration to the status of immigrants in the receiving country. The migration and refugees accommodated by individual states can be of various kinds but we may mention the economic migration, political asylum seekers or forced migration. The concern here is mostly with the illegal and undocumented immigration or otherwise illegal immigration. Apart from the political debates regarding immigration the most illustrative concern of the governments and citizens is in fact undocumented and illegal immigration (Collier, 2014)

Migration therein presents a complex phenomenon that has to be understood in the context of flow of people beyond the manageable control of states as sole determinants of who can enter the country, under what conditions and through mechanisms that states put in place such as migration management control and border policing. These mechanisms are of course regulated under certain provisions of international law or human rights obligations. Beyond this, states have the ultimate right to determine who, when and under what condition may enter the country. Jointly, these features provide insights into why migration is perceived as threat sometimes and sometimes not. (International Council on Human Rights Policy, 2010).

In recent years international migration has made it to the forefront of the security debate and this due to the fact that we have seen a dramatic increase in the number of immigrants for various reasons. As the number of immigrants increased geopolitical situations have helped bring the immigration to the frontline of the security discourse especially with the end of cold war and the intensification of the globalization. These recent phenomena in global politics brought about to the forefront ideas of expanding the key features of security studies from those of traditional ones to include and broaden the scope of study to a range of topics. Therefore the discourse on security analysis was taking the security threats to a range of issues beyond traditional topics of military capabilities and political events to the new issues such as identity, economy and migration. (Waever, Buzan, Kelstrup, & Lemaitre, 1993).

The recent phenomenon of forced refugee flows and migration has brought to the forefront the importance and connection between migration and security. The connection between migration and security, however, is particularly challenging and problematic because migration, security and the linkage between the two are inherently subjective concepts and has come to the fore front especially within the debate of the broadening of the concept of security. The comprehensive concept of security developed by the Copenhagen school is the actual connection between the objectives and subjective in which the logic of anarchy may operate at different levels of security analysis and at different sectors of security (Choucri, 2002).

The contribution of the Copenhagen School to the security studies highlights the broadening of the concept of security into sectors to include besides military security, those of political, economic, environmental and societal security. These sectors are interconnected with each other that the threat to one sector may affect another sector therefore unbundling the chain

reaction that ultimately reflects on the security of the state. Most direct connection of migration to security largely to the fact that as migration may not affect directly the military security of the state it does so by affecting the social, economic, political and administrative institutions of a receiving state by weakening the strained capacities of society and therefore its stability and the ability to carry on the designed duties of governments. Hence migration initially may not pose direct military threat but it otherwise affects the capacity and established performance of social, economic and administrative institutions of a given state and therefore possibly over a longer period of time the stability of the society (Waever, Buzan, Kelstrup, & Lemaitre, 1993).

These sectors that in comprehensive security studies are viewed as security may be affected in process and condition by change in intensity and the flow of migration. As Choucri indicates the nature of migration and refugees may have different implications for different states and can therefore produce a different response. This structural calculus views security as a function of three interconnected imperatives that jointly yield one integrated and logical outcome. These imperatives cover the domains of:

- 1) Military capacity and defense
- 2) Modes of governance and regime performance
- 3) Structural conditions and environmental viability. (Choucri, 2002).

Thus recent history of migration and refugee flows illustrates the interacting complexity with the security of a given state or region and the implications that it brings. The threat of migration becomes evident essentially when comparing the relative number of migrants and refugees in relation to the absorptive and adoptive capacities of the given receptive society. Societal security that was introduced as a sector that needs to be securitized becomes in this regard the most affected and linked with migration as a threat to security. A state is secure to the extent that all dimensions or conditions for security are in place; and it is insecure to the extent that one or more conditions (or dimensions) of security are threatened or eroded (Waever, Buzan, Kelstrup, & Lemaitre, 1993, p. 45).

Furthermore as Copenhagen school includes in the security realm the sector of societal security it brings in the question of identity that refers to certain qualities and characteristics that a society shares. The identity question essentially makes the basic difference between the receiving society and the immigrants. Of course there are cases when positive perceptions prevail over the otherness and the perception of threat does not develop. However in other cases in an ethnically homogenous society an occurrence of preservation of the political and cultural identity can generate a perception of threat as it sees an influx of immigrants. The same anxiety of receiving society may occur over economic or financial resources.. In this regard when we consider the combined implications of affinity, employment, ethnicity and duration, the complexities abound, but so does the understanding of nuances shaped by matters of identity, groupness and other softer social variables that define the us versus them mindset. A point of entry into the security calculus takes place when we protect ourselves against them. (Weiner, 1993).

The complexity of interaction between the migration and security affects the mechanism in place to dealing with migration and forced mass refugees. In other words there are two main features of state structures directly relevant to migration and security. One pertains to the physical descriptors of the state that is size, demography, economic configuration, etc. and the other relates to modes of population status, citizenship laws, benefits and entitlements, rules of access regulating entry and exit (Choucri, 2002). These are mechanism and dynamics in place that respond to any given threat to the societal security. And in the case when perception of migration is changed into a threat to security it leads to a shift on how institutions respond to it. The broader context of securitization of migration comes into play and hence the subjective argument of migration become a threat to security in context of other securitization and takes the claim that migration is an issue that needs to be securitized.

Debates of policy makers provide additional impetus of political use of migration as a security issue. The Copenhagen school highlighted the usage of the migration issue to the domestic security discourse for purposes of policy makers. This segment of public discourse is the main feature of the need to undertake extraordinary measures for an issue such as migration to become securitized. The argument goes that statements of political actors have exasperated the public to make use of migration for domestic purposes and rise it into a security concern and hence place the public perceptions to

a stage that support the adaptation of measures that securitize migration. Few scholars such as Doty (1999), Huysmans (2000) link migration as security issue based on the public discourse of policy makers that eventually migration becomes a perceived threat to security and not a real one.

The very debate that exasperate the public opinion to accept the policies that deal in an extraordinary way with the issue at hand is the core change from a mere regular political issue into an security issue that becomes a real one as mechanism react to securitize the issue. In this regard security in traditional concepts has been viewed as a given threat that is imminent to the real world and the threat becomes the objective. Securitization theory places its focus on the speech act in a way that things are dramatized that they receive the political priority and attention and hence the issue needs a securitization. In this regard the public debate place an importance to the policy makers who in turn make decisions that requires complex measures to deal with the threat (Walters, 2010).

Introduced policies across EU and South Eastern Europe vis a vis the mass flow of migration.

In the above stated discussion we may rightly note that apart from the structural dimensions that migration presents a challenge to the security of a state or society, political developments of different kind add to the picture of the debate about migration and its effects on security. In the post-cold war era some political developments and events have helped raise the issue of migration into a security one. For example the events that led to 9/11 and subsequent fear that terrorists may be moving within given territory and thus undertake an armed act that can threaten the security of a society further highlights the nexus of migration and security.

The recent events in Europe add to this debate and force the public opinion to a degree that challenges the policies of different countries on the issue. It becomes even more complicated as at times as it involves the concern over identity and therefore becomes perceived as a threat to particular cultural affinity and hence aggravates further the debate over the impact of migration. The debate already impacted the political landscape in many European countries as it has supported the increase in support for the right wing political forces that can further impact the and change the attitude and balance between the national security policies and human security that immigrants require. This attitude is important in retrospective as it has been implanted at the core of the regional organization that represents the European Union and mechanism that regulate the movement of people within its Schengen zone and the securitization of migration in a way impacts its founding concept that lies into a free movement of people (Wohlfeld).

The securitization of migration, especially irregular migration, poses significant consequences and hidden costs and creates a vicious cycle of supply and demand for security within Europe and the surrounding regions that are being used as transit routes for the mass flow of migrants. The recent surge in irregular migration and loss of human life make the issue particularly relevant. The current policies of the EU show how difficult it is to develop approaches that provide a balanced combination of national security and human security perspectives. Over the last years migration has become one of the most important segments of European relations with the outer world as well as within it. Migration has been termed as of strategic importance and on top priority touching on overall stability of the European structure, making the management of migration to be considered as a security matter needing coordination and cooperation processes at more levels and with more actors (Ceccorulli, 2009).

Thus, the objective of the European response up until now towards migration is following through the lenses of multilateralism and security governance. European Union is trying to have this two track response albeit many of its members meanwhile are opting for unilateral action by taking themselves outside the common policies brought about by the European institutions. The Mediterranean Sea is becoming one of the most militarized and heavily patrolled areas of the globe. Current events, such as the drownings of irregular migrants and the debate on the maritime operations on the Aegean sea conducted by NATO expose the difficulty of the EU in framing the issue.

From the outset we have seen patterns of regional cooperation coming out not only of the receiving countries but also those that serve as transit routes. The south eastern European Countries have doubled their joint efforts to protect their concerns by dealing with migration in a way that facilitates their needs. As NATO has started to conduct reconnaissance, monitoring and surveillance of illegal migration, countries in the Balkan route have sent military forces to protect their borders from the illegal flow of migrants into their territory (Deutsche Welle, 2016).

As far as these solutions appear to have taken shape they seem to be outside of the regular established procedures within the European Countries. The measures, envisioned to tackle problems of the receiving country likely to impact in a similar way on actors lying close to these countries. Moreover, as far as regional solutions appear to be sound to cope with risks and to coordinate responses within a defined cluster it would be normal to observe patterns of cooperation encompassing more regional units facing global or intra-regional threats. Thus, we may mention the recent debate of proposed agreement with Turkey that would allow the fast-track returns and large-scale returns that essentially means a collective expulsion of migrants which runs contrary to the European convention on Human rights. (Deutsche Welle, 2016)

Conclusions

Migration refers to the process of movement of people across jurisdictions, within state defined borders and outside of them. The variety of migratory categories can impact the established rules and norms of transit and receiving countries in different ways. Forced refugee flows and migration once again has highlighted the importance and connection between migration and security.

Because migration, security and the linkage between the two are inherently subjective concepts and has come to the fore front especially within the debate of the broadening of the concept of security, however, the connection between migration and security is particularly challenging and problematic. The history of migration and refugee flows illustrates the interacting complexity with the security of a given state or region and the implications. The headline news about the phenomenon of forced refugee flows and migration has brought to light the importance and connection between migration and security.

The contribution of the Copenhagen School to the security studies highlights the broadening of the concept of security into sectors to include besides military security, those of political, economic, environmental and societal security. The Copenhagen school highlighted the usage of the migration issue to the domestic security discourse for purposes of policy makers. This segment of public discourse is the main feature of the need to undertake extraordinary measures for an issue such as migration to become securitized. The argument goes that statements of political actors have exasperated the public to make use of migration for domestic purposes and rise it into a security concern and hence place the public perceptions to a stage that support the adaptation of measures that securitize migration.

The complexity of interaction between the migration and security affects the mechanism in place to dealing with migration and forced mass refugees. The importance and concerns of the mass flow of migration and refugees ensued by the humanitarian, social, political and security implications emphasize the need to strengthening cooperation to counter with necessary measures the escalation of migration, forced refugee flows and illegal human trafficking.

In the above stated discussion we may rightly note that apart from the structural dimensions that migration presents a challenge to the security of a state or society, political developments of different kind add to the picture of the debate about migration and its effects on security. The recent refugee flows into Europe brings to attention this very complex discourse, as it generates public debates which in turn call for extra ordinary institutional measures, namely by securitizing migration.

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Threatening Conditions and Challenges in the Modern Living of the Old People in Republic of Macedonia

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Abstract

The aging is not only a personal but also a social challenge from several aspects, several dimensions; a challenge aiming to build system approaches and solutions with a long term importance. **Aims:** the main aim of this research is to investigate the conditions and challenges in the modern living of the old people, primarily in terms of the social care. However, this research is concentrated on a big group of the population and their challenges are the most intensive in the modern living. The investigation of the conditions and challenges in the aging are basis and encouragement in realizing the progressive approaches in order to improve the modern living of the old people. The practical aim of the research is a deep investigation and finding important data, analyzing the basic indicators of the conditions, needs and challenges in order to facilitate the old population to get ready for the new life. **Methods and techniques:** Taking into consideration the complexity of the research problem, the basic methodological approach is performed dominantly by descriptive-analytical method. The basic instrument for getting data in the research is the questionnaire with leading interview for the old people. **Results:** The research showed that the old people over 70-79 years old in a bigger percentage manifested difficulties primarily related to the functional dependency, respectively 39,33 % of the participants in this category showed concern about some specific functional dependency from the offered categories. The percentage of the stomach diseases with 38,33 % is important, as well as the kidney diseases with 32,83% related to the total population and the category of the old people over 80. **Conclusion:** The old people very often accept the life as it is, often finding things fulfilled with tolerance and satisfaction. However the health problems of the old people are characterized with a dominant representation. The chronic diseases and the diseases characteristic for the aging are challenge in organizing adequate protection which addresses to taking appropriate regulations, programs and activities.

Keywords: Old people, conditions and challenges, threatening conditions, functionality, health

Introduction

Each period of the human life is followed by challenges and it is characterized basically with specific conditions. In the childhood, the period of youth, adulthood and the period of the old age, the life challenge represents an aspiration to perform income activities which will facilitate finding something unknown followed by curiosity and doubtfulness; something that stands in front of the individual and the future, motivate him to mobilize his inside forces (physical and psychological), to face up the reality, seeking for solutions with more or less success. The individual must get prepared to accept the life, including the obstacles, to enjoy the life or at least to be satisfied with it, even if he accepts the reality as it is. The force of each individual is addressed to face the challenge that the reality brings. It is conditioned by several agentives originated from personal facts or the level of social community development.

The power of accepting the conditions as well as the facing and adapting to the challenges with its individual character, primarily is conditioned by the age, gender, the ethnicity, marital and family status, education, health and other relevant indicators.

The challenges in the old age, respectively the life of the old person is polyvalent in terms of social conditions and social care. In that direction they are conditioned by the place of living of the old person, the service access as well as the access of the institutions for care and support (clubs, centers, advisory office, old people's homes and pensioning houses), the life education and the information technology, legal regulations and similar.

Despite the conditions analysis, the main topic of this research are the challenges in the modern living of the old people, which addresses us to alarming, worrying conditions from one side, and possible most urgent actions addressed to raising the quality of the social care of the old people in Republic of Macedonia, from the other side.

In this research are included 600 old people older than 60 from the both genders. The sample is stratified, respectively the questionnaire is performed in 4 institutions which are supposed to be the most accessible to the old people and those are the family doctors (280 people), old people form Skopje, Kicevo and Strumica, daily centers and clubs in Skopje, Kicevo and Strumica (155 people), pensioning houses in Skopje, Kicevo, and Strumica (60 people) and old people's homes (state and private) in Skopje, Kicevo and Strumica (105 people). At the same time, the sample is designed in accordance with the institutions it is completed as: the family doctors' clinics (280 participants or 47%), clubs and daily centers (155 participants, or 26%), pensioning houses (60 participants or 10%) and old people homes (private and state) (105 participants, or 18%).

Threatening conditions

As each period, as well as the period of aging is followed by conditions which make the living of the old people difficult, and very often it leads to powerlessness. In the younger ages the threatening conditions are more dependent of the errors and mistakes in the way of living or the negative influences in the living environment.

During the period of aging, firstly, in the deeper aging, the threatening conditions mostly are results of the health, physical and social threaten, and the powerless to independently make normal conditions for living. In such condition, the aging is followed by conditions of functional dependence, even more conditions of neglecting and abuse.

The findings for such conditions in aging guide us that there it is needed to investigate these conditions, in terms of building a need for looking for solutions in order to improve the quality of living in the frameworks of the social care.

The results gained from the research will be presented through three basic indicator presented in the following tables: Table no. 1. 1 Age and gender and functional dependence of the old people and table no. 1. 2 Health threat of the old people.

Functional dependency

The period of aging, as a last period of the human life, normally leads to decreasing of the human capabilities for work, social communication, as well as personal life care. During these period, in a higher percentage, despite the chronic diseases there are present the conditions of functional dependency which complicate and disable the normal human living. These conditions of aging are influential for investigation in our research. The functional dependency, physical and mental disability are investigated through four indicators: able to walk, limited ability to complete the basic needs, hardly able to walk in wheelchair and disable people. In this table are registered the people able to walk in order to make a realistic analysis of the sample, in terms of this indicator.

The presented data in Table no. 1. 1 Age and gender of the old people and the functional dependency, in the three categories of age periods within the research showed that the age of the old people influence the functional dependency. As a result the first age category from 60-69 years showed that the old people able to walk actively participate in the everyday life and regardless the fact that they are pensioners, the find different things to work on (paid or not paid) in order to fulfill their day. Also, the research showed that this category of the population is dedicated to personal health care in terms of healthy food, as well as in terms of health control and support.

The second category, also, is characterized with relatively solid work and health capacity, because it is showed that the more active life of the old people, also leads to existing of the relative capacity, as well a support of the modern medicine and social conditions for living in general, which influence this category of the old people to posses capacity for normal

living. However, approximately 1% till 2% of the old people from this category stays functionally dependent within the four indicators of the functional dependency.

Table no. 1. 1 Age and gender of the functional dependency of the old people

Old people by age and gender						
Functional dependency		60-69	70-79	over 80	total	Total
		m f	m f	m f	m f	
		f	f	F	f	f
		%	%	%	%	%
Able to walk		111 116	93 72	13 34	217 222	439
		18,5% 19,33%	15,5% 12%	2,16% 5,66%	36,16% 37%	73,16%
Lim. Ability to compl. The. basic needs.		0 0	12 14	10 20	22 34	56
		0% 0%	2% 2,33%	1,66% 3,33%	3,66% 5. 66%	9,33%
Able to walk by help		0 0	5 10	13 2	18 12	30
		0% 0%	0,83% 1,66%	2,16% 0,33%	3% 2%	5%
hardy able to walk in wheelchair		0 0	8 8	14 13	22 21	43
		0% 0%	1. 33% 1,33%	2,33% 2,16%	3,66% 3,5%	7,16%
Disable people		0 0	10 4	10 8	20 12	32
		0% 0%	1,66% 0,66%	1,66% 1,33%	3,33% 2%	5,33%
Total		111 116	128 108	60 77	299 301	600
		18,5% 19,33%	21,83% 18%	10% 12,83%	49,83% 50,16%	100%
		227	236	137	600	
		37,83%	39,33%	22,83%	100%	

The functional dependency and the limitations in moving, guides this category to take steps for physical therapy in order to create conditions for normal living.

The investigation showed that the old people over 70-79 years old in a big percentage manifest difficulties in terms of functional dependency, respectively almost 39,33% of the examined people from this category showed concern about some specific functional dependency from the offered categories.

These conditions imply the need to secure direct access and help to the old people over 80 in order to satisfy their needs by health care centers, civil society, and the family including the appropriate social institutions. In that direction it would be

very useful to include the need of the specific interventions of this specific category in the legal regulations for social protection of this population.

2. 2 Health threat of the old people

The aging is followed by chronic diseases of the organs as well as of the bones and muscles. These diseases in a specific percentage are result of the aging process, but on the other side they are result of the untimely and inadequate health care of the old people.

Consequently, in the investigation of the conditions and challenges in the modern living of the old people necessarily is included the health threat in order to get basic knowledge of the health capacity, and at the same time to analyze the conditions and challenges for the further strategies, civil society in this scope.

In this research we decided to investigate the most common diseases of the old people in term of hearth diseases, diseases of the lungs, kidneys, stomach as well as brain and neural diseases.

While investigating these indicators we used the statement that the old people related to their health, primarily in terms of medicines they consume every day. The data about the health threat are presented in the Table no. 1. 2 Health threat of the old people

The research showed that a significant percentage of the old people suffer hearth diseases, 71% , and we guess that the hearth diseases and the blood cells diseases are the most present.

Table no. 1. 2 Health threat of the old people in terms of age and gender

Old people by age and gender							
Health threat		60-69	70-79	over 80	Total	Total	
		m f	m f	m ж	м ж		
		f	f	f	F	f	
		%	%	%	%	%	
	Hearth		51 62	118 90	53 52	222 204	426
			8,5% 10,33%	19,66% 15%	8,83% 8,66%	37% 34%	71%
	Lungs		23 20	35 42	32 36	90 98	188
			3,83% 3,33%	5,83% 7%	5,33% 6%	15% 16,33%	31,33%
	Kidneys		12 10	53 45	46 31	111 86	197
			2% 1,66%	8,83% 7,5%	7,66% 5,16%	18,5% 14,83%	32,83%
Stomach		18 16	51 57	42 46	116 114	230	
		3% 2,66%	8,5% 9,5%	7% 7,66%	19,33% 19%	38,33%	
		6 5	19 26	23 38	48 69	117	

Brain and neural	1% 0,83 %	3,16% 4,33%	3,83% 6,33%	8% 11,5%	19,5%
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In terms of technical analysis of the table, generally for the old people we got the following indicators:

Statistical indicators of the sample

Symbols	χ^2	C	N
Values	56,985	0,204	1163

Statistical indicators of theoretical values used for the evaluation

Symbols	Df	P%	theoretical χ^2
Theoretical values	8	5	15,31
	8	1	20,09

The values of the χ^2 and the intensity of the contingency show that there is an important statistical correlation between the old people and the health threat.

The percentage of the stomach diseases with 38,33 % is important, as well as the kidney diseases with 32,83% related to the total population and the category of the old people over 80.

The brain and neural diseases of the total examined population are represented with 19,5 % of the participants who declared that they suffer from brain and neural diseases, whereas the third age category shows a higher percentage 10,16% of the old people.

These conditions of the health threat lead to the conclusion that the aging as a period is characterized with more chronic diseases which must lead to taking appropriate steps, programs and activities primarily in terms of the medicine in order to help this population.

Conclusion:

The investigation confirmed the importance of the hypothesis that the subjective approaches of the old people in the modern living influence the organization and the realization of the social care.

The data presented in the Tables confirms the prediction that the old people mostly accept the life as it is, and they find interesting things to do when they consider themselves in a difficult situation. We analyzed out of the participants' declarations that the social communication through the stated indicators confirms the huge importance of the quality of living, consequently the proper manifestation of the social care towards the old person. This condition impose the necessity that the old people over 80 must have organized access and help in satisfying their needs by the health services, nongovernmental organizations, the family including the appropriate social institutions. In that direction it would be very useful the necessities by categories to be included in the law regulations for social protection of this population.

The conditions of the health threat leads us to the conclusion that the aging as a life period is characterized with more chronic diseases and there must be taken appropriate steps and there must be realized programs and activities, primarily in terms of the medicine in order to help this population. Despite the calmness and the tolerance of the old people in the communication with the above mentioned communities and services, still a significant percentage of them are feeling neglected which often leads to situation to decrease the contacts or completely give up from them.

Consequently, one of the main conclusions in this research is raising the level of consciousness for humanity, tolerance and respect towards the old people, setting legal regulations for overcoming these problems as well as establishing a public health nursing of medical staff and social workers similar to the family health nursing and the public health nursing for new born babies.

At the end of our data analysis from the research and the presented data in the tables for the conditions and challenges of the old people in terms of social care, we can conclude that the old people are very important category of the population in terms of demographic features and they have their own specific social, health, economic and cultural needs and characteristics, which make them a specific social group, but on the other side it is analyzed the need of bigger social care related the specificity and the quality of living which necessarily impose specific organization, approaches and normative regulation.

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Offensive Use of Force in Peace Operations: The Force Intervention Brigade

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Abstract

This study focuses on the establishment of the force intervention brigade in the Democratic Republic of the Congo as an offensive armed force into the equation of peacekeeping and on the paradox related to legal, military and political issues. Introducing an overtly offensive combat force will confront controversial implications for UN peacekeeping's basic principles regarding the use of force, consent of the host country and impartiality. The intervention brigade changed unprecedentedly the boundaries of peacekeeping while creating an environment of hesitation and reluctance in spite of successful actions and its renewed mandate since 2013.

Keywords: intervention brigade, UN, peacekeeping, peace enforcement, use of force, intervention.

Introduction

The effectiveness of military intervention with humanitarian intentions has been discussed since the late Middle Ages and yet the debate has remained unchanged under the collective security system of United Nations (UN).¹ The difficulty of reconciliation between the State sovereignty and the moral obligation to intervene to save the lives of strangers still consists one of the major issues in International Relations.² In the 19th century, the principle of non-intervention was supported by John Stuart Mill³, and later by the third world states that achieved their independence as a result of the decolonisation process in the aftermath of the World War II.⁴ The Charter of the United Nations and especially the article 2(7) has been regarded as the guaranty to protect the sovereignty of the States. For this reason, there were 18 military interventions in the Cold War with only one example of the use of force.⁵

In the post Cold-War area, the number of intra-state conflicts increased exceptionally.⁶ In this new environment, UN had to intervene in many civil wars without having either enough experience or the necessary means to manage these kinds of conflicts that necessitate the use of coercive methods. The targets and the victims of these new conflicts were the civilians, especially women and children.⁷ Under the influence of the *CNN effect* that made visualising human suffering possible on the televisions of ordinary people, the expectation of "doing something, anything" became a pressing factor facing the western governments.⁸ The growing sensibility of the international community with regard to human suffering is at the

¹ Olivier Corten, Pierre Klein, *Droit d'ingérence ou obligation de réaction ?* Bruxelles, Editions Bruylant, 1996, p. 1.

² Frank Parkinson, *The philosophy of international relations*, London, Sage Publications, 1977, p. 15.

³ John Stuart Mill, "A few words on non-intervention", *Foreign Policy Perspectives*, n°8, 1987,

<http://www.libertarian.co.uk/lapubs/forep/forep008.pdf>, accessed March 19, 2016.

⁴ Michael Walzer, "The moral standing of States: a response to four critics", *Philosophy and Public Affairs*, vol.9, n°3, 1980, p. 222.

⁵ <http://www.un.org/en/peacekeeping/documents/operationslist.pdf>, accessed March 19, 2016.

⁶ Michael J. Matheson, "United Nations governance of post-conflict societies", *The American Journal of International Law*, 95, 2001, pp. 76-85.

⁷ Bertrand Badie, *La diplomatie des droits de l'homme*, Paris, Fayard, 2002, p. 245.

⁸ Chris Klep, Donna Winslow, "Learning lessons the hard way - Somalia and Srebrenica compared", *Small Wars and Insurgencies*, 10 (2), 1999, p. 97.

source of UN's forced interventions without analysing the conditions on the field or making the necessary preparations.¹ Subsequently, the traditional peacekeeping operations are mostly replaced by more robust and coercive peace enforcement operations. From this point forward, the distinction between peacekeeping and peace enforcement became obscure.² As a consequent, there had been some success in humanitarian intervention in 90's, but also some major failures took place that jeopardized the legitimacy of the organization as the universal actor maintaining the international peace and security.³

The creation of the intervention brigade by the Security Council in March 2013, with the adoption of the Resolution 2098, consists of a milestone for the peace operations. The latter remain ineffective in most of the civil war situations in spite of the use of "all necessary means", including the use of force for the protection of the civilians and the restoration of the stability in the host countries. Even though the peace operations acquired progressively a coercive nature, the adherence to the basic principles of peacekeeping obliges the peacekeepers to take actions within a more restrictive interpretation of the international humanitarian law. However, in a civil war situation, the success depends on the quick reaction initiatives and on the capability to perform actively. The intervention brigade is free from the barriers of peacekeeping, but this flexibility regarding the use of force can be challenging once the combat unit is operating offensively. It can jeopardize the success of the mission as well as the legitimacy of the UN by transforming it into an aggressive actor charged paradoxically to maintain international peace and security.

The Congolese Conflict and The Implementation of Intervention Brigade

The conflict in Congo has a long story and the UN confronted it with more than a few times. The organization's first intervention was in Congo in 1960, where UNOC remained as the only example of the use of force during the Cold War. UNOC was mandated within the Chapter VI dealing with the "Pacific Settlement of Disputes". In other words, this type of intervention does not consider the use of force. Two days after the adoption of Resolution 143 in July 1960, the first group of peacekeepers arrived in Congolese territory with a mandate to assist the Government in maintaining law and order and providing technical assistance.⁴ However, the peacekeepers noticed soon that the mandate of the mission was infeasible because of the ongoing civil war. The Secretary General of the UN, Dag Hammarskjöld, took the initiative for the use of force to restore peace in the country torn by the civil war. When the intervention ended 4 years later, the territorial integrity of Congo had been maintained, but the UN entered a deep crisis in both political and financial levels. Therefore, the UNOC remained as the only example of a coercive use of force during the Cold War.

The fragile stability of DRC was broken by the mid 90's, and the country has become victim of poverty, militia violence, and foreign interference.⁵ The danger that presents the collapsed security system forced UN Security Council to adopt the Resolution 1279 in 1999, which established MONUC (The UN Organization Mission in the Democratic Republic of the Congo). The first mandate of the mission aimed at monitoring and observing the peace process of the Second Congo War settled with Lusaka Ceasefire Agreement in July 1999. With the adoption of Resolution 1925 in May 2010, the MONUC was transformed to MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo). The current form of MONUSCO has had a larger mandate including the implementation of a ceasefire agreement to protect the civilians. MONUSCO was authorized to "use all necessary means to carry out its mandate relating, among

¹ United Nations, *Report of the Secretary-General on the work of the Organization*, A/50/1, August 1995, p. 96.

² In June 2015, the "Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people" suggested the use of "peace operations" for any type of the operation and furthermore, the report recommended that "the full spectrum of United Nations peace operations must be used more flexibly to respond to changing needs on the ground". United Nations, *Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people*, A/70/95-S/2015/446, June 2015, p. 10.

³ There are four challenging examples in the 90's that necessitate the questioning of the capabilities of UN regarding peacekeeping: UN intervention in Somalia, Bosnia, the Rwandese genocide and the NATO intervention in Kosovo.

⁴ <http://www.un.org/en/peacekeeping/missions/past/unic.htm>, accessed March 19, 2016.

⁵ Jason Stearns, *Dancing in The Glory of Monsters: The Collapse of the Congo and The Great War of Africa*, New York, N.Y.: Public Affairs, 2011.

other things, to the protection of civilians, humanitarian personnel, and human rights defenders under imminent threat of physical violence and to support the Government of the DRC in its stabilization and peace consolidation efforts".¹

Nevertheless, the situation kept decreasing and the violence kept spreading, so the Secretary General had to publish ten reports until the end of February 2013, on the emergency needs and the threat of destabilization in Congo.² A call for an evolution and an adaptation of the UN peacekeeping to the changing times through its transformation in a more robust nature was made by these reports of the Secretary General.³ It was also recommended to involve "a military enforcement capability designed to neutralize the threat posed by the most recalcitrant elements of the armed groups" until the Government of the Congo could reinforce a Congolese defence force.⁴

In early 2013, the deteriorating security and humanitarian situation in the Democratic Republic of the Congo (DRC) required putting an end to the recurring cycles of violence. To begin with, "The Peace, Security, and Cooperation Framework Agreement for the Democratic Republic of the Congo and the Region" was signed in February 2013 to build "an avenue of hope for the people of the region to build stability by addressing the root causes of the conflict and fostering trust between neighbours".⁵

The United Nations Security Council unanimously adopted Resolution 2098 in March 2013 creating the Intervention Brigade within MONUSCO. This brigade has the first-ever offensive mandate in UN history to use all necessary means to neutralize and disarm armed groups in Congo, a task that the UN peacekeeping mission nor the Congolese government had been able to achieve. There is no doubt that the brigade has had a decisive impact on the principles of the use of force. For some, the implementation of the brigade as the offensive unit of MONUSCO can be acknowledged within the limits of a robust peace enforcement operation while for others this combat force extremely extends the barriers of any peace operation. As one might expect, the question is to know whether the brigade is *sui generis* or whether it is promising a new model for the future peacekeeping operations.⁶

Although the Security Council created the brigade "on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping", it is widely recognized that the existing forms of peacekeeping are often unable to realise the mandate of the missions when there is an ongoing civil conflict.⁷ The Congolese conflict serves as a particular example of illustrating the complex nature of the intervention. There are many parties in the conflict, like M23 (the March 23 Movement) also known as the Congolese Revolutionary Army, the Democratic Forces for the Liberation of Rwanda (FDLR), and the Lord's Resistance Army (LRA). All of these armed groups, and particularly M23 exerting a regional patronage, operate in multiple countries in the region and so they consist a threat to the stability of these States.⁸ That is the reason for signing a "Framework for Peace, Security and Cooperation for the Democratic Republic of the Congo and the Region", by eleven countries in February 2013.⁹ This document, signed within the frame of International Conference

¹ S/RES/1925, para.11.

² <http://www.un.org/en/peacekeeping/missions/monusco/reports.shtml>, accessed March 19, 2016.

³ Martha Mutisi, "Redefining Peacekeeping: The Force Intervention Brigade in the Democratic Republic of Congo", *The Social Science Research Council*, July 2015, accessed March 19, 2016.

⁴ <http://forums.ssrc.org/kujenga-amani/2015/07/26/redefining-peacekeeping-the-force-intervention-brigade-in-the-democratic-republic-of-congo/#.Vuqnh9aXTpB>

⁵ United Nations, *Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes Region*, S/2013/119, February 2013, pp. 14-15, accessed March 19, 2016. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/119

⁶ Office of the Special Envoy of the Secretary-General for the Great Lakes Region of Africa, *A Framework of Hope: The Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region*, February 2013, p. 1, accessed March 19, 2016. <http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/SESG%20Great%20Lakes%20Framework%20of%20Hope.pdf>

⁶ The exportation of the brigade's model to the other crisis situations like South Sudan, Central African Republic and Mali.

⁷ S/RES/2098, paragraph 9

⁸ "Force Intervention Brigade: A Sea Change for UN Peace Operations?", *The International Forum for the Challenges of Peace Operations*, March 2014, p. 1, accessed March 19, 2016.

[https://www.pksoi.org/document_repository/Lessons/Force_Intervention_Brigade_\(7-Mar-2014\)-LMS-2418.pdf](https://www.pksoi.org/document_repository/Lessons/Force_Intervention_Brigade_(7-Mar-2014)-LMS-2418.pdf)

⁹ United Nations, *Peace, Security and Cooperation for the Democratic Republic of the Congo and the Region*, 24 February 2013, accessed March 19, 2016.

on the Great Lakes Region, emerges as the starting point of the idea, establishing an intervention brigade to cease the cycle of violence in the first place in Congo and then in the region. ¹

For many, while the intervention brigade occurs as a solution to the problem of efficiency, for others this offensive combat unit is contradictory to the very essence of peacekeeping and jeopardizes the legitimacy of the UN. For those who have doubts regarding the brigade, the threat is that this offensive initiative could become a model for future interventions. The brigade has changed considerably the nature of peace operations. However, the consultation process before its implementation had concerned only the African states and the African organizations such as the African Union and the Regional Economic Communities. The lack of attempting for a consensus among the UN member states before undertaking the implementation of such a coercive force is criticised by a considerable number of states. In other words, an *ad hoc* exercise would become a norm concerning the peace operations as a whole. For those who believe that the existing mandates of UN peace operations are robust as well as necessary whenever the use of force is required, there is no reason to create an intervention brigade, transforming the UN's discourse and appearance to aggressive ones. Moreover, a threatening language in Security Council resolutions might have a negative impact on the willingness of the troop contributing countries taking part in peace operations.

Although the logic behind the proposed deployment is largely recognised, the brigade brought many polemics about the effectiveness and lawfulness of such a decision. However, independently from all these controversial debates, the UN Security Council has renewed the mandate of the brigade every six months since 2013 and the next most likely prolongation will take place in April 2016. ²

Creating an offensive brigade resulted in controversies in legal, political and military levels of peacekeeping operations. There is not any evidence showing that the UN conducted a profound research regarding especially legal aspects of such a decision. The use of the expression "all necessary means" in the body of resolutions has already been causing several problems when the use of force was admitted as necessary to attempt the mission's mandate. Involving "neutralizing and disarming" Congolese rebels and foreign armed groups, as an additional part of the mandate turned the peacekeeping mission into an offensive military operation with considerable levels of use of force.

Intervention Brigade vs. Basic Principles of Peacekeeping

There are three basic principles -consent, impartiality, and non-use of force except in self-defence and defence of the mandate- that serve as a guide for UN peacekeeping operations to maintain international peace and security. ³ These principals are the cornerstones for the legitimacy and the credibility of the UN peace operations. In spite of the violations of each of the three basic principles in several peace enforcement operations in post Cold War period, the latter are still considered within the limits of peacekeeping ideals. However, as an overtly offensive force, the intervention brigade goes beyond the basic principles with its aggressive character regarding the use of force to eliminate or neutralize armed groups.

As recommended by the Brahimi Report, the peace enforcement missions have had robust mandates in the past without seeking the consent of the host state when there was a humanitarian emergency. In this new posture of the mission, to neutralize armed groups inevitably requires the use of force and even the use of deadly force. Furthermore, the detention or internment of people oversteps the traditional frame of peacekeeping operation transforming the UN into a party of the conflict, whereby it loses its impartiality in the eyes of the local population. ⁴ In that case, the question is to know whether the UN can be responsible for the damages caused by peacekeepers. The new posture is also against the other basic

<https://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/PSC%20Framework%20-%20Signed.pdf>

¹ "Force Intervention Brigade...", *op.cit.*, p.2

² S/RES/2147, 28 march 2014.

³ Department of Peacekeeping Operations, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, p.31, accessed March 19, 2016.

http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf

⁴ "Death of Doctrine? Are 'Fit-for-Purpose' Peace Operations the Way Forward?", Challenges Forum Discussion Paper, September 2013, pp.2-4, accessed March 19, 2016.

http://www.challengesforum.org/Global/Forum%20Documents/2013%20Stockholm%20Workshop/CF_thinkpiece_DeathofDoctrine.pdf?pslanguage=en

principle allowing the use of force only in self-defence. The compensation for deaths and the penal responsibility for peacekeepers remain an unsolved problem.

The Legal and Operational Issues

The concept of peacekeeping is not explicitly mentioned in the UN Charter. It has evolved over time to be a remedy to the changing nature of the conflicts and thus, to meet the Organization's changing role in the maintenance of international peace and security.

Whatever the type of the peace mission (peacekeeping or peace enforcement), the legal basis for every operation must rely on international humanitarian law. Despite the lack of a clear code of obligations about the peace operations in general, the peacekeepers should affiliate their actions with the international human rights law. Their status as "non-parties" to conflicts provides them a protection under the international humanitarian law. In the case of the intervention brigade, it can be presumed that this combat force has engaged in an armed conflict with the non-state armed groups in the DRC.¹ The brigade has been implemented with the consent of the Congolese government and has been acting in concert with the Congolese armed forces.² While performing, the brigade has to distinguish between civilians and combatants, protect the civilian populations from attack, employ the proportional use of force, avoid unnecessary suffering and treat the prisoners with dignity according to international conventions.³

Since the formal adoption of Responsibility to Protect at the United Nations World Summit in September 2005, the use of force to protect civilians has been justified. The mandate of MONUSCO is supposed to protect civilians with the use of force whenever it is required. It is already difficult to understand the thought of using force to protect civilians in a peacekeeping operation; it is much more difficult to justify this employment when an offensive unit operates in a more traditional war-fighting.

As recommended by the report of the Secretary General in February 2013, the intervention brigade would be charged with "preventing the expansion of, neutralizing and disarming armed groups".⁴ To execute the assigned task, the brigade "would carry out targeted offensive operations, either on its own or jointly with FARDC (Armed Forces of the DRC)".⁵ On the operational level, the command and control of the brigade is attached directly to the MONUSCO's central command, and the Force Commander of MONUSCO is as well in charge of the brigade. The decision to bind the brigade and the peacekeeping mission reflects the emphasis to avoid competing structures within the multinational force and to guarantee the unity of the chain of command. However, the brigade retains a small measure of autonomy when executing its mandate as it performs offensive operations in the eastern part of the Congo.⁶

Introducing the intervention brigade as a combating unit within MONUSCO, while this latter will continue to function as a traditional peacekeeping mission, has caused a ambiguous situation on the field when it comes to differentiating the offensive and the defensive components of the mission. This double appearance of the UN through the mixing of offensive operations and traditional peacekeeping functions could jeopardize the safety of the civilian staff of MONUSCO. An attack against the non-military units of the mission will necessitate questioning the UN's responsibility to protect the safety of its personnel.

The brigade would be composed of three infantry battalions, one artillery and one special forces and reconnaissance company headquartered in Goma under the direct command of the MONUSCO Force Commander.⁷ This command

¹ Dev on Whittle, "Peacekeeping in conflict: the intervention brigade, MONUSCO, and the application of international humanitarian law to United Nations forces", *Georgetown Journal of International Law*, 46(3), 2015, p. 858.

² *Ibidem*.

³ *Ibid.* p. 860.

⁴ S/2013/119, pp. 14-15.

⁵ *Ibidem*.

⁶ Martha Mutisi, *op. cit.*, accessed March 19, 2016.

⁷ Security Council, 6943rd Meeting (PM), '*Intervention Brigade*' Authorized as Security Council Grants Mandate Renewal for United Nations Mission in Democratic Republic of Congo, 28 March 2013, accessed March 19, 2016.

<http://w.un.org/press/en/2013/sc10964.doc.htm>

attachment makes combining the offensive goals of the mission with the non-coercive ones difficult. It has also suggested that the brigade could operate as a self-standing unit with specific duties distinguishable from those of MONUSCO's other components.¹

In legal terms, the UN can be held responsible for the peacekeeping missions and the peacekeepers' actions. To guarantee the compliance with international law, UN signs a SOFA (The Status of forces agreement) establishing the rights and privileges of foreign personnel present in the host country. As the legal basis of the brigade stays controversial, the defensive units of MONUSCO might also lose the protection provided by the international humanitarian law. The SOFA that relies on the Convention on the Safety of United Nations and Associated Personnel might not be sufficient to keep the members of the units safe from a possible trial at the ICC (International Criminal Court).

There are three particular challenges in the brigade's mandate: the use of "all necessary measures" for executing "targeted offensive operations" to "prevent the expansion of all armed groups, neutralize these groups, and to disarm them". The use of the expression "all necessary means" is a political choice not to restrain the autonomy of the states when a change of the mandate is necessary. It is largely understood that whenever the expression "all necessary means" is used, the possible use of force is considered although the resolution does not explicitly mention this probability. "Neutralize" could entail a large list of actions such as pursuit, capture, internment and even using deadly force. In addition to stabilizing the country and, therefore, reducing the risk of war in the region, the brigade has to report the human rights abuses committed by rebel armed forces.

The Brigade in Action

The brigade achieved neutralizing M23 in November 2013, only a few months after its activation in Spring 2013. M23 was a rebel military group based in eastern areas of the Democratic Republic of the Congo. In November 2012, the large-scale attacks of this armed group in Goma, a city where almost one million people were seeking refuge, were at the origin of the decision to transform MONUSCO's mandate in a more robust nature by creating the brigade.² This defeat restarted Kampala Talks in Uganda between the government of the Democratic Republic of Congo and the rebel M23, for a fresh round of peace.³ Even then, neither the success of the brigade in defeating the M23, nor the signing of a declaration in Nairobi in December 2013 have not succeeded to remove the doubt concerning the brigade's actions.

The next target was FDLR (The Democratic Forces for the Liberation of Rwanda), which is a Rwandan Hutu rebel group in the eastern part of Congo. ADF (Allied Democratic Forces) is a rebel group opposed to the Ugandan government, and LRA (the Lord's Resistance Army) is a rebel group and heterodox Christian cult operating in several African countries including Congo. These armed groups with different ethnic origins confirm the difficulty of the brigade's mandate. However, there are still many other armed groups threatening the relative order restored by the brigade in the country.

The so far successful presence of the brigade contributes to the stability in the region. At present, the brigade comprises approximately 3000 soldiers from Tanzania, South Africa, and Malawi within the present MONUSCO troop ceiling 19815.⁴ The troop contributing countries of the region are determined to execute the offensive mandate of the mission and to use force without hesitation whenever it is required. While the contribution of the neighbour states (Tanzania) or the regional power (South Africa) remains challenging in a peacekeeping operation in terms of the national interest, sending troops for the brigade might threaten the delicate balance among the actors of the region.⁵ On the other hand, the "Africanized" peacekeeping missions also provide an acquaintance of local languages and cultures, geographical challenges and intelligence gathering.⁶

¹ *Ibid.*

² "Force Intervention Brigade...", *op.cit.*, pp.1-2.

³ <https://www.irinnews.org/report/98256/m23-kampala-talks-set-resume>

⁴ UN SC/19964, 2013, accessed March 19, 2016.

<http://www.un.org/en/peacekeeping/missions/monusco/background.shtml>

⁵ "Death of doctrine...", *op.cit.*, p.4.

⁶ Martha Mutisi, *op.cit.*

Conclusion

The UN's initiative to implement the intervention brigade has changed the face and the nature of peace operations. Even if it is stated that the creation of the brigade is "on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping", it still can be considered as a turning point in the history of UN's military interventions. The intervention brigade might correspond to an evolution in terms of the UN's conflict management methods, and implicate a re-evaluation process for the basic principles of peacekeeping.

Currently, the mandate of the brigade has been renewed for several times and the combat force managed to defeat the M23 rebel force. The use of offensive methods to protect civilians and to help the Government of the DRC in its stabilization efforts might lead into a new era of peacekeeping. However, the challenges remain the same. It was obvious that MONUSCO was unable to manage the ongoing conflict, and that in spite of the authorisation to use "all necessary means" to restore order in the DRC. An offensive force with a dissuasive and credible nature was necessary to keep the region stable. The proposal for the creation of an intervention brigade was born under such circumstances. Once the clear need to implement a more robust force to mitigate the situation in a country torn by the civil war has been admitted, UN cross over the limits of peacekeeping. Whenever it is necessary for peacekeepers to perform offensively, they undermine the legitimacy of the organization even though it is for the protection of the civilians. The implementation of the intervention brigade is more likely to entangle the fragile equation of peacekeeping by making the justification of the offensive use of force difficult.

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The Distinctive Legal Features of Crimes Against Humanity

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Abstract

This research intends to analyze general features and elements of criminal acts against humanity. Also in this paper, special attention was paid to the distinctive features that are crucial in the legal classification of crimes against humanity as offenses punished with international acts and legal regulations of each state. The term Crime against humanity first appeared in the London Agreement of 8 August 1945 establishing the International Military Tribunal. In the course of the preparatory work, it had become apparent that certain crimes committed during the Second World War were not, strictly speaking, war crimes. These were crimes whose victims were of the same nationality as the perpetrators, or nationals of an allied State and were committed for different motives. As early as March 1944, the representative of the United States of America on the Legal Committee of the United Nations War Crimes Commission proposed that crimes committed against stateless persons or any other person by reason of their race or religion should be declared "Crimes against humanity". It suggests, in at least two distinct ways, the enormity of these offenses of the other criminal offenses. First, the phrase "crimes against humanity" suggests offenses that aggrieve not only the victims and their own communities, but all human beings, regardless of their community. Second, the phrase suggests that these offenses cut deep, violating the core humanity that we all share and that distinguishes us from other natural beings. This double meaning gives the phrase potency, but also an ambiguity we may trace back to the double meaning of the word "humanity". "Humanity" means both the quality of being human-humanness-and the aggregation of all human beings-humankind. Crimes against humanity, as defined by the Rome Statute of the International Criminal Court Explanatory Memorandum, "Are particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of human beings". They are not isolated or sporadic events, but are part either of a government policy or of a wide practice of atrocities tolerated by a government or a de facto authority. The law traditionally distinguishes between crimes against persons, crimes against property, crimes against public order, crimes against morals, and the like. Murder, extermination, torture, rape, political, racial or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice.

Keywords: Crimes against humanity, Persecution, Murder and Victims, etc.

THE DISTINCTIVE LEGAL FEATURES OF CRIMES AGAINST HUMANITY

Background the definition of crimes against humanity and their involvement in positive laws since ancient times any action against the life, health and property rights are calculated as illegal or dishonest and perpetrators of these crimes are being prosecuted and convicted. Further with the

Introduction of state and law, or any act of violence that is inflicted on man and his life are sanctioned by law being separated from their features and elements, damage and consequences that have caused. The phrase "crimes against humanity" has gained great resonance in the legal and moral imagination of post-World War II¹.

¹ See ROBERT CRYER, ET AL., AN INTRODUCTION TO INTERNATIONAL CRIMINAL LAW AND PROCEDURE, 230 – 233 (2010); or COMMENTARY ON THE ROME STATUTE OF THE CRIMINAL COURT, 121 – 122 (Otto Triffler ed., 1999) for a background to the development of crimes against humanity.

This in international law for the first time were appointed and defined as criminal acts of genocide and crimes against humanity at the Nuremberg trials Regulation. Initially, it has linked the two concepts of war, but the crimes have become distinct from each other and from themselves fighting for their development. The term was selected by the U. S. namely the High Court of Justice, respectively, by Chief U. S. Robert Jackson at Nuremberg and head of the American delegation proposed to do so in the London Conference who are also makers Agreement London, which was signed on 8 August 1945 to the establishment of the Nuremberg International Military Tribunal Regulation. During the preparatory work on this agreement, it had become clear that certain crime committed during World War II in the strict sense does not include war crimes. These were crimes whose victims were of the same nationality as the perpetrators or a citizen of a state and are committed ally for different reasons. In early March 1944, the representative of the United States in the Legal Committee of the United Nations War Crimes Commission proposed that crimes committed against persons without citizenship or any other person because of their race or religion should be declared as "crimes against humanity"¹.

Jackson was consulting with the greatest scholar of international law Hersch Lauterpacht, who decided to leave unrecorded discussions to avoid confrontations with controversy. He further suggests that these crimes from other criminal offenses at least distinguished by two features. First, the phrase "crimes against humanity" suggests including not only the victims and their communities, but all human beings, regardless of their community. Secondly, the very same phrase suggests that these crimes relating to violations of human essential that distinguish it from all other natural beings. Although in 1915, the French, British and Russian governments denounced Turkey's Armenian genocide as "a crime against civilization and humanity"² and are the same phrase appeared in a 1919 proposal in trials against Turkish perpetrators of these crimes. But one thing the U. S. government at that time had rejected the so called "laws of humanity" allegedly had no specific content. This crimes against humanity were defined as separate offenses of war crimes in the Statute of the International Military Tribunal, under Law No 10 of the Council for control Allies Forces, paragraph 1 and finally in the Charter of the International Military Tribunal for the Far East. Must remember that crimes against humanity as defined in the above instruments were associated with bravery condition. For a long period of time, this historical circumstance has prevented crimes against humanity be considered as an autonomous concept and jurisdictions to determine the punishment of crimes against humanity, considering them as works which are connected directly or indirectly with fight.³

It is also clear that the war provides the best opportunity and the most appropriate conditions for committing crimes against humanity. War crimes and crimes against humanity rightly calculated two circles of the same chain. As we know from the history of humanity that war crimes are also simultaneously crimes against humanity. Although the term "crime against humanity" appeared only recently, refers to a phenomenon which has a history full of precedent. It is as old as war. At the entrance of the International Criminal Code, the author states that treaties Cherif Bassiouni first among Egyptians and Sumerians to regulate the war were signed before 1000 BC Also the ancient Greeks and Romans with their adopted laws recognizing the right of asylum, treating the wounded and prisoners of war. While Muslims since 623, behavior and regulate the rules of war by the Koran's provisions. Later, the problem is addressed by the Catholic Church, especially in the Lateran Councils and Boards of Lyon in the twelfth century and thirteen.

Doctrinal Basis for regulating armed conflicts were defined in the books "Theology Summa" of St. Thomas Aquinas and "De Jure Belli ac Pads" to Grotius it. In Asia, namely in China's first written sources for the regulation of war that occurs in the fourth century BC The so-called "Art of War" Sun Tzu and the Laws of Manu's Hindu people also had pocketed protection measures wounded and elderly persons. Humanitarian laws are developed significantly in modern times, so in 1856 we have the Paris Declaration, the Red Cross Convention signed in Geneva in 1864, the Declaration of St. Petersburg of 1868, the Brussels Declaration 1874, the Hague Conventions of 1899 and the 1907 Protocol to the 1925 Geneva, "Prohibition of the Use in War of toxic materials and other noxious gases and bacteriological methods of warfare". Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977. It is true that these instruments were mainly related to war crimes. However, war crimes are often undefined and closely related to crimes against humanity, and the

¹ Yale Law School, Charter of the International Military Tribunal, Constitution, available at <http://avalon.law.yale.edu/imt/imtconst.asp> (accessed 24 June 2011).

² ³ Affirmation of the Principles of International Law Recognized by the Charter of the Nuremberg Tribunal, G.A. Res. 95(I), UN Doc A/64/Add.1 (Dec. 11, 1946).

³ Except at the ICTY, where crimes against humanity must be committed "in armed conflict, whether international or internal in character". ICTY Statute, Art. 5. This requirement was abandoned in the ICTR and ICC Statutes.

difference between them is not always clear. In drafting the Nuremberg Principles Regulation in 1950, the International Law Commission arranged the theme about war crimes arising from it in Principle VI¹.

Autonomy of crimes against humanity was relatively simple, as long as such crimes repression depended on the existence of a state of war. However, this relative autonomy is now made absolute. Today, crimes against humanity can be encountered such as their features not only within the context of an armed conflict, but also independent of any such conflict. The definition of the word "be human" and "Crimes against humanity" The first question to be examined for proper elaboration of crimes against humanity and their distinguishing features is the meaning of the word "humanity"².

Henri Meyrowitz noted that if this term is quite unclear what invites us as we care lawyers in his

Introduction as a concept in the definition and criminalization of these offenses. He refers to three meanings given to the term humanism or even be human: by the same term includes culture (humanism, human), meaning philanthropic and human dignity. According to these meanings, a crime against humanity can be understood in the sense of three biased of cruelty directed against human existence, degradation of human dignity and the destruction of human culture. Seen in the light of these three meanings, crimes against humanity can be converted quite simply "a crime against the entire human race." In English, this phenomenon is referred to as "Crime against human-kind or crimes against human kind". Some writers prefer the term "crimes against human" than the term "crimes against humanity". Uncertainty and dilemmas in naming these acts during their incrimination definitely come out of it that man is a part of humanity and any violence perpetrated against humanity as a whole definitely affects certain individuals. But since these incriminating acts do not affect man as an individual separate from society and only his personal rights, but exercised in time, place and the same authors directed against a group of individuals, I think that the most appropriate term for the appointment of these offenses offense would be "crimes against humanity".

Crimes against humanity are considered as such by national and international courts in implementing legislations of states or international law must necessarily be massive in nature, which means that any serious attack on an individual, life, health or his property is not a crime against humanity. However, if an individual is seen as the "Guardian" and oversight of human dignity, respectively, "Guardian of fundamental ethical values" of human society, an attack on a single individual can be considered a crime against humanity, provided that such work is specific character that will stir the conscience of man. This phenomenon is, as it were, a natural link between the human race and the individual: each is the other's expression. To summarize, the term "crime against humanity" word "humanism" means the human race as a whole in different manifestations of individual and collective. The distinction between crimes against humanity and genocide.

At the end of World War II, there was no legal basis in international law for the prosecution of atrocities committed by the Nazis against European Jews. Genocide was not a crime under the Nuremberg International Military Tribunal Regulation. "Crimes against humanity" formed the basis for the prosecutions of these atrocities are. But, even though there were only crimes against humanity crimes of international law, they were held in connection with the fight. It was questionable the issue of state sovereignty and the fact that the Nazis had no monopoly on racial crimes directed (even if the Nazi goal of complete annihilation was to the extreme). Powers was faced with a difficult situation. Nazi atrocities should be punished. The U. S. had been the residence of prosecution of Nazi crimes committed within the borders of Germany. As a jurist Robert Jackson, head of the U. S. delegation at the London Conference in 1945 stated: "It is a general principle of the foreign policy of our Government since ancient times that the internal affairs of another government are not right or duty of ours, much less not allow other governments to intervene or mediate to our problems. reason that this program extermination of Jews and the destruction of the rights of minorities becomes an international concern, as is developing an

¹ Geneva Conventions 1949 (adopted 12 Aug. 1949, entered into force 21 Oct. 1950) (GC I-IV), Common Art. 3, and Additional Protocol I (adopted 8 June 1977, entered into force 7 Dec. 1978) (AP I) Arts. 43 and 50; Situation in the Republic of Kenya, Case No. ICC-01/09, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya, 31 March 2010, ¶ 82 (fn 74), citing Jean-Pierre Bemba Gombo, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, Pre-Trial Chamber II, 15 June 2009, 78; Kunarac et al., TJ, 425.

² International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), Art. 4., 12 August 1949, 75 UNTS 135, available at <http://www.unhcr.org/refworld/docid/3ae6b36c8.html> (accessed 27 June 2011).

illegal war. "Separation of war crimes against humanity Even though they have had ample opportunity, states have not shown any interest in changing the definition of genocide, as defined in the Convention. At the Rome Conference in 1998, only Cuba has argued an amendment to the Genocide Convention expanded the definition to include social and political groups. Just as genocide, crimes against humanity entered into international law by entering the fight. Unlike the genocide that remained associated with war crimes, crimes against humanity to stand on its own is necessary to distinguish clearly from genocide and not limited to war situations. In 1945, Law No. 10 of the Council of Forces Allies control was adopted by the Allies to prosecute crimes within Germany. In this case, the atrocities committed should not be linked to the war in order to be prosecuted. But, allies can make sharing of crimes against humanity by the war, because they were enacting national law applicable in Germany rather than international law at the time¹.

In 1950, Principles of International Law recognized in the Charter of the Nuremberg Court Regulation and Court Decision adopted by the International Committee of the UN recognize that crimes against humanity can be developed even in times of peace, but only insofar as they occurred "before the war, concerning crimes against peace". In 1951 the International Legal Commission in the first chapter of the Code of offenses against the peace and security of mankind includes genocide and crimes against humanity, but differentiating them as two different offenses NKA their features. Crimes against humanity were related to the war or crimes against peace, but were not limited to groups defined in the Genocide Convention. In 1995 the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia has stated that crimes against humanity should not be related to the armed conflict. In fact, the court said that such a connection would be contrary to common law².

CONCLUSION

This paper provides an interpretation of crimes against humanity that presents the human being as a political animal to double our character as a social anti-social individuals, who combine self-awareness and personal interests with a natural need for companionship with others. This dual character as I argued aspect of humanity that the law seeks to protect, since its universal importance is the reason that all mankind has an interest in criminalizing violence and cruel persecution of the perpetrators of these crimes are organized groups against populations civil. This interpretation explains the terms under which crimes against humanity are crimes against human beings-Man.

These are crimes committed by politically organized groups against other groups in the same society or the state, which represent the most barbaric atrocities against depreciating and human being. In a world composed largely of pluralistic societies where distinct groups of nation, religion, race, political views live in a "same roof", respectively in a territory or country, every human being has an interest in ensuring that society itself and such policies do not exceed the limits set by state laws and positive laws pertaining to international jurisdiction, namely "Supervisory Jurisdiction". Anyone who violates these legal norms is the enemy of society at the same time the legitimate objective of all humanity. However, the supervising justice to his character essentially violates the principles of natural justice; therefore "supervisory jurisdiction" should always be delegated to the courts, provided they comply with the standards of natural justice.

The purpose of this paper is that the courts are trying to prosecute and punish crimes against humanity not to retaliate based on national interests, but the judge in favor of human interests, to ensure that it satisfies the vindication of natural justice. Regarding the appointment of crimes against human beings and humanity in general, if there is no national or international law that assigns a common notion of technical understanding. Thus, the various statutes of the Charter of the Nuremberg International Regulation, Law No. 10 of Allies Forces Council to control and the Rome Statute of the International Criminal Court, national statutes define these works with different concepts. The term "crimes against humanity" includes a great rhetoric and this does is that lawyers treat it as a technical term, but because all of us as human beings with the term "Humanity" means something universal and extremely important.

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with Art. 27 (1). Available at: <http://www2.ohchr.org/english/law/cat.htm>.

² European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT/Inf/C (2002) 1, Strasbourg, 26.XI.1987 (Text amended according to the provisions of Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152) which entered into force on 1 March 2002). Available at: <http://www.cpt.coe.int/en/documents/ecpt.htm>.

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The War of US against ISIS in Psychological Warfare and Internet as the New Frontline

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Abstract

Barbaric, savage, horrific-these were terms to define the decision of the Islamic State of Iraq and Syria (ISIS) to murder its captured Jordanian pilot by burning him alive inspired a thesaurus of horror and revulsion. The men who did it, the perpetrators were described by the media as mad men, thugs, monsters. To most of the people, the act itself seemed inexplicable and without sense. However, behind the choreographed and videotaped violence lies a calculated horrible cold logic. Although, ISIS is often portrait as a mighty force on the ground in Syria and Iraq, facts state that they control mainly communications between various provinces in both countries, and, as most guerrilla armies, are militarily weak by conventional measure. ISIS has little or almost none defense against the bombing campaign that is facing now, while US has formed a coalition that is confronting them on the ground as well, after President Barack Obama published the "New Security Doctrine" which includes degrading and finally destroying ISIS. ISIS, however, have proven to be very organized in promoting dramatic acts of violence against their enemies and promoting them to achieve two goals: use terror tactics as a psychological weapon against all those facing them and all those that are to face them in combat. Secondly, through usage of social network platforms to promote killings and executions, the aim of ISIS is to encourage recruits from out of Syria and Iraq, and elsewhere, to join them in their cause. Online operations of ISIS fall under a production group called the AlHayatMedia Center. The Center was created to seduce Westerners into joining the ranks of ISIS and also to distribute propaganda through social and media platforms. It is difficult to assess the success of this operation, but solid sources provided by US military and intelligence estimate that at least 300 Americans are fighting in the ranks of ISIS (at least two Americans have been killed fighting for ISIS in Iraq/Syria region) while the number of Europeans is in thousands. The US Response to this psychological kind of warfare came when President Barack Obama established the Center for Strategic Counterterrorism Communications (CSCC) aiming to combat terrorist propaganda. The main strategy of CSCC is not directly to confront ISIS operatives, but rather than that to deal with the people they are trying to recruit. Now, with almost entire international public opinion on their side, it is time for US to more actively respond to ISIS especially in the manner of psychological warfare since it is obvious that operations of "winning hearts and minds" of people in Iraq and Syria are not enough compared to ruthless tactics of ISIS which "winning hearts and minds" by brute force, terror, and vivid violent images. The online propaganda war is a new component to conflicts of 21st century that allows enemies to reach one another's home fronts directly. ISIS might seem not so strong on the ground but it has captured one fundamental flaw of the media of 21st century-the one that bad news is always good news and that televised violence will always have an audience. ISIS has proclaimed that its goal is to create a caliphate of 21st century but its psychological warfare and propaganda is inspiring individuals throughout the West to commit horrible terrorist crimes. Could this be another mind game set up by ISIS, it remains to be seen. However one thing is for certain, US and its allies must tackle ISIS not only by planes and other military means, but also by a strategy that would eliminate its influence in spreading their propaganda.

Keywords: US, ISIS, psychological warfare, on-line propaganda warfare

INTRODUCTION

Psychological warfare is best defined as any operations that are carried out in order to achieve victory through mental changes in the enemy.¹ These operations, that contribute to such changes, include demoralizing the enemy (military or civilian, individual or group), convincing the enemy that it would be useless to continue fighting, or bringing about a new understanding of the conflict that subsequently leads to other forms of resolution. These operations are therefore aggressive acts, but not always in strictly military sense.

Psychological warfare is often based under the assumption that the ultimate roots of the conflict lie in dissatisfaction of the populace, therefore military victory on the battlefield is not sufficient. It is important to win "hearts and minds" of the people who generate, feed and support the insurgency, or opposing side and best way to tackle this is to apply a model known as "low intensity conflict" which basically is more sociopolitical than purely military war.² Psychological warfare is part of this sociopolitical confrontation. Its most common operations include propaganda campaigns, open or clandestine transmission of news, rumors, and civic-military actions that are aimed to meet the material needs of the population or to change either images of the enemy or of one's own forces. Thus, a basic mechanism used to gain objectives in psychological warfare is unleashing of personal insecurity: about one's beliefs, judgment, feelings, about what is wrong and what is right, what should or should not be done. This insecurity finds an immediate and calming response in solution offered by those in power: to accept the "official truth" and submit to the "established order". The psychological means to the desired objective is not to fear or terror in the face of a cruel authority, but instead insecurity to an authority that is simultaneously powerful and magnanimous.³

In order to make the population feel insecure, psychological warfare tries to penetrate their primary frame of reference: their basic beliefs, their most precious values, and their common sense.

Psychological warfare is not aimed exclusively at the enemy. It is often aimed at own public opinion as well (for instance in cases of justifying the military conflict to the public opinion), at own military forces (for motivation and strengthening the morale), at allied countries (for gaining a better international position and support).

All above mentioned makes psychological warfare a very modern weapon, although its use in various forms of propaganda has been known since ancient times. This weapon contains some important features that separates it from other weapons in the battlefield: psychological weapon is weapon of "spirit" that affects directly the psychology rather than the body of the subject, psychological weapon has unlimited reach and knows no borders or frontlines, psychological weapon can operate constantly without pause, psychological weapon changes the beliefs of the enemy while defending the morale of own country and military forces, psychological weapon serves during and after the military operations on the ground, psychological weapon influences globally at the same time the enemy and own public opinion, and finally psychological weapon does not kill, it convinces.⁴

The phrase "psychological warfare" is believed to have migrated to United States in 1941 from Germany. *Weltanschauungskrieg*, used by German military at the times, when translated literally means "worldview warfare" and was defined as "scientific application of propaganda, terror, and state pressure as a means of securing an ideological victory over one's enemies". Contemporary psychological operations (PSYOP) doctrine of the United States categorizes psychological warfare activities under three typologies: tactical, operational, and strategic. Tactical operations attempts to influence the "will to fight" of the enemy soldiers actually participating in physical combat, whereas operational PSYOP not only targets fighting soldiers, but the civilian population within a particular region (such as Iraq or Syria) using same technologies (leaflets, radio, television, and even more increasingly internet and social networks) as tactical psychological

¹ P. Watson, "War of the Mind: The military uses and abuses of psychology", New York: Basic Books, 1975

² A.J. Bacewicz, J.D. Hallums, R.H. White, T.F. Young, "American military policy in small wars: The case of El Salvador", Paper presented at John F. Kennedy School of Government, March 22nd 1988

³ Ignacio Martin-Baro, "Religion as an instrument of Psychological Warfare", Journal of Social Issues Vol. 46 No.3, 1990, pg 96

⁴ Vera Ranogajec, "Psiholoski Rat", Zagreb: Polemos 3, 2000, pg 148

warfare, but deploying them more broadly. US strategic PSYOP is international in scope uses the most up-to-date and far-reaching information and communication technologies at a level that is a long, protracted effort, usually lasting years.¹

In the latest efforts to degrade and destroy ISIS, Islamic State of Iraq and Sham (or ISIL), US is employing psychological warfare at another level, one that includes social networks and internet as the platform or the new battleground, new frontline. When confronting al-Qaida, US officials, from military and administration, have treated the organization as terrorist one since it was such and employed such methods. Terrorism is defined as “use of violence or threat of violence by small groups against larger groups aiming to achieve political goals”.² Terrorism itself though is not a strategy, it is a tactic used by organized groups. In case of ISIS, which currently controls considerable parts of territory in Iraq and Syria, terrorism is defined differently. ISIS uses terrorism in its classical form, suicide bombings, executions, mass destructions, but is also a fighting force that operates from its own currently controlled territory. It is also the best funded terrorism organization in the world that US has confronted so far.

ISIS's strategic narrative is the creation of Caliphate marking the return to the original version of Islam including the introduction of Sharia law. The restoration of “caliphate” is considered by ISIS to be a religious duty as are the draconian laws and the terrorism is applies. ISIS has strategic psychological operations and information objectives: setting the international media agenda in order to gain attention and visibility of their message, controlling the narrative, countering western, Shia muslim, and other “propaganda” against ISIS, projecting itself as the most powerful jihadist faction, connecting supporters via on-line networks, recruiting new supporters and members, demonstrating capabilities and command and control structures, raising funds. ISIS seems to have six strategic target audiences: sympathizers and supporters, potential recruits, donors, international media, local audiences in Iraq and Syria, and wider international community.³

ISIS's tactic planners know that internet and social networks are not an area that they can compete with US and its allies. Instead, what ISIS has is asymmetric power-the ability to shock and terrify with videos of terrorist activities and other crimes committed by its members. The aim is clear-to shock, scare the public opinion and their opponents within the territory it controls and those it fights, and attract new followers for their cause.

New media and new propaganda from ISIS has come a long way from grainy camera footage on VHS tapes. High definition videos, social media accounts, internet in general are the new norm for groups like ISIS who have certainly set the bar for other terrorist accounts affiliated with ISIS. These online operations fall under a production company created in 2014 called AlHayatMedia Center. The main aim of this company is to seduce Westerners into joining the ranks of ISIS and distribute propaganda through social media platforms.⁴

In April of 2014 ISIS confirmed their status as media-savants with the launch of an official Android app for the Google Play Store titled “The Dawn of Glad Tidings” as the go-to source for new on Islamic State. This application though required users to submit a wealth of personal information and hand over control of their Twitter account. This had allowed ISIS to tweet propaganda across thousands of accounts simultaneously. Although this application had been pulled from Google play it reached its purpose since it acquired Twitter accounts. When ISIS marched in Mosul, Iraq in June 2014, its supporters were able to send over 40.000 tweets in a single day. This use of social networks by a terrorist organization was unprecedented before. In a speech at the Brookings Institution, Matt Olsen, Director of National Counterterrorism Center in 2014, stated that ISIS operates “the most significant propaganda machine of any Islamist extremist group and that no other group is as successful and effective as ISIS is at using propaganda, particularly social media.”⁵

¹ Tyler Wall, “US Psychological Warfare and civilian targeting”, London: Peace Review: A Journal of Social Justice, 2014, pg288-289

² Clark R. McCauley, “The Psychology of Terrorism”, Social Science Research Council, www.ssrc.org/sept11/essays/mccauley accessed December 2015

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⁴ Brookings Institution, “Respond to the Islamic State threat (on Twitter)”, www.brookings.edu/blogs/techtank/posts/2014/10/20islamicocialmedia accessed in January 2016

⁵ Anne Gearan, “National Security US attempts to combat Islamic State propaganda”, Washington Post September 07 2014, accessed in January 2016

In June 2014, US President Barack Obama ordered the launch of Operation "Inherent Resolve", which included military operations, mainly air-strikes, by US and its coalition allies against ISIS positions. The operation is still ongoing with participation of US allies from NATO and those of the Middle East. Even before, US State Department had launched a tough and graphic propaganda counteroffensive against ISIS, using some of the group's own images of barbaric acts against fellow Muslims to undercut its message. In 2011 a Center for Strategic Counterterrorism Communications, a 50 members team with a budget of 6 million USD, was set up to concentrate and target al-Qaida, ISIS threat and operations in internet more specifically in social media presence-on Youtube, Twitter, Facebook and beyond. President Obama, on September 9th 2011, signed Executive Order 13584 providing policy backgrounds and responsibilities to CSCC. This Center is guided by National Strategy for Counterterrorism and operates under the policy direction of the White House and interagency leadership. CSCC immediately released a video production "Welcome to ISIL Land" aimed at young Muslims with the message "run-do not walk to ISIS Land" as part of "Think Again. Turn Away" campaign. US State Department spokesperson at the time stated to Foxnes.com: "We believe countering our adversaries in this space (the internet) is critical. We must contest the space by confronting distortion with reality and lies with the truth".

However, many former US public diplomacy officials have expressed fear that the sophisticated, social media and internet born propaganda of ISIS is outmatching US efforts countering it. Shahed Amanullah, who was in charge of establishing anti-extremist Muslim voices and programs at the State Department and who has left his position in 2015, had stated that US government is in no position of engaging jihadi extremists on Twitter. In the off-line world, US response has occurred in public diplomacy hubs from Dubai to Washington, where State Department has sent out Arabic-speaking mouthpieces to amplify the denunciation of ISIS. Much of the focus was centered at media outlets like Al-Jazeera and Al-Arabiya, also in Europe, with the sole aim of dissuading Muslim youth from joining ISIS.¹

The fears that the US psychological warfare campaign, that is going parallel with the military operations, might not be able to defeat ISIS's campaign are also founded in previous similar situations when western democracies and their armed forces faced Islamic terrorists. Ten years ago, in July 2006, Israel launched a military offensive in South Lebanon aiming to degrade and damage Hezbollah organization. Israeli Defense Force body in charge of conducting PSYOP at the time was MALAT (Mercaz L'Mitzaei Toda'a: The Center of Consciousness/Perception Operations).

MALAT, during 2006 military and psychological warfare campaign, used "traditional" methods (leaflets) as well as "new" ones such as SMS messages and websites. Of these, it was the new modes of communication, especially the Internet, which proved valuable when assessing enemy's response to Israel's PSYOP offensive. In previous occasions, an assessment of enemy's reaction was based either on speculation, enemy's media, captured documents, or on interrogation of captured POWs.² IDF had two goals: reducing or completely eliminating Hezbollah's capability of shelling Israel from their positions and discrediting the organization itself, particularly its leadership and head Hassan Nasrallah. What subsequently happened was that while MALAT continued its PSYOP the IDF forces withdrew from Lebanon after 34 days of fighting, which was hailed as a victory by Hezbollah and Palestinians in general since Israel went out while Hezbollah remained in South Lebanon. MALAT's operation was a failure as a result of failure of IDF to achieve its military goals.

Ten years later, the US military is struggling to achieve its military goals against ISIS and as a result of that US PSYOP counter message against ISIS's is struggling. US and its allies, including Russia, are bombing ISIS positions since 2014, but ISIS is still on the ground in Iraq and Syria and this is the main message of ISIS's PSYOP.

CONCLUSIONS

The Center for Strategic and International Studies in Washington DC estimates that 90.000 messages are daily disseminated by supporters of ISIS in social networks using internet, and according to analysis by intelligence firm

¹ Spencer Ackerman, "ISIS's online propaganda outpacing US-counter-efforts, ex-officials warn", The Guardian September 22 2014.

² Ron Schleifer, "Psyching Hezbollah: The Israeli Psychological Warfare Campaign During 2006 Lebanon War", Terrorism and Political Violence, 2009, pg 223

Recorded Future, despite efforts by Twitter to shut down affiliated accounts, in September 2014 there were still 27.000 "pro-ISIS" accounts.¹ The question arises how will US counter message and what strategy will it use in the future.

CSIS recent findings conclude that the dominant message among the youth of the Middle East, that is the primary target of ISIS, remains the one of aspiring peace, stability, prosperity in spite of vigorous on-line campaign promoted by ISIS and its affiliates. Promoting this narrative could be a new task for US psychological operations as the dominant narrative in stopping the recruitment of young Arabs within ISIS ranks. The obstacle remains in the sense that US might not be the credible source alone, due to the recent history of the conflict in the Middle East and US military role (Drone program, rendition program, Abu Ghraib abuses), in promoting this counter message especially in explaining the difference between Islam and Islamic extremism. This message must also come from US allies in the region, Arab states and Turkey, in order to be credible and sufficient in the long run as efforts to degrade and destroy ISIS militarily continue. The message of freedom of choice and prosperity rather than tyranny and oppression should be the central theme of US PSYOP anti-terror fight in social networks and overall internet. The US must present a different side to ISIS, the one that is not idealized, the one that is full of infighting, human greed and senseless violence.

Successful psychological operations are impossible to be separated from military performance. PSYOP does not operate in the vacuum, and just as it can promote military objectives, so military successes on the ground are crucial to the attainment of PSYOP goals. Even the most well thought-out PSYOP campaign would flounder in cases where the enemy is able to boast one or more military achievements. The online psychological warfare is a new component in the 21st century that allows enemies to reach each other's home fronts directly. US psychological operations planners should keep this in mind when designing and applying future PSYOPS that must have its effects among ISIS and its allies as well as US home front and its own allies.

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NATO in Balkan's Late Twenties Tide

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Abstract

NATO did not intervene in the Balkans to overcome Yugoslavia, or destroy it, but above all to avoid violence and to end discrimination. (Shimon Peres, the former Israeli foreign minister, winner of Nobel Prize for peace) NATO's intervention in the Balkans is the most historic case of the alliance since its establishment. After the Cold War or the "Fall of the Iron Curtain" NATO somehow lost the sense of existing since its founding reason no longer existed. The events of the late twenties in the Balkans, strongly brought back the alliance proving the great need for its existence and defining dimensions and new concepts of security and safety for the alliance in those tangled international relations.

Keywords: NATO, the Balkans, military intervention, new concepts

Preamble

In the nineties, NATO took on a new role by creating stability in the troubled and violent Balkans. ¹

One of the first challenges and serious issues facing NATO after the fall of the Berlin Wall was the Balkan crisis, otherwise known as former Yugoslav crisis. ²

The crisis of the former Yugoslavia started internally a few years after Tito's death. But still, it continued to be dominated by federalists by the end of the '80s. The processes in Eastern Europe after the fall of the Berlin Wall and the dissolution of the Soviet Union only accelerated the Yugoslav crisis, and shoved it in a very problematic situation.

The Yugoslav crisis passed certain stages. It began in 1991 with the secession of Slovenia, Croatia and Macedonia, followed by Bosnia and Herzegovina crisis that peaked in 1994-1995, rose again the Kosovo crisis, especially in 1998-1999 and finished as a crisis with conflicts and wars in Macedonia in the spring of 2001. ³ The Yugoslav crisis was complex. It assumed the character of an armed conflict, almost in the dimensions of a regional war. Not only did the Yugoslav crisis engage NATO but it also engaged all the important international factors such as UN, OSCE, EU, EC. The conflictual character of this situation and realistic expectations about the possible expansion of the conflict in much larger proportions, made NATO's commitment to resolving the crisis in the Balkans necessary. International opinion began to be shaken by the shocking images from the state that once was known as Yugoslavia of Tito - but that now was "overflowing" from the ethnic hatred, nationalisms and chauvinistic that Europe had thought it had left behind with the ending of World War II. "European barbarism in the Balkans has showed itself with neighbor slaughtering one another in fratricidal wars that have cost more than 200,000 human lives, and attempts for the ethnic cleansing of millions of human beings, most Bosnian Muslims and Kosovars" ⁴.

¹ Brzezinski, Zbignjew, ZGJEDHJA- Global Domination or Global Leadership, Zenith, Pristina, 2006, p. 121

² Bashkurti, Lisen, On the International Law and International Organizations, Helping young diplomats, p. 162, Geer, 2006 Tirana

³ Bashkurti, Lisen, Mbi të Drejtën Ndërkombëtare dhe Organizatat Ndërkombëtare, Në ndihmë diplomatëve të rinj, Geer, 2006, Tiranë, p. 162

⁴ Ash Garton Anthony, Fre World, Random House, New York, 2004, p. 52

Bosnia and Herzegovina

To achieve peace, it is the focus of the international community's commitment in Bosnia and Herzegovina's calamity. This was largely because of collisions and initial indifference of the international community regarding the appalling situation created in this part of Europe, during the disintegration of Yugoslavia. "Originally, from the Europeans as well as by Bush administration (the oldest - v. j.) this crisis was seen as a European problem that should and can be solved by the Europeans"¹. It cost a lot more, than what was supposed to do in beginning it was done too late. To help solve the appalling crisis in Bosnia and Herzegovina, UN peacekeepers were sent initially, while the UN Security Council approved a series of resolutions demanding an end to the war. Realizing the emptiness of these collisions at this level, and not respecting the resolutions of the UN, the Bosnian Serbs continued to commit murders in the most brutal ways, massacres, deportations and everything else that makes the portrait of the sentence "ethnic cleansing" clear, a term which later was heard in the vocabulary of diplomats and international politicians in the phrase of defining everything that was happening there. The culmination of this gap resulted in massacres of July 1995, when Serb forces entered the "protected areas", one of them Srebrenica, and murdered within a few days, over eight thousand Muslim men and boys in Bosnia just before the eyes of the world and the peacekeeping forces that were present in order to help preventing that what happened. "On 11th July 1995, Srebrenica became the latest victim in a campaign of genocide committed before the eyes of Europe and the United States"² – wrote at the time former Foreign Minister and former Bosnian ambassador to the UN, Muhamed Sacirbey, recalling that such horror breaks US-European commitment "never" given after the Holocaust, at the end of World War II. US envoy of the Clinton administration, Richard Holbrooke, in his book *To end a war*, accepts the implications of the relationship between the decision-making factors. "There was no more energy left in the international system. Confusion prevailed about the Bosnian Serb brutality. The first line of resistance to any action was the Dutch government which refused to allow its attacks until its soldiers leave Bosnia. We made pressure for action through every channel in London, Paris and in NATO. It was useless. The Serbs knew this and kept the Dutch forces hostage in Potocari until they finished their filthy work in Srebrenica"³. After the failure of the peacekeeping forces of the United Nations at the height of the crisis, the intervention of NATO force was inevitable and only for the abolition of war and the establishment of peace between the parties.

Like it or not, fear makes people to jump each other's arms.

Lord Carrington, former secretary general of NATO.

Bosnian war undoubtedly set new standards in the field of relations and the power of response of the international factors to future crises. It also testified that Europe's form of commitment and action, its slow policy and without a mutual cooperation with the Americans was not quite ready for solving such crises. Robert Kagan in his book *Paradise and Power* had said that Europe acts more slowly, a thing that Americans do with rapid interventions that have been shown to be successful. The crisis was finally elected within a few days primarily using the US Air Force, under NATO auspices humiliating the Europeans, who had been silent witnesses of a genocide "⁴. The first attempt to use EU as a crisis mechanism had failed in Bosnia and Herzegovina. ⁵

The purpose of the NATO intervention in Bosnia and Herzegovina was to stop the war, ensure a lasting peace and the establishment of the institution of trust between sides. 60,000 heavily armed NATO troops were sent to Bosnia and settled a sustainable ceasefire there. ⁶ The presence and role of NATO supported the Dayton peace agreement signed by the powers and parties of the conflict in 1995.

The intervention of the international community in the case of Bosnia and Herzegovina was just like doctors unexpectedly concluding the disease of the patient at risk, using inadequate treatments, delay the preparation of the medication in the lab and the patient almost dies.

¹ Albright Madeleine, Zonja Sekretare, botimet Dudaj, Tiranë, 2004, p. 216

² Sacirbey Muhamed, A convenient genocide in a Fishbowl, aconvenientgenocide.com

³ Holbrooke Richard, *To end a war*, Random House, New York, 1998, p. 70

⁴ Weller Marc, Shtetësia e kontestuar, KOHA, mars 2009, Prishtinë, p. 449

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⁶ GOLDSTEIN, Joshua S, Marrëdhëniet Ndërkombëtare, DITURIA, 2003, Tiranë botimi i katërt, p. 60

2. Kosovo, another step for NATO

"You may not be interested in war, but war is interested in you"

Trotsky¹

This time, the international community responded faster and more powerful even though the Kosovo case had a confusion in the unique decisions to intervene.

"During the war we had to respond to more difficult questions, but what helped us was the idea that no matter how difficult these questions were, however, they were much lighter than the questions we would have had to ask ourselves if we did not act. If NATO had not acted, the Serbian offensive would eventually move more than half a million Kosovars, radicalizing many of them and also would have created a new source of long-term tensions in Europe. Milosevic could be empowered, and perhaps also tempt others to add their power through such methods. And NATO would have remained divided, thus putting into question its very existence at the dawn of the twentieth century"

(Madeleine Albright, the book: Madam Secretary)

*"Memories of the Holocaust and human torture that extreme nationalism brought during World War II served as laws for armed intervention in Kosovo"*²

Robert Cooper

Kosovo's people did not want war, but the war was imposed.

*"I stick on the experience that war does not solve anything. But, sometimes it is necessary and nothing else remains (...) We should have intervened in Milosevic's actions much earlier. What about our memory if we have forgotten what happened every day in Sarajevo a few years ago? Shootings in an open city, markets, buildings, schools – and those who have done this have been Serbians supported by Milosevic! The Dayton Agreement had completely left the Kosovo conflict aside, as if it did not exist at all - it was a mistake for which we have to pay now". (Günter Grass)*³

The armed intervention of NATO in Kosovo was more than necessary because, besides the escalation of violence and causing a humanitarian catastrophe through the Serbian scenario which strategies and tactics were similar to those in Bosnia while using the blank disagreements of the international community, it also followed the violation of UN resolutions which called for an end to the repression against the Albanian people in Kosovo. ⁴ Inter alia this increased risk of conflict expansion throughout the region, and the consequences would have been tenfold.

NATO had now learned the lessons in the case of Bosnia and was more persistent.

"The involved States have acted with enough hesitance to counter the threat of a humanitarian disaster, but also the opportunity of a military confrontation, which could spread beyond Kosovo to Macedonia and Albania, and eventually in other countries" Marc Weller wrote in his book "Contested Statehood"⁵.

The evening of 24 March 1999 opened a new chapter, and scored big turnaround for the future role of the North Atlantic Alliance, which for a half century had served its purpose in a row for a collective security for member countries.

The factor that accelerated the start of the bombing campaign by NATO was twofold.

¹ Just and Unjust Wars, Michael Walzer, Basic Books, New York, p. 29

² Cooper, Robert, The breaking of nations, Atlantic Books, London 2003, p. 61

³ Grass Günter, Novelist Gjerman, Koha Ditore 24 mars 2009/ p. 7

⁴ <http://www.nato.int/docu/nato-trans/nato-trans-alb.pdf> Broshurë, NATO e Transformuar, fq. 16, shikuar se fundi 25.06.2008,

⁵ Weller Marc, Shtetësia e kontestuar, KOHA mars 2009, Prishtinë, p. 205

First of, the discovery of a number of massacres of Serb forces against Albanians, including women, the elderly and children, forced NATO to take a decision.

Secondly, the Western powers found the overall strategic plan of Milosevic to "solve" the Albanian problem, known by the code "Operation Horseshoe"¹

The existence of this plan was revealed for the first time from the then Foreign Minister Joschka Fischer in his statement of 07 April 99, for the Berliner Zeitung newspaper "On 26th of February Serbs have put into effect the specific plan which had the purpose of the expulsion of the Albanian people of Kosovo"²

In accordance with his code name, Milosevic planned to close the Albanians inside a giant horseshoe and then force them to flee from Kosovo.³

The destruction of their property and all identification documents was to ensure that they will not ever return.

In a nutshell, Kosovo would "be cleansed" from all the Muslims in order to ensure a *lebensraum* for the Serb newcomers.⁴

At the NATO summit in Washington on April 23 to 25, 1999, was concluded that "The crisis in Kosovo represents a fundamental challenge to the values of democracy, protection of human rights and the legal state upon which NATO has stood since its foundation... therefore the thesis "We will not allow this campaign of terror"⁵ was defended one voice.

NATO's intervention in Kosovo has a double impact this also has a historical weight in international relations.

With the fall of the Soviet Union began the end of the Cold War, and with the destruction of Yugoslavia, which happened in Kosovo, ended the last international relations crash regarding the Cold War, therefore Kosovo's case is an emblematic case because there ended the Cold War and the way towards a new world order was opened.⁶

Advantages of NATO in Kosovo	Disadvantages of NATO in Kosovo
<ul style="list-style-type: none"> • NATO's campaign in Kosovo took place without a major loss in men, • The last dictator in Europe was defeated • The displaced population returned to their homes • Establish peace in the country, • The construction of the country and security institutions begins and so does the gradual transfer of powers to them. 	<ul style="list-style-type: none"> • The war lasted longer from what NATO expected, • NATO did not believe that the <p>Introduction of ground troops will be necessary,</p> <ul style="list-style-type: none"> • cohesion of the Alliance had fluctuations • The main burden remained of the US although the war took place in Europe.

¹ Judah, Tim Kosova, Luftë dhe Hakmarrje, KOHA, Prishtinë, fq 290

² Bellamy Alex J., Kosovo and International Society, Palgrave macmillan, 2002, New York, p. 164

³ John G. Stoessinger, Perse Kombet shkojnë ne Luftë, Instituti i studimeve ndërkombëtare (AIIIS), Tiranë, p. 154

⁴ John G. Stoessinger, Perse Kombet shkojnë ne Luftë, Instituti i studimeve ndërkombëtare (AIIIS), Tiranë, p. 154 (**Lebensraum-Habitat**)

⁵ Publication "The reader's guide to the NATO summit in Washington, the Office of Information and Press NATO- 11-10 Brussels, Belgium, the NATO Summit in Washington April 23 to 25, 1999, p 8

⁶ Bashkurti Lisen, ligjerata te autorizuara, UI Prishtinë, October 2009

Advantages and Disadvantages are mainly resources from books: Making a Modern War - Clark, and Robert Kagan – Of Paradise and Power.

3. Former Yugoslav Republic of Macedonia – FYROM

NATO intervened in FYROM to extinguish tensions between the country's ethnic Albanians and the armed forces of this country.

Former FYROM President Boris Traykovski on June 20, 2001 through a letter sent to Secretary General Lord Robertson of NATO at the time, required the intervention of NATO as the only alternative to prevent civil war in the country¹.

NATO in principle accepted the request but under the condition, that the FYROM's government approves the constitutional reforms to enhance the participation of ethnic Albanians in society and politics.

A decision to intervene "with stronger rules of engagement" in FYROM, NATO had taken on the 29th June in year 2001 but an intervention could be done after the violence between the parties had been terminated, the establishing of a successful dialogue between the parties was made, a truce between the parties was reached and to make sure that it is being followed.

On August 13, 2001, the Skopje government and ethnic Albanian representatives signed the Ohrid Framework Agreement. Under this agreement, the government pledged to improve the rights of the ethnic Albanian population. In exchange, the ethnic Albanian representatives agreed to abandon separatist demands and hand over their weapons to NATO. This was the beginning of short-term military presence of NATO in the country (2001-2003).²

In FYROM, NATO engaged in three separate operations:

Operation Essential Harvest, - it was officially founded on August 22 and effectively began on August 27, 2001. This 30-day mission was manifested by sending about 3,500 NATO troops, with logistical support, to disarm groups ethnic Albanian and destroy their weapons.

Operation Amber Fox: 23 September 2001 - December 15, 2002, would have a specific mandate to contribute to the protection of international observers, who will monitor the implementation of the peace plan in the former Yugoslav Republic of Macedonia. The mission was placed under German leadership with the participation of other countries in NATO and consisted of about 700 troops, along with 300 troops that were already in place.

Operation Allied Harmony; - In response to a request from President Traykovski, the North Atlantic Council agreed to continue supporting the former Yugoslav Republic of Macedonia with a new mission by 16 December 2002. Since that was very real likelihood that the Amber Fox operation will be completed successfully, the North Atlantic Council agreed to the continuation of the international military presence in the country, in order to minimize the risks of destabilization.

NATO's presence after December 15 had a double impact; Its operating elements provided support for international observers, and its advisory element helped FYROM's government in taking security responsibilities across the country.³

Conclusion:

¹ http://www.nato.int/cps/en/natolive/topics_52121.htm, Peace support operations in the former Yugoslav Republic of Macedonia¹, last visited 07. 01. 2010

² http://www.nato.int/cps/en/natolive/topics_52121.htm, Peace support operations in the former Yugoslav Republic of Macedonia¹, last visited 07. 01. 2010.

³ <http://www.nato.int/fyrom/> last visited 07. 01. 2010.

The collapse of the Yugoslav state through bloody wars in the former republics of that State and terror created in the past two decades in the region were the basis of the need for existence, returning the North Atlantic Alliance to the scene and redesigning the strategy of NATO actions. At the same time what happened in that part of Europe strengthened the thesis that the only force that can be faced with such situations is the North Atlantic Alliance. NATO intervention in the Balkans was the first time that this alliance in practice observed Article 5 of its charter. In fact, it was the first war since its establishment, had told General Clark, supreme allied commander during the Kosovo intervention.

NATO proved with the intervention in the Balkans that is unique and that it is the only hope for unprotected nations, dedicated to interrupt conflicts and wars in the countries where the state has no will or capacity to protect its citizens, and especially then when it becomes the source of their endless suffering.

NATO intervened in the Balkans in order to reinforce long-term stability, develop and integrate the region into Euro-Atlantic structures.¹

As is Bosnia and Herzegovina so are Kosovo and the Former Yugoslav Republic of Macedonia running through integration processes.

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Estimating Barro misery index in democratic states with application in Albania: 2005 – 2014

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“The Barro misery index accurately measures misery”

Steve H. Hanke

“The higher Barro misery index, the greater the economic and social discomfort”

Richard F. Janssen

Abstract

In the present study we develop a statistical analysis of the Barro misery index and its components in contemporary democratic states with application in Republic of Albania during the period January 2005- December 2014. BMI is calculated by the formula:

$BMI = \pi + u - GDP + i$, where

BMI denotes quarterly Barro misery index,

π denotes quarterly inflation rate,

u denotes quarterly unemployment rate,

GDP denotes quarterly real GDP growth rate,

i denotes nominal long-term interest rate.

Kolmogorov's Central Limit Theorem is a fundamental theorem of Modern Probability Theory "Fair game" and "Effective market in weak sense" are important concepts of Macroeconomics.

Some results of the study include :

Kolmogorov's Central Limit Theorem is not valid for quarterly inflation rates in Albania during the period January 2005- December 2014 at the confidence 99.9% .

The inflation process in Albania during the specified period, related to the quarterly inflation rate, is an unfair game at the confidence 98.8%.

The inflation process in Albania during the specified period, related to the quarterly inflation rate, is not effective at the confidence 97.5%.

Kolmogorov's Central Limit Theorem is not valid for quarterly unemployment rates in Albania during the specified period at the confidence 99.9%.

The unemployment process in Albania during the specified period, related to the quarterly unemployment rate, is an unfair game at the confidence 99.9%.

The unemployment process in Albania during the specified period, related to the quarterly unemployment rate, is not effective at the confidence 99.9%.

The official data of the quarterly GDP growth rate for Albania during the specified period contradict Kolmogorov's Central Limit Theorem at the confidence 77.1%.

The GDP growth rate process for Albania during the specified period is a fair game at the confidence 86.4%.

The GDP growth rate process for Albania during the specified period is not effective at the confidence 99.9%.

The official data of the quarterly Barro misery index for Albania during the specified period contradict Kolmogorov's Central Limit Theorem at the confidence 96.1%.

The Barro misery index for Albania during the specified period is a fair game at the confidence 84.8%.

The Barro misery index process for Albania during the specified period is not effective at the confidence 63.7%.

Keywords: Barro misery index, Okun misery index, inflation, unemployment, GDP growth rate, Albania.

Abbreviations:

CLT- Central Limit Theorem

GDP- Gross Domestic Product

KLS test- Kolmogorov-Smirnov-Lilliefors test

SW test- Shapiro-Wilk test

BMI- Barro misery index

OMI- Okun misery index

Introduction

The concept "misery index" is an economic and social indicator, created by late distinguished economics Arthur Melvin Okun, the Chairman of Council of Economic Advisers under US President Lyndon B. Johnson in the 1960's. The Okun misery index denotes the sum of the annual (or quarterly) inflation rate and unemployment rate for a given country. Harvard University Professor Robert J. Barro improved OMI by adding two random variables: annual (or quarterly) real GDP growth rate and nominal long-term interest rate, see Barro (1999).

In the present study, BMI calculated by the formula:
 $BMI = \pi + u - GDP + i$, where

BMI denotes quarterly Barro misery index,

π denotes quarterly inflation rate,

u denotes quarterly unemployment rate,

GDP denotes quarterly real GDP growth rate,

i denotes nominal long-term interest rate.

In other words,

$BMI = OMI - GDP + i$, where

OMI denotes the quarterly Okun misery index.

The BMI is an important indicator of economic and social performance: the higher BMI, the worse misery.

Professor Robert J. Barro used BMI to measure the dynamics of misery during each President's term of USA.

The impact of BMI in business is significant, because this index affects confidence. As it increases, consumers, businesses and investors become less confident about the future. They delay spending decisions and increasing savings. Different parts of the economy are affected in different ways by increases in the BMI. As the quarterly unemployment rate increases, people who are unemployed find it more difficult to get a job and those in employment fear that they might lose their jobs. The BMI creates a feeling of helplessness. Consumers want and need more income to keep up wage pressures suppressed. In addition to this, there are fewer opportunities to supplement income with overtime or secondary part-time jobs.

Individuals who can afford to save are likely to build up a "worst case reserve", but this strategy makes sense for individuals, it further weakens confidence in the economy, as the reduced consumption causes business to cut back further on employment, see Simister (2011), Lechman (2012).

BMI contains four metrics: π , u , quarterly GDP growth rate and i . From Modern Probability Theory point of view, BMI is a random field: it changes over time and in different countries reflects changes in society's economic performance.

BMI is not a perfect measure of poverty for a given country during a specified period of time. But definitely, BMI can be used as a proxy (approximation) of the economic and social welfare, see Welsch (2007). The life of individual is strongly determined and affected by BMI.

In the present study we develop a statistical analysis of BMI in Republic of Albania during the period January 2005 – December 2014. The official data in the BMI for Albania during this period speak loudly. The main purpose is to learn about the miserable process of Albania citizens, while their lives are strongly affected by dynamics in BMI.

The sources of official data are Institute of Statistics of Albania (INSTAT) and Bank of Albania (BoA).

Definitions

Most frequently, the term "inflation" refers to a rise in the Consumer Price Index (CPI), which measures prices of a representative fixed basket of goods and services purchased by a typical consumer, see Mankiw (2010). The formula for

$$\text{Inflation rate} = \frac{P_0 - P_{-1}}{P_{-1}} 100\%$$

calculating the quarterly inflation rate is , where P_0 denotes the current average price level, and P_{-1} denotes the average price level a quarter ago. Today, most economists favor a low and stable rate of inflation, because low inflation may reduce the severity of economic recession and the risk of destabilizing the economy, see Sargent, Williams and Zha (2006), Taylor (2011), and Giannellis (2011).

Unemployment, as defined by the International Labor Organization (Nov 26, 2007), is the state in which the people are without jobs, they have actively looked for work within the past four weeks, and ready to start work within two weeks. The unemployment rate is the percentage of total labor force unemployed:

$$\text{unemployment rate} = \frac{\text{unemployed workers}}{\text{total labour force}}$$

. Unemployment is the macroeconomic problem that disturbs the lives of many families. For most people, the loss of a job means a reduced living standard and psychological distress.

GDP is the market value of all officially recognized final goods and services produced within a country in a given period of time (quarterly GDP versus annual GDP), see Blanchard (2011), Mankiw (2011), Taylor (2008).

GDP per capita is often considered as an indicator of a country's standard of living.

Official GDP estimates not take into account the underground economy, in which transactions contributing to production (such as illegal trade and tax-avoiding activities) are unreported, causing GDP to be underestimated.

GDP can be determined in three ways, all of which should, in principle, give the same result:

Production Approach

Expenditure Approach

Income Approach

The most direct of three ways is the Production Approach which calculates the sum of outputs of every class of enterprise to arrive at the total.

In Albania, GDP was calculated by INSTAT only through Production Approach and Expenditure Approach. Among these two methods, is being considered that Production Approach better evaluates GDP for Albania's conditions.

According to the Production Approach, GDP is calculated by the formula:

$$\text{GDP} = \text{VAT} + \text{TP} + \text{CT} + \text{SB}, \quad \text{where}$$

GDP denotes the Gross Domestic Product at market prices,

VAT denotes Value Added Tax at basic prices,

TP denotes taxes on products including VAT,

CT denotes customs tax,

SB denotes subsidies on products and imports.

The Production Approach is the basic method to calculate GDP in Albania.

The market is **weakly efficient** regarding to a specific economic process, if the relative successive differences of the process follow a normal distribution. This definition is given by E. Fama (Nobel Award winner).

The Central Limit Theorem (CLT) explains why many probability distributions tend to be very close to the normal distribution. The CLT is also known as the second fundamental theorem of Probability Theory.

A contemporary version of the CLT is given by A. N. Kolmogorov.

Theorem 1 (CLT)

If all random samples (X_1, X_2, \dots, X_n) of a reasonably large size $n > 30$ are selected from any random variable (population) X with finite expectation μ and variance σ^2 then the probability distribution of the sample mean \bar{X} is approximately normal with expectation μ and variance $\frac{\sigma^2}{n}$. This approximation improves with larger samples, as $n \rightarrow \infty$, see Kolmogorov (2002).

Theorem 2 (Berry – Esséen)

If the third central moment $E(X - \mu)^3$ exists and is finite, then the above convergence is uniform for all $x \in (-\infty, +\infty)$ and the speed of convergence is at least on the order $\frac{1}{\sqrt{n}}$, see Shiryayev (2006).

Theorem 3 (Arstein – Ball – Barthe – Naor)

The convergence to normal distribution is monotonic in the sense that the entropy of the random variable

$$Z_n = \frac{n(\bar{x} - \mu)}{\sigma\sqrt{n}}$$

increases monotonically to that of the standard normal distribution (Arstein, Ball, Barthe, and Naor, 2004).

The amazing and counterintuitive thing about CLT is that no matter what the probability distribution of the parent population X , the probability distribution of the sample mean \bar{X} approaches a normal curve.

The remainder of the paper is organized as follows:

Section 2 presents the statistical analysis of quarterly inflation rate. Section 3 provides the investigation of quarterly unemployment rate. Section 4 presents the dynamics of Okun misery index. Section 5 presents the statistical analysis of quarterly GDP growth rate. Section 6 investigates quarterly Barro misery index. Section 7 concludes the paper.

The Dynamics of Quarterly Inflation Rates

The data set is the quarterly inflation rate over the period January 2005- December 2014 in Albania, see Table 1. We calculate the statistical parameters for the data:

Sample size	$n = 40$
Sample mean	1.285
95% confidence interval for mean	.852 ; 1.718

Median	1.800
Variance	1.829
Standard deviation	1.3524
Coefficient of variation	1.052
Maximum	3.3
Minimum	-1.4
Range	4.7
Interquartile range	2.4
Skewness	-.742
Kurtosis	-.848

In this study, using Kolmogorov - Smirnov - Lilliefors test as well as Shapiro-Wilk test for normality, we test the following hypothesis:

H_0 : The quarterly inflation rates for Albanian over the period January 2005 –December 2014 follow a normal distribution.

H_1 : The quarterly inflation rates for Albania over this specified period follow a non-normal distribution.

Using SPSS (version 2013) we find the observed value of Kolmogorov-Smirnov-Lilliefors test = .213 and the corresponding significance level .000. Now we apply the Shapiro-Wilk test for normality. The observed value of the statistics is $W = .870$ and the associated significance is .000.

Decision Rule: Reject the null hypothesis H_0 at the confidence level .999 or 99.9%. In other words, the Central Limit Theorem is not valid for quarterly inflation rates over the specified period in Albania, at the confidence level 99.9%.

Definition 1: (according to J. L. Stein and N. N. Vorobiev, 1974) The inflation process is said to be a **fair game** if the successive differences of inflation rate follow a normal distribution.

This important definition has found several applications in economic sciences, see Stein (1974), Lucas (2000), Sargent, Williams and Zha (2006), Stock and Watson (2007).

The successive differences of quarterly inflation rate, over the period January 2005 – December 2014, in Albania are given in Table 2. We present the statistical parameters related to this data set.

Sample size	$n = 40$
Sample mean	-.050
95% confidence interval for mean	-.575, .475
Median	.050
Variance	2.690
Standard deviation	1.6402
Coefficient of variation	-32.8
Maximum	3.3

Minimum	-4.3
Range	7.6
Interquartile range	1.1
Skewness	-.467
Kurtosis	1.17

We test the hypothesis:

H_0 : The successive difference of the quarterly inflation rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The successive difference of the quarterly inflation rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The observed value of the KSL test is = .171, and the observed value of SW test is $W = .929$.

The associated significance level is 1.2% .

Decision Rule: Reject the null hypothesis H_0 at the confidence level 98.8% . In other words, at the confidence level 98.8% , the inflation process in Albania, over the period January 2005 – December 2014, related to the quarterly inflation rates, is an unfair game.

Remark. Since the inflation remains a central policy concern, there is a multiplicity of theoretical explanations for “unfair game inflation process in Albania”. Therefore, all sources of possible evidence need carefully explored. Those who lose the most from the “unfair game process” are the poorest Albanian households, pensioners, and families who live below poverty level.

The relative successive differences of quarterly inflation rate, over the period January 2005 – December 2014, in Albania are given in Table 3. We present the statistical parameters related to this data set.

Sample size	$n = 39$
Sample mean	-.4799
95% confidence interval for mean	-1.1297, .1699
Median	.0800
Variance	4.018
Standard deviation	2.00456
Minimum	-7.00
Maximum	6.00
Range	13.00
Interquartile range	1.53
Skewness	-.196
Kurtosis	4.711

We test the hypothesis:

H_0 : The successive difference of the quarterly inflation rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The successive difference of the quarterly inflation rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The computed value of the KSL test is = .236, and the computed value of SW test is $W = .844$.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 97.5%. In other words, at the confidence level 97.5%, the inflation process in Albania, over the period January 2005 – December 2014, related to the quarterly inflation rates, is not effective.

The Dynamics of the Quarterly Unemployment Rate

The data set is quarterly unemployment rates in Albania, over the period January 2005 – December 2014, see Table 4. We compute the statistical parameters for the data:

Sample size	$n=40$
Sample mean	14.20
95% confidence interval for mean	13.677, 14.728
Median	13.80
Variance	2.70
Standard deviation	1.6431
Coefficient of variation	.1157
Maximum	18.60
Minimum	12.50
Range	6.10
Interquartile range	.97
Skewness	1.472
Kurtosis	1.113

Using Kolmogorov-Smirnov-Lilliefors test as well as Shapiro-Wilk test for normality, we test the following hypothesis:

H_0 : The quarterly unemployment rate over the period January 2005 – December 2014 follows a normal distribution.

H_1 : The quarterly unemployment rate over this specified period follows a non-normal distribution.

Using SPSS (version 2013) we find the computed value of KSL statistics. 301 and the associated significance is .000. The computed value of SW test is $W = .776$ and the corresponding significance is .000.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 99=99.9%. The Central Limit Theorem is not valid for quarterly unemployment rates, over the specified period January 2000 – December 2014, in Albania, at the confidence level 99.9%.

The successive differences of quarterly unemployment rate during January 2005 – December 2014 are given in Table 5. We present the statistical parameters related to the data set:

Sample size	$n=39$
Sample mean	.1256
95% confidence interval for mean	-0.509, .3022
Median	.000
Variance	.297
Standard deviation	.5447
Coefficient of variation	4.3368
Maximum	1.6
Minimum	-.9
Range	2.5
Interquartile range	.4
Skewness	1.410
Kurtosis	2.077

Test the hypothesis:

H_0 : The relative successive differences of quarterly unemployment rate for Albania over the period January 2005 – December 2014 follow a normal distribution.

H_1 : The relative successive differences of quarterly unemployment rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as the Shapiro-Wilk test for normality. Using SPSS (2013), we find for both statistical tests the significance .000. The observed value of SW test is $W = .839$.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 99.9%. In other words, at the confidence level 99.9%, the unemployment process, over the period January 2005 – December 2014, in Albania, related to the quarterly unemployment rates, is an unfair game.

The relative successive differences of quarterly unemployment rate, over the period January 2005 – December 2014, in Albania are given in Table 6. We present the statistical parameters related to this data set.

Sample size	$n = 39$
Sample mean	.00884
95% confidence interval for mean	-.00331, .02098
Median	.00000
Variance	.001
Standard deviation	.037472
Maximum	.127
Minimum	-.048
Range	.175
Interquartile range	.030
Skewness	1.593
Kurtosis	2.561

We test the hypothesis:

H_0 : The relative successive difference of the quarterly unemployment rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The relative successive difference of the quarterly unemployment rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The observed value of the KSL test is = .209, and the observed value of SW test is $W = .842$.

The significance level for both tests is .000.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 99.9%. In other words, at the confidence level 99.9%, the unemployment process in Albania, over the period January 2005 – December 2014, related to the quarterly unemployment rates, is not effective game.

The Dynamics of the Quarterly Okun Misery Index

The data set is quarterly Okun misery index in Albania during the period January 2005 – December 2014, see Table 7. We compute the statistical parameters for the data.

Sample size	$n = 40$
Sample mean	15.488
95% confidence interval for mean	14.717, 16.258
Median	15.950
Variance	5.807
Standard deviation	2.4098

<i>Coefficient of variation</i>	. 1556
<i>Maximum</i>	20. 5
<i>Minimum</i>	11. 2
<i>Range</i>	9. 3
<i>Interquartile range</i>	3. 7
<i>Skewness</i>	. 045
<i>Kurtosis</i>	-. 731

Using Kolmogorov-Smirnov-Lilliefors test as well as Shapiro-Wilk test for normality, we test the following hypothesis:

H_0 : The quarterly Okun misery index in Albania over the period January 2005 – December 2014 follows a normal distribution.

H_1 : The quarterly Okun misery index over this specified period follows a non-normal distribution.

Using SPSS (2013), we find the computed value of W statistics = .957 and the corresponding significance is .136. The computed value of KSL test is .118 and the corresponding significance level is .17.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 86.4%. In other words, the CLT is not valid for quarterly Okun misery index in Albania over the period January 2005 – December 2014, at the confidence level 86.4%.

The successive difference of the quarterly Okun misery index, are given in Table 8. Please find below the statistical parameters related to this data set.

<i>Sample size</i>	<i>n</i> = 39
<i>Sample mean</i>	. 074
<i>95% confidence interval for mean</i>	-. 545, . 694
<i>Median</i>	. 1
<i>Variance</i>	3. 649
<i>Standard deviation</i>	1. 91
<i>Coefficient of variation</i>	25. 81
<i>Maximum</i>	4. 9
<i>Minimum</i>	-4. 7
<i>Range</i>	9. 6
<i>Interquartile range</i>	1. 5
<i>Skewness</i>	-. 207
<i>Kurtosis</i>	1. 234

Using KSL test as well as SW test for normality we test the hypothesis:

H_0 : The successive differences of the quarterly Okun misery index in Albania over the specified period follow a normal distribution.

H_1 : The successive differences of the quarterly Okun misery index follow a non-normal distribution.

We apply the KSL test as well as the SW test for normality Using SPSS (2013) we find the computed value of KSL test=.157 and associated significance level=.017. The computed value of W statistics is.953, which corresponds to a significance level of.101.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 98.3%. In other words, the miserably process in Albania during the period January 2005 – December 2014 is an unfair game at the confidence level 98.3%.

The relative successive differences of quarterly Okun misery index rate, over the period January 2005 – December 2014, in Albania are given in Table 9. We present the statistical parameters related to this data set.

Sample size	$n = 39$
Sample mean	.01315
95% confidence interval for mean	-.03145, .05774
Median	.00613
Variance	.019
Standard deviation	.137556
Maximum	.438
Minimum	-.287
Range	.724
Interquartile range	.106
Skewness	.570
Kurtosis	2.079

Test the hypothesis:

H_0 : The relative successive difference of the quarterly Okun misery index rate for Albania, over the period January 2005 – December 2014, follow a normal distribution.

H_1 : The relative successive difference of the quarterly Okun misery index rate for Albania over this period follow a non-normal distribution.

We apply the Kolmogorov-Smirnov-Lilliefors test as well as the Shapiro-Wilk test for normality. The observed value of the KSL test is=.147, and the observed value of SW test is $W = .935$.

The corresponding significance levels are.034 and.026, respectively.

Decision Rule: Reject the null hypothesis H_0 at the confidence level 97.4%. In other words, at the confidence level 97.4%, the misery process in Albania, over the period January 2005 – December 2014, related to the quarterly Okun misery index, is not effective.

The Dynamics of the Quarterly GDP growth rate

The data set is quarterly GDP growth rate for Albania during the period January 2005- December 2014, see Table 10. The source of the official data is INSTAT.

Using SPSS, compute statistical parameters for the data.

Sample size	40
Sample mean	. 8897
95% confidence interval for mean	. 2157, 1. 5638
Median	1. 035
Variance	4. 441
Standard deviation	2. 10747
Coefficient of variation	2. 368 = 236. 8%
Maximum	6. 38
Minimum	-2. 61
Range	8. 99
Interquartile range	2. 53
Skewness	. 455
Kurtosis	. 291

Test the hypothesis

H_0 : The quarterly GDP growth rate for Albania during the period January 2005- December 2014 follows a normal distribution.

H_1 : The quarterly GDP growth rate for Albania during the period January 2005- December 2014 follows a non-normal distribution.

We apply KSL test as well as SW test for normality. Using SPSS, we find the observed value of SW test = . 964 and corresponding significance = . 229. From the KLS test we find that the observed value is. 067 and corresponding significance = . 200.

Decision Rule:Reject the null hypothesis H_0 at the confidence level 77. 1%. In other words, the official data of the quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014 contradict Kolmogorov's CLT at the confidence level 77. 1%.

The data set consists of the successive differences of quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014, see Table 11. Using SPSS, we compute statistical parameters for this data set.

Sample size	39
Sample mean	. 1123
95% confidence interval for mean	-. 8991, 1. 1237
Median	. 53
Variance	9. 735
Standard deviation	3. 12016
Coefficient of variation	27. 78= 2778 %
Maximum	7. 88
Minimum	-6. 38
Range	14. 26
Interquartile range	3. 45
Skewness	. 031
Kurtosis	. 113

Test the hypothesis

H₀: The successive differences of the quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014 follow a normal distribution.

H₁: The successive differences of the quarterly GDP growth rate for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = .985 and corresponding significance = .864. From the KLS test we find that the observed value is .084 and the corresponding significance = .200.

Decision Rule: The GDP growth rate process for Albania during the period Jan 2005 – Dec 2014 is a fair game at the confidence level 86.4%.

Test the hypothesis

H₀: The relative successive differences of the quarterly GDP growth rate for Albania during the period Jan 2005 – Dec 2014 follow a normal distribution.

H₁: The relative successive differences of the quarterly GDP growth rate for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = .850 and corresponding significance = .000. The observed value of KSL test is .182 and corresponding significance .002.

Decision Rule: The GDP growth rate process for Albania during the period Jan 2005 – Dec 2014 is not effective at the confidence level 99.9%.

The dynamics of quarterly Barro misery index

The data set is quarterly Barro misery index for Albania during the period January 2005- December 2014, see Table 12. The source of the official data is INSTAT.

Using SPSS, we compute the statistical parameters for the data.

Sample size	40
Sample mean	26.398
95% confidence interval for mean	20.328, 22.468
Median	26.380
Variance	11.196
Standard deviation	3.3460
Maximum	32.5
Minimum	17.6
Range	14.9
Interquartile range	5.1
Skewness	-.267
Kurtosis	-.113

Test the hypothesis

H₀: The quarterly Barro misery index for Albania during the period January 2005- December 2014 follows a normal distribution.

H1: The quarterly Barro misery index for Albania during the period January 2005- December 2014 follows a non-normal distribution.

We apply KSL test as well as SW test for normality. Using SPSS, we find the observed value of SW test = .984 and corresponding significance = .848. The observed value of KSL test is .066 and corresponding significance = .200.

Decision Rule: The CLT is valid for quarterly Barro misery index in Albania during the period Jan 2005- Dec 2014 at the confidence level 84.8% .

The data set consists of the successive differences of Barro misery index for Albania during the period Jan 2005 – Dec 2014, see Table 13. Using SPSS, we compute statistical parameters for this data set.

Sample size	40
Sample mean	-.037
95% confidence interval for mean	-1.169, 1.096
Median	-.210
Variance	12.549
Standard deviation	3.5424
Maximum	6.1
Minimum	-12.6
Range	18.7
Interquartile range	4.4
Skewness	-.878
Kurtosis	2.688

Test the hypothesis

H₀: The successive differences of the quarterly Barro misery index for Albania during the period January 2005 – December 2014 follow a normal distribution.

H₁: The successive differences of the quarterly Barro misery index for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = .941 and corresponding significance = .039. The KSL test is not applicable for this data set.

Decision Rule: Reject the null hypothesis H₀ at the confidence level 96.1%. In other words, the official data of the quarterly Barro misery index for Albania during the period Jan 2005 – Dec 2014 represents an unfair game at the confidence level 96.1% .

Test the hypothesis

H₀: The relative successive differences of the quarterly Barro misery index for Albania during the period Jan 2005 – Dec 2014 follow a normal distribution.

H₁: The relative successive differences of the quarterly Barro misery index for Albania during the period January 2005- December 2014 follow a non-normal distribution.

Using SPSS, we find the observed value of SW test = .970 and corresponding significance = .363. The observed value of KSL test is .095 and corresponding significance = .200.

Decision Rule: The Barro misery index for Albania during the period Jan 2005 – Dec 2014 is not effective at the confidence level 63.7% .

Conclusion

The present study was motivated by some indicators for miserably process in Albania during the period January 2005- December 2014. The sources of official data are INSTAT and Bank of Albania.

It seems reasonable and valuable to monitor “Barro misery index dynamics over time in Republic of Albania”, in order to make sure that Albanian economy is developing in right direction. Combination of high quarterly inflation rates, high quarterly unemployment rates and low GDP growth rates constitute significant obstacles for Albanian citizens to benefit from wide range of opportunities that free market is offering to its participants.

These issues are of particular importance to Albanian Government, Albanian Parliament and especially to Albanian people. The mean value of the quarterly BMI for Albania during the period the period Jan. 2005- Dec. 2014 equals 21.898, and 95% confidence interval for the mean is (20.328, 22.468). The standard deviation of the quarterly BMI equals to 3.3460.

Using Kolmogorov's CLT, KSL test, SW test, "fair game" concept in sense of Stein- Vorobiev and "weakly efficient market" concept in sense of E. Fama, we obtain the following results:

CLT is not valid for quarterly inflation rates in Albania during the period Jan. 2005- Dec. 2014 at the confidence level 99.9% .

The inflation process in Albania during the specified period is an unfair game at the confidence level 98.8% .

The inflation process in Albania during the specified period is not effective at the confidence level 97.5% .

CLT is not valid for quarterly unemployment rates in Albania during the period Jan. 2005- Dec. 2014 at the confidence level 99.9% .

The unemployment process in Albania during the specified period is an unfair game at the confidence level 99.9% .

The Okun miserably process in Albania during the specified period is an unfair game at the confidence level 98.3% .

The Okun miserably process in Albania during the specified period is not effective at the confidence level 97.4% .

The quarterly GDP growth rate process in Albania during the period Jan. 2005- Dec. 2014 is not effective at the confidence level 99.9% .

The Barro miserably process in Albania during the period Jan. 2005- Dec. 2014 is an unfair game at the confidence level 99.1% .

We found a strong evidence for the divergence of several macroeconomic data in Albania during the specified period from CLT, fair game process and weakly effective market.

An obvious feature of our study is the severity of rejecting Kolmogorov's CLT or fair game hypothesis or weakly effective market hypothesis. Therefore, there is a strong suspect for the presence of excessive speculation and associated excessive speculators in Albania's market during the period January 2005- December 2014. 1

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Appendix

Table 1. Quarterly inflation rate, unemployment rate, GDP growth rate and their successive differences.

Year	Quarter	Inflation Rates(%)	Succ. Diff. Infl. Rates(%)	Unemploy. Rates(%)	Succ. Diff. Unemploy. Rates(%)	GDP growth rates (%)	Successive differences of

							GDP growth rates (%)
2005	Q1	3.3		13.1		-1.96	
	Q2	-1	-4.3	12.7	-0.4	5.92	7.88
	Q3	-1.4	-0.4	12.6	-0.1	-0.46	-6.38
	Q4	1.9	3.3	14.2	1.6	0.07	0.53
2006	Q1	2	0.1	14	-0.2	0.98	0.91
	Q2	0.2	-1.8	13.9	-0.1	1.09	0.11
	Q3	-1.2	-1.4	13.8	-0.1	1.96	0.87
	Q4	1.8	3	13.7	-0.1	3.6	1.64
2007	Q1	2.2	0.4	13.7	0	-0.86	-4.46
	Q2	-0.8	-3	13.5	-0.2	-0.29	0.57
	Q3	0.4	1.2	13.2	-0.3	1.78	2.07
	Q4	1.7	1.3	13.4	0.2	6.38	4.6
2008	Q1	2.4	0.7	13.1	-0.3	2.08	-4.3
	Q2	-0.3	-2.7	12.7	-0.4	-1.68	-3.76
	Q3	-0.8	-0.5	12.6	-0.1	1.76	3.44
	Q4	1.2	2	12.5	-0.1	1.37	-0.39
2009	Q1	1.8	0.6	12.7	0.2	2.59	1.22
	Q2	-0.1	-1.9	12.7	0	1.92	-0.67
	Q3	-0.7	-0.6	12.8	0.1	-2.24	-4.16
	Q4	2.2	2.9	13.7	0.9	-2.34	-0.1
2010	Q1	3	0.8	13.9	0.2	3.24	5.58
	Q2	-1	-4	13.8	-0.1	2.2	-1.04
	Q3	-0.6	0.4	13.5	-0.3	-0.15	-2.35
	Q4	1.8	2.4	13.5	0	0.65	0.8
2011	Q1	2	0.2	14	0.5	3.19	2.54
	Q2	2.5	0.5	13.8	-0.2	-2.61	-5.8
	Q3	2.3	-0.2	13.9	0.1	1.69	4.3
	Q4	2.4	0.1	13.9	0	-0.12	-1.81
2012	Q1	2.4	0	14	0.1	-0.42	-0.3
	Q2	2.4	0	13.8	-0.2	0.95	1.37
	Q3	2.7	0.3	14.1	0.3	2.06	1.11
	Q4	2.4	-0.3	14.1	0	-1.25	-3.31
2013	Q1	2.5	0.1	14.8	0.7	0.15	1.4
	Q2	2.2	-0.3	16.4	1.6	1.13	0.98
	Q3	1.5	-0.7	17.2	0.8	-1.95	-3.08
	Q4	1.5	0	17.1	-0.1	-1.61	0.34
2014	Q1	1.9	0.4	18.6	1.5	1.42	1.42
	Q2	1.6	-0.3	17.7	-0.9	-0.37	-1.79
	Q3	1.8	0.2	17.4	-0.3	3.3	3.67
	Q4	1.3	-0.5	18	0.6	2.42	-0.88

Table 2. Okun misery index, Barro misery index, their successive differences and their relative successive differences.

<i>Okun Misery Index</i>	<i>Succ. Diff. Okun Miss. Index</i>	<i>Barro Misery Index</i>	<i>Succ. Diff. Barro Miss. Index</i>
16.4		30.2	.0
11.7	-4.7	17.6	-12.6
11.2	-0.5	23.5	5.9
16.1	4.9	27.8	4.4
16	-0.1	26.8	-1.0
14.1	-1.9	24.8	-2.0
12.6	-1.5	22.4	-2.4
15.5	2.9	23.7	1.3
15.9	0.4	28.6	4.9
12.7	-3.2	24.8	-3.8
13.6	0.9	23.6	-1.2
15.1	1.5	20.5	-3.1
15.5	0.4	25.2	4.7
12.4	-3.1	25.9	.7
11.8	-0.6	21.8	-4.0
13.7	1.9	24.1	2.3
14.5	0.8	23.7	-.4
12.6	-1.9	22.5	-1.2
12.1	-0.5	26.1	3.7
15.9	3.8	30.0	3.9
16.9	1	25.5	-4.6
12.8	-4.1	22.4	-3.1
12.9	0.1	24.9	2.5
15.3	2.4	26.5	1.6
16	0.7	24.6	-1.8
16.3	0.3	30.7	6.1
16.2	-0.1	26.3	-4.4

16.3	0.1	28.2	1.9
16.4	0.1	28.6	.4
16.2	-0.2	27.1	-1.6
16.8	0.6	26.5	-.5
16.5	-0.3	29.6	3.0
17.3	0.8	29.0	-.6
18.6	1.3	29.3	.3
18.7	0.1	32.5	3.2
18.6	-0.1	32.0	-.4
20.5	1.9	30.9	-1.1
19.3	-1.2	31.5	.6
19.2	-0.1	27.7	-3.8
19.3	0.1	28.7	1.0

Kosovo – Unique Case of the Parallel Justice System

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Abstract

The end of the 1998/1999 war with Serbia, found Kosovo with two governments, which, UNMIK replaced conform the 1244 Resolution of the SC. UNMIK's operation was based in four pillars and 14 departments. The Department of Justice was a department that operated with obstacles as a result of the organized Serbian parallel system in Kosovo's territory. Which unfortunately transformed into a phenomenon that was allowed silently by UNMIK's administration. The functioning of such an operation damages the interests of Kosovan citizens, who are tried twice for the same case. Double sentences of Kosovo's citizens in Kosovo's courts and in the parallel Serbian courts that operate in Serbia are causing major problems in the already fragile Kosovan justice system. According to the official data, it results that there are 22 parallel Serbian courts that operate within this parallel system, in North Kosovo and various cities within Serbia. This form of parallel judiciary continues to function even after the Declaration of Independence (2008) and after the arrival of EULEX mission in Kosovo. We think that the functioning of this parallel Serbian system in a territory where it has no sovereignty, as a unique case in Europe, should cease to exist with the sole purpose of empowering and functioning of the juridical and justice system in Kosovo, for the sake of respecting fundamental principles of the human rights and respecting of the *ne bis in idem* principle.

Keywords: Resolution 1244, Kosovo, UNMIK, Parallel System, Justice.

Introduction

In many writings from foreign and Albanian writers, Kosovo is presented as a unique administrative-politic, national, geographic and historic entity, with a difficult and an immense journey to political and national freedom and independence. During the Ottoman Empire rule, Kosovo was a special administrative unit and was known as the "Kosovo Vilayet".

In the international summit, respectively at the ambassadors conference held in London in 1913, Kosovo was secluded from the Albanian state and during the Balkan Wars was conquered from Serbia and Montenegro. With the support of the great powers, in the Peace Conference held in Paris in 1919, Kosovo is given as a war loot to Serbia and until the year of 1941 it remains a part of the Serbian, Croatian and Slovene Kingdom, sometimes known as Banovina and in times known as the District of Prishtina.

During World War II, Kosovo aligned itself with the anti-fascist movement in hopes that after the war it would be recognized, the right to self-determination, but Tito's government on March 1945 declares a state of emergency within its territory. Under this state of emergency, on the 8th-10th of July 1945, in Prizren an Assembly is held with anonymous delegates, who issue a "Resolution on the annexing and the Union of Kosovo and Metohia with the Federal Serbia", such a resolution to this day is kept a secret for the public.

With the Yugoslavian Constitution of 1946, Kosovo's granted the double subjectivity: as part of the federate and as part of the People's Republic of Serbia with the right to advance its juridical and constitutional position from Province to a Federal Republic. (Constitution 146, Article 44, Paragraph 3). This constitutional right was claimed and requested internationally by the people of Kosovo twice. The first claim was made in 1968, a time this when Western Europe and Yugoslavia too was swept from students movements with democratic demands, from which Kosovo was brought to the Autonomy of 1974. On the second claim, advancement was required on 11th of March 1981, but the demands, from the actual authorities in power in Kosovo, Serbia and Yugoslavia were deemed to be irredentist and counter revolutionary and as such were oppressed with police and military violence. As a result of this constitutional claim and demand an attack begun on the autonomy of 1974 and the imprisonment and sentencing of 6000 people. From March of 1981 to 18th of October 1988 in Kosovo over 584. 000 of its people, about 36% of its population, were persecuted as "irredentists" and "counter revolutionaries" (Horvat, 1989, page 149), most of whom were pupils, students, professors, teachers and Kosovan intellectuals.

With the constitutional juridical changes of 1974, Kosovo for the first time in the ex-Yugoslavian juridical system is granted juridical and constitutive subjectivity of the Federation (Constitution 1974, Article 1), within which the legislative authority – Kosovo's Assembly, Executive Council (Government) and the Judicial System (Supreme Court) (law, nr. 21/78 and 49/79, 1979). Despite the guaranteed autonomy with the Constitution of SFRY, with the silenced approval by the political factor of the then Yugoslavia, the Republic of Serbia on 23rd of March 1989 intervened in an unconstitutional manner against Kosovo, abated its political, judicial, educational, health and financial system etc. (Constitution 1974, Article 5). This unconstitutional intervention of Milosevic did not affect the conscious of any from the six republics of SFRY, not even that of the Croatian prime minister of the federal government, Ante Markovic who instead of requiring a prosecution against him for changing the internal borders of Republics and Provinces (Law, nr. 4/77, Article 116, page 46), he himself together with his defense minister Velko Kadjevic celebrated the "Vozd" together with Milosevic in Sava Centre in Belgrade on 28th of June 1989.

After acquiring the support of the Federal Government and especially that of the Yugoslavian Army (Constitution, Article 237 and 240) to the desolation of the Autonomy of Kosovo, the Serbian Vozd begun to implement the project of 1986 of the Serbian Academy to the making of the Greater Serbia followed but one principle "where there's a Serbian grave laying, that there is Serbian land". With the involvement of the People's Army of Yugoslavia in the political processes of Yugoslavia practically a Yugoslavian Spring begun which brought the desolation of the ex-Federate, through wars and genocide, temporarily suspended in Dayton, USA (Dayton Agreement, Ohio, 1995) and ends with the Kumanovo Agreement on 9th of June 1999.

Within less than two year after signing the Dayton Agreement, Milosevic returned once again to the problem of Kosovo, who since 1989 had organized a parallel political and social life, with a Peaceful Resistance which was led from President Dr. Ibrahim Rugova. Its aggressiveness was increased especially after the conclusions drawn from the Badinter Commission which didn't treat Kosovo as a problem nor a special unique entity at all. This political, military and police aggressiveness brought the weakening of the Peaceful Movement and the strengthening and militarization within Kosovo. As a result of such oppressing politics the Kosovo Liberation Army (KLA) was created. In such tensioned situation, the authorities begun to arm Serbian civilian, persons with penal precedent and ordinary convicts (released from jail) who then where engaged in police, paramilitary and army formations. This complicated situation is followed by the Serbian police and military intervention in Prekaz, in Skenderaj on 5th-7th of March 1998 where over 50 members of the family of the KLA Commander Adem Jashari were murdered and on 24th of March 1998 in Glogjan of Deçani.

On 24th of March 1999, NATO intervenes militarily against Yugoslavia, whose forces led by Milosevic begun to enforce the notorious plan "Horseshoe" (Human Rights Watch PO NAREĐENJU, 2001, page 93) for the forceful eviction of every ethnic Albanian from Kosovo. Within a short period of time, the Serbian army, police and the paramilitary burned down entire villages, murdered hundreds of civilians, women children, elders, raped dozens of women and girls and evicted over a million of Albanians to Albania, Montenegro and Macedonia, although NATO's Alliance had begun the bombing of the remaining military targets of Yugoslavia on 24th of March 1999.

After 78 of bombing from the NATO's forces, the Serbian Vozd Milosevic orders the signing of the Kumanovo Agreement on 9th of June 1999, according to which the Serbian forces completely and decisively should leave Kosovo within 11 days. After the Serbian from Kosovo, in Kosovo, conform the 1244 Resolution of the UN the Temporary Administration of UN is installed, known as UNMIK.

Kosovo – in the face of the 16 year old challenges from the Serbian parallel system

1. 1 In accordance with the 1244 Resolution of SC of the UN, UNMIK was the sole legal “administrator” of Kosovo, who based on the authority derived from this resolution, had desolated all of the Kosovan pre 10th of June 1999 institutions. (United Nations S/RES/1244 (1999), 1999)

UNMIK’s authority organogram in Kosovo was approved by the UN in New York (UN, Distr. General S/1999/779, 1999) and was based in four Pillars and 14 Departments. Amongst these departments was the department of Justice, which together with the security sector were a right reserved solely to UNMIK. With the New York approval the “Supreme Court” was constituted but not the Constitutional Court under the pretext that it affects the neutrality against Kosovo’s Status. The functionalization of the Justice system, manner and competences for the selection of prosecutors, judges (article 4) and clerks, order of their dismissal (UNMIK Regulation nr. 1999/18, 1999), order of the penal procedure initiation (UNMIK Regulation nr. 1999/7, 2000/57 1999, 2000, article 1 and article 4), selection and the engagement of foreign judges and prosecutors (UNMIK Regulation nr. 2000/13, 2000) courts, prosecution and the prison system administration were regulated with Special Regulations (UNMIK Reg. nr 2000/15, 2000) also the selection of international and local judges in specific cases created and functionalized a “hybrid justice” (Bassiouni, 1999,) was a competence of the Overseer. (Regulation nr. 1999/6, 1999)

With the purpose of creating the legal and constitutional staff, UNMIK approved the Constitutional Framework as the highest juridical act in Kosovo, (Regulation Nr. 2001/9, 2001), declaring Kosovo as a “... inseparable territory within which the temporary self-governing institutions exercise their responsibilities ... (article 1. 2) and which” ... will be governed as a democracy through the judicial, executive, lawmaking institutions and organs ... (article 1. 4)

But the creation of credible state institutions in Kosovo did not suit Serbia, who through the Serbian minority of Kosovo started the installation of parallel Serbian institution within and outside of it. This occurrence had been the cause of negotiations between UNMIK and Yugoslavia, who in 2001 signed an Agreement of 11 points, including the security field, judicial system and the release of every Albanian from Kosovo who was kidnapped during the war and who remained in Serbian prisons. This agreement also failed, except of the last point in the agreement that of the immediate release of the Albanians from Kosovo who were kidnaped and their return to Kosovo. Afterwards, in 2003 we have the 8 Point Plan of the UN, (Standards before Status, 2003), the plan of the Independent Self-Governing institutions to involve the Serbian minority in its social life, but with no success because this system is still functional (Agreement, 2001) in the field of security, judicial system, PTT, education, health, cadastral system etc., (OSBE, 2003) which until now represents a unique system of the application of two rights within a territory that Serbia has juridical lost since 10th of June 1999. (Serbian Law, nr. 101/2013).

After the Declaration of Independence of Kosovo (17th Feb, 2008), Kosovo’s Government has paid close attention to the deference and respect of the rights of the communities, by also respecting the obligations derived from the Comprehensive Proposal for the Kosovo Status Settlement (CSP), (Kosovo’s Constitution, 2009, Article 143,2) for their involvement in public administration, police (Constitution, 2008, Article 128, point 2, 4) justice (Constitution, 2008, Article 102,2) in the Judicial Council (Constitution, 2008, Article 108,1) and Kosovo’s Prosecution Council (Constitution, 2008, Article 103, point 3,6,10). The Republic of Kosovo has accepted the help of EU in the field of Law Enforcement since 2006 for the MEUP mission (Mission, European Union Peace Team) which as a result of objections in between SC (Security Council) and the EU (European Union) was prolonged until 2008, year this when in Kosovo the EULEX mission was installed. with a clear mandate to fulfill four objectives: first objective being monitoring, mentoring and counseling (MMC), **second objective being that of executive, third being “North”, and fourth objective being the support for the implementation of dialogue.** (<http://www.eulexkosovo.eu/eul>)

Despite all of these Constitutional and Legal measure undertaken by the Government of Kosovo, Serbia in a sophisticated order continues to support and finance the parallel system in Kosovo and does not trust EULEX either, who legally has its agenda in the Republic of Kosovo predetermined to fight crime and create security for all of its citizens. (Law nr. 03/L-052 and Law Nr. 04/L -273)

The operation of the Serbian parallel courts in Kosovo and Serbia

2. 1 After the signing of the Kumanovo Agreement, the Serbian police, paramilitary and military forces left. With them the police officers, prosecutors, judges and other Serbian administration officials who had been working in Kosovo until 10th of June 1999. With their leave they took along files of the judicial cases, cadastral books, civil state books which are placed in different cities of Serbia. The parallel organs are spread throughout Serbia and within Kosovo's territory and operate in the judiciary, police, state administration and cadastral field, civil service, education, health etc., These parallel organs offer different services to Kosovo's citizens, by organizing judicial hearings (penal, contested and non-contested), (OSBE, 2006-2007, page 24) and by equipping citizens with different documents (passports, different civil state certificates, issuing drivers licenses, legalize contracts of estate purchases etc.)

The operation of these parallel Serbian institutions in different localities within and outside of Kosovo was known to the UNMIK structures, officials of whom in silence approved their operation. (OSBE, 2003) Some of these parallel organs have been dislocated and operate in the name of Kosovo, in cities such as Leskovac, Kragujevac, Vranje, Nis, Kraljevo and elsewhere (OSBE, 2006-2007, page 24). The services offered from the parallel Serbian organs not only for the city of Peja (OSBE, 2006-2007, 30) but also for citizens of other cities of Kosovo can be equipped in electronic order in Serbia. (<http://dokumentakosovometohijasrbija.blogspot.com>)

The practices followed by Serbia represent a major problem for Kosovo's citizens who are in possession of such documents issued by the Serbian parallel institutions who operate in the presence of the international institutions installed in Kosovo. (OSBE, 2006-2007, page 25 - 26). Thus, we have to residencies of police stations, courts, two superiors of the same organ and so on. I. e. in the driver's licenses issued by these organs to Kosovo's citizens in the city of Nis in Serbia, where the residence of Prishtina's Police Station is, has on it written "SUP Prishtina". In a close by of the Norwegian KFOR base by the city of Gracanica is an office that issues passports, IDs, driver's licenses and other documents. (OSBE, 2003, page 41)

Within the territory of Serbia there are 22 operating parallel courts all of them competent for Kosovo's territory and that based on the Law for Residencies, Courts Territories and Public Prosecution of Serbia of the year 2008. (Serbian Law nr. 116/2008 and nr 42/2002)

The courts that have been subject to this form of parallel operation are as follow:

Minor Offences Court in Mitrovica is competent for all of Kosovo's and Metohija's territory with its branches in the Serbian enclaves, Gorazdevac (Peja), Gračanica (Prishtina), Ranilug (Gjilan) and Šterpca (Ferizaj) (Article 2 of this law)

Basic Court in Mitrovica, is competent for all of Kosovo's and Metohija's territory including its branches in Gorazdevac, Gračanica, Ranilug and Šterpca. (Article 3, point 11).

Supreme Court in Mitrovica, second degree court, competent for the resolution of cases dependent on the Basic Court in Mitrovica (Article 4, point 7)

Economic Court in Niš, competent for economic cases of the first degree courts (Article 5, point 8)

Appeal Court in Niš, competent for the Mitrovica territory. (Article 6, point 3)

Nis's Court Branch is competent as a second degree court for all of the Minor Offences Courts in the Mitrovica territory. (Article 7, point 2)

Nis's Court Branch is also competent for the territory of the Supreme Court in Mitrovica (Article 8, point 2)

Basic Prosecution of Mitrovica, is competent for the whole territory of the Basic Court in Mitrovica (Article 9, point 11)

Supreme Public Prosecution of Mitrovica is competent for the territory of Supreme Court of Mitrovica (Article 10, point 7)

Public Appeal Prosecution residing in Niš, had territorial competences in the territory of the Appeal Court in Niš (Article 11, point 3)

According to the information available it seems that such an organization of the justice system has been made with the approval of the highest ranking Serbian state justice organs which has operated in the same order before the 1999 war and forth.

2. 2 In 2013 changes in Law for Courts and Prosecution Organization in Serbia follow, but the operation of the “judicial parallelism” continues until the drawing of a special law in Serbia. (Serbian Law, nr 101/2013) Until this special law can be drafted (Article 17), the operation of these organs continues and cases that are in procedure, whether in prosecution or in courts shall continue to be proceeded.

In Accordance to Serbian Law nr 101/2013 for the residences of the Courts and Prosecution in Serbia (Article 12, point 2), court cases of the 16 parallel Municipal Courts in Kosovo are transferred to the competence of 6 courts in Serbia, meanwhile cases of the 5 County Courts and one case of the Economic Court are delegated to 6 courts in Serbia.

Vitija's, Gjilani's and Kamenica's Cases of the Municipality Court, are transferred to the Basic Court in Vranje,

Vushtria's, Mitrovica's and Leposaviqi's Cases of the Municipality Court, are transferred to the Basic Court in Kraljevo,

Dragashi's, Rahoveci's and Prizreni's Cases of the Municipality Court, are transferred to the Basic Court in Krusevac,

Gjakova's, Istog's, Klina's, Peja's, Suharekas' and Ferizaj's Cases of the Municipality Court, are transferred to the Basic Court in Leskovac

Cases of Prishtina Municipality Court - Basic Court in Niš,

Cases of Lipjani's Municipality Court - Basic Court in Prokuplje,

Cases of Gjilani's District Court - Supreme Court in Vranje,

Cases of Mitrovica's District Court - Supreme Court in Kraljevo,

Cases of Peja's District Court – Supreme Court in Leskovac,

Cases of Prizreni's District Court - Supreme Court in Požarevac,

Cases of Prishtina's District Court - Supreme Court in Niš,

Cases of Prishtina's Economic Court - Economic Court in Kraljevo,

Simply put, from all of this, every reader has it hard to understand this “judicial anomaly” and this parallel Serbian system that operates not only in the justice field, (OSBE, 2006-2007, page 25-34) where the judgment of the parallel court remain unexecutable.

Despite the talks between UNMIK representatives and the Serbian institutions throughout these years for the desolation of the parallel system, despite the negotiations in between Kosovo's Government and Serbia's Government in Brussels, Serbia continues to resist the desolation of these parallel organs. Despite the fact the in 34 cities of Kosovo the Kosovo's Justice System if fully operational, assisted by the EULEX Mission, the judicial and constitutional system is operational and nondiscriminatory to none of its communities. In such circumstances, the operation of these many parallel courts is going to damage furthermore those in need of justice. This practice of operation of the Serbian parallel system in a territory with no fact nor juridical sovereignty, in a territory with juridical subjectivity which has international recognition of over half of the member states of the UN, damages not only the interests of Kosovo but also that of its citizens, but firstly it damages the economic interests of the Serbians in Kosovo. The operation of such parallel system violates the basic rights and freedom of humans, also damages the interests of communities and affects in the raise and empowerment of the criminality and organized crime which is quite active in the entire Balkans orbit and as such an obstacle for the Euro-Atlantic integrations of both the countries. Also, as a result of this juridical and court parallelism we have non-merit judgements and

decisions, parallel (two Judgements and Decisions for the same case) and in contrary to all the laws that determine the competences, whether they are territorial or cases. (OSBE, 2006-2007, page 23)

Conclusion

Throughout 96 years of history under the Serbian occupation (1912) until the Declaration of its Independence on 17th of February 2008, Kosovo has known different occupants, different rulers and different administrators. It was secluded from the Albanian State after the decision made by the Great Powers in the London Treaty of 1913. In the Paris Conference of 1919, Kosovo was incorporated into Serbia who under its rule treated it not as required from the international agreement but on the contrary it treated it poorly, with no jobs, no schools, no life and insecurity within their land. Kosovars aligned themselves against fascism during World War II, but Tito, on March of 1945 declared a state of emergency, and forced the elected people of Kosovo to give up from the Bujani's Declaration of 31st of December and 1st – 2nd of 1943, where the people of Kosovo (Albanians, Serbian and Bosnians) declared for self-determination. In a state of curfew, on the 8th – 10th of July 1945, in the then capital city of Kosovo Prizren, a "Resolution for the annexation and the union of Kosovo and Metohija with the Federal Serbia" is drawn, a resolution that to this day is kept a secret for the public.

In the after World War II Yugoslavia, Kosovo was part of the Federate and part of Serbia with the constitutional right for political and juridical advancement within Yugoslavia.

With the federative Constitution of 1974, Kosovo became a Constitutive part of SFRY, but the guaranteed autonomy with this constitution ended on 23rd of March of 1989 when Milosevic with the help of the foreign and internal factor desolated it and brought the bloody Yugoslavian Spring – the desolation of Yugoslavia who finally was desolated on the 9th of June 1999 with the signing of the Kumanovo Agreement.

Thus, after 87 years of occupation from Serbia, Kosovo is liberated from the allied forces of NATO and so begun a new phase of its righteous journey to independence which was concluded with the Declaration of Independence on the 17th of February in 2008, recognized internationally. But until the Declaration of Independence, Kosovo was governed by the Temporary Administration of UN, conform the 1244 Resolution of the SC of the UN, as the sole legal authority within Kosovo's territory, authority this that was led by the Special Representative of the UN Secretary. This mission operated based on 14 departments, with a local Counseling Organ that was calls the Joint Temporary Administrative Structure and was conceived on four pillars: Security and Judicial System, Civil Administration, Democratization and building of institutions and Reconstruction and Economic Development.

And did UNIMK achieve to implement these objectives and tasks set to themselves within the 1244 resolution of the UN?

Based on fact information the temporary UNMIK administration despite individual efforts of the leading staff who were replaced from time to time, did not achieve to implement its main objectives and tasks or partially implemented them.

Despite all of the UNMIK's authorizations, it did not achieve to create a unique juridical system within all of the Kosovo's territory and has tolerated a parallel Serbian system, (<http://www.securitycouncilreport.org>) within Kosovo and in the territory of the Serbian state, a situation that continues to this day, even after the arrival of the EULEX Mission in Kosovo. (Ivanko, RTK, 2009)

In the justice field, UNMIK despite of the professional staff that was selected by themselves, nor EULEX have achieved to complete their objectives for which they have been mandated, to resolution and sentencing of serious criminal offences, war crimes, organized crime and other penal offences of corruption.

In the economic field, UNMIK has not shown flexibility nor farsighted plans in the development of economic resources, on the contrary, some its chosen administrators were included in corruptive affairs (the case of Joe Trashler who was the Administrator of the Fourth Pillar of UNMIK).

In the field of establishing the Public Administration, Education, Health, Sport and Culture, Kosovo is far from its ambitions.

In the field of the relaxation of the reports in between Kosovo and Serbia, despite the efforts in this direction the last aggressive political case of Serbia against the membership of the Republic of Kosovo in UNESCO, says a lot. The UNMIK and EULEX Mission have failed to create a Multiethnic Kosovo by not intervening to terminate and desolate the Serbian parallel system in Kosovo. (Serbian Law nr. 101/2013)

With the purpose of consolidating the justice system the Republic of Kosovo need to do as follows:

An audition has to be made for the work of the EULEX Mission by a Joint Task Force composed of local and international experts including American experts who are to draw clear conclusions of the Rule of Law

A reformatting of EULEX in Kosovo should take place and the establishment of joint colleges based on the law of Special Prosecution of Kosovo for the fight of serious crime should take place

The investigation under the suspicion for possible abuse within this Mission by a joint Task Force and that the employment of prosecutors, judges and other members of the staff who were part of the UNMIK Mission and EULEX Mission of the region not be allowed (Klan Kosova. tv, 2015, Kosovo Today, 2015)

To be required from the UN to end the UNMIK Mission in Kosovo, since this organization has accepted the EULEX Mission within a territory that legally (juridical) it administers.

To be required from the EU to intervene within the Serbian authorities to terminate every financing of unconstitutional and parallel activities within and outside Kosovo and that all the public documents acquired from Kosovo and taken to Serbia should be returned.

To be required from the EU that every financing to the Serbian community in Kosovo from Serbia should be made through a Kosovo's commercial bank, which should be determined in an agreement in between both states (pensions, welfare, different grants etc.) with the sole purpose to eradicate the possibility of money laundry and organized crime.

To establish the Special Court within the assigned timeline, which should operate based on the Laws of the Republic of Kosovo.

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State Failure and the Political Violence Phenomenon: A Comparative Analysis of Iraq and Syria Cases

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Abstract

The concept of failed state came to the fore with the end of the Cold War, the collapse of the USSR and the disintegration of Yugoslavia. Political violence is central in these discussions on the definition of the concept or the determination of its dimensions (indicators). Specifically, the level of political violence, the type of political violence and intensity of political violence has been broached in the literature. An effective classification of political violence can lead us to a better understanding of state failure phenomenon. By using Tilly's classification of collective violence which is based on extent of coordination among violent actors and salience of short-run damage, the role played by political violence in state failure can be understood clearly. In order to do this, two recent cases, Iraq and Syria will be examined.

Keywords: state failure, political violence, Syria, Iraq

Introduction

The concept of state failure was used for the first time by Gerald B. Helman and Steven R. Ratner¹. While it is possible to see the emergence and failure of the nation states for so long, the concept of failed state came to the fore with the end of the Cold War, the collapse of the USSR and the disintegration of Yugoslavia, because these moments made possible the emergence of new nation-states. According to Andrew Flibbert², the concept was borrowed from the economy and in particular was inspired by the concept of market failure. Then it was adopted in the discussions of political science in the 1990s.

In their article entitled "Saving Failed States", Helman and Ratner speak of the emergence of "*the failed-nation-state, utterly incapable of sustaining itself as a member of the international community*".³ According to the authors, the reasons for state failure are "civil strife, government breakdown and economic privation"⁴. According to Michael Ignatieff⁵ state failure takes place when states can no longer have the legitimate monopoly of violence (Ignatieff, 2002). Robert Rotberg⁶ defines state failure by the ability to deliver positive public goods. A failed state can not deliver these goods and gradually loses its legitimacy before its citizens. According to Rotberg "*a failed state is a polity that is no longer able or willing to perform the fundamental jobs of a nation-state in the modern world*". He therefore suggests that the state failure should be understood as a point in a "continuum". In one extreme side of this continuum there are strong states and in another extreme side there

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¹ Gerald B. Helman and Steven R. Ratner, « Saving Failed States », *Foreign Policy*, n°89, 1992-1993, pp. 3-20.

² Andrew Flibbert, « The consequences of Forces State Failure in Iraq », *Political Science Quarterly*, Vol. 128 n°1, 2013, pp.70.

³ Helman and Ratner, *op.cit.*, p. 3.

⁴ *Ibid.*

⁵ Michael Ignatieff, « Intervention and State Failure », *Dissent*, Vol. 49, n°1, 2002, pp. 114-123.

⁶ Robert I. Rotberg, « Failed States, Collapsed States, Weak States: Causes and Indicators » in Robert I. Rotberg (ed.) *State Failure and State Weakness in a Time of Terror*, Washington DC, World Peace Foundation/Brookings Institution, 2003, p. 6.

⁷ *Ibid.*

are collapsed states¹. Between two points there are multiple possibilities such as weak states, failing states and failed states.

After seeing these definitions, it is possible to accept, with a few exceptions, Jonathan di John's remark: "Vague and imprecise definitions of failure abound in the literature." ² To specify the content of this concept some scholars give indicators of state failure. Rotberg argues that the main difference between the weak and strong states is the levels of their effective delivery of most crucial public goods such as security, especially human security, "the essential freedoms(...), medical and health care, school and educational institution(...), physical infrastructures(...), the arteries of commerce, (...) a money and banking system, a fiscal and institutional context (...), the promotion of civil society and methods of regulating the sharing of the environmental commons." ³ He lists the characteristics of strong states as follows: "Strong states offer high levels of security from political and criminal violence, ensure political freedom and civil liberties, and create environments conducive to the growth of economic opportunity. The rule of law prevails. Judges are independent. Road networks are well maintained. Telephones work. Snail mail and e-mail arrive quickly. Schools, universities, and students flourish. Hospitals and clinics serve patients effectively. And so on. Overall, strong states are places of enviable peace and order." ⁴

By using the list of political goods delivered by a state Rotberg tries to define state-failure indicators. According to him three types of indicators give us a more distinct picture of the phenomenon. In economical level, reductions in incomes and living standards, increased corruption, fall of GDP, drying of foreign and domestic investment, shortages of food and fuel can be mentioned. In political level one can count the subverted democratic norms, restriction of participatory processes, enslavement of bureaucracy, end of judicial independence, blocking of civil society and subordination of security forces. As for the level of violence, as it rises very rapidly the human security deteriorate. He adds that these indicators should not be taken separately and only their combination will give us a more perfect vision of the phenomenon⁵.

Another work that deals with indicators and is widely cited in the literature is the *State Failure Task Force Report (I and II)*. This task force, composed of independent researchers is established at the request of Vice President Al Gore at the time (1994) by CIA⁶. From 600 variables evaluated, the group opted for a three factor- model. These factors are: "infant mortality-indirect measure of quality of life; openness to international trade-value of imports and exports divided by GDP, level of democracy-from information on political institutions⁷". The group estimates that they can predict two thirds of state failure cases⁸.

And finally according to Flibbert, the concept of state failure reflects the decrease in the institutional capacity of the state. Even if he did not openly describes as indicators the struggle over the control of territory and the monopoly of violence, the decline and even the fall of the bureaucratic state capacity and declining revenues from taxes and the decline in the promotion of economic well-being and equity can be considered like this⁹.

In the light of these debates on the definition of the concept or the determination of its dimensions (indicators), political violence is central in these discussions. Specifically, the level of political violence, the type of political violence and intensity of political violence has been broached in the literature. There is a wealth of work on determining whether a state fails due

¹ Flibbert, *op.cit.*, p. 15.

² Jonathan Di John, « The Concept, Causes and Consequences of Failed States: A Critical Review of the Literature and Agenda for Research with Specific Reference to Sub-Saharan Africa », *European Journal of Development Research*, Vol. 22, n° 1, 2010, pp. 15.

³ Rotberg, *op.cit.*, p. 4.

⁴ *Ibid.*

⁵ Rotberg, *op. cit.*, pp. 21-22.

⁶ This working group is composed of Daniel C. Esty, Jack A. Goldstone, Ted Robert Gurr, Barbara Harff, Marc Levy, Geoffrey D. Dabelko, Pamela T. Surko and Alan N. Unger. Daniel C. Esty, Jack Goldstone, Ted Robert Gurr, Pamela T. Surko, and Alan N. Unger, Working Papers: *State Failure Task Force Report*, McLean, VA: Science Applications International Corporation, 1995 and Daniel C. Esty, Jack Goldstone, Ted Robert Gurr, Pamela T. Surko, Alan N. Unger, and Robert S. Chen, *The State Failure Task Force Report: Phase II Findings* McLean, VA: Science Applications International Corporation, 1998.

⁷ Esty et al. *The State Failure Task Force Report: Phase II Findings, op.cit.*, p.50

⁸ *Ibid.*

⁹ Flibbert, *op. cit.*, p.72.

to terrorism and if this was the case, it would be to what extent¹. It is important to highlight the fact that the violence indicator can be the cause as well as the consequence of the state failure. ² Bridget L. Coggins points out three weaknesses of the literature on the relationship between state failure and terrorism. "First, poverty or human insecurity, has received disproportionate attention even though there are good reasons to suspect that other aspects of failure might be more important. Second, "terrorism as war" in cases of guerilla war and insurgency is not controlled for, likely leading to poor estimates of the relationship between failure and terrorism. And third, terrorism is often endogenous to state failure when more comprehensive operationalizations are employed, making the true relationship between two phenomena difficult to discern³."

In addition to these weaknesses, there is a lack of systematic classification of political violence. However an effective classification of political violence can lead us to a better understanding of state failure phenomenon. By using Tilly's⁴ classification of collective violence which is based on extent of coordination among violent actors and salience of short-run damage, the role played by political violence in state failure can be understood clearly. In order to do this, two recent cases, Iraq and Syria will be examined.

Tilly's classification of collective violence:

Charles Tilly classifies collective violence into six categories: violent rituals, coordinated destruction, opportunism, brawls, scattered attacks and broken negotiations by using two variables that is to say extent of coordination among violent actors and salience of short-run damage⁵.

The salience of short run damage demonstrates the extent of damage infliction and reception's domination of these interactions. In the lower part of Figure 1, the damage is rare during interactions while in the upper part of the damage is omnipresent in interactions.

As for the extent of coordination among violent actors, this variable shows the level of coordination amongst those involved in this interaction. At least two people are required for this interaction. In the lower part of Figure 1 coordination is very low as one goes up to the top of the Figure 1, this coordination increases.

The relationship between these two variables and classification of collective violence (interpersonal) are expressed in Figure 1.

These two variables together enable us to predict the degree of destruction that these relations cause. As Tilly puts it "Broadly speaking destructiveness rises with both salience and coordination. Where salience and coordination both reaches high levels, widespread destruction occurs⁶."

¹ See for example : Edward Newman, « Weak States, State Failure, and Terrorism », *Terrorism and Political Violence*, Vol. 19, n°4, 2007, pp.463–488 ; Peter Tikuisis, « On the Relationship between Weak States and Terrorism », *Behavioral Sciences of Terrorism and Political Aggression*, Vol. 1, n°1, 2009, pp. 66-79 ; Craig Whiteside « A Case for Terrorism as Genocide in an Era of Weakened States », *Dynamics of Asymmetric Conflict*, Vol. 8, n°3, 2015, pp. 232-250 ; Aidan Hehir, « The Myth of the Failed State and the War on Terror: A Challenge to the Conventional Wisdom », *Journal of Intervention and Statebuilding*, Vol. 1, n°3, 2007, pp. 307-332.

² James A. Piazza, "Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?" *International Studies Quarterly*, Vol. 52, n°3, 2008, pp. 469-488.

³ Bridget L. Coggins, "Does State Failure Cause Terrorism? An Empirical Analysis (1999-2008)", *Journal Of Conflict Resdution*, Vol. 59, n°3, 2015, p. 461.

⁴ Charles Tilly, *The Politics of Collective Violence*, New York, Cambridge University Press, 2003.

⁵ Tilly, *op. cit.*, p.13

⁶ *Op. cit.*, p. 14.

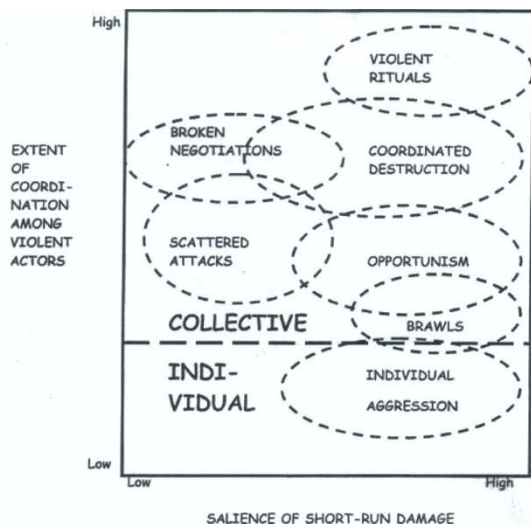


Figure 1.1 A Typology of Interpersonal Violence.

Figure 1: A typology of Interpersonal Violence (Tilly, 2003)

According to Tilly, violent rituals can be described as: “at least one relatively well-defined and coordinated group follows a known interaction script entailing the infliction of damage on itself or others as it competes for priority within a recognized arena; examples include shaming ceremonies, lynchings, public executions, gang rivalries, contact sports, some elections battles, and some struggles among supporters of sporting teams or entertainment stars¹.” Coordinated destruction takes place when “persons, organizations that specialize in the deployment of coercive means undertake a program of damage to persons and/or objects; examples include war, collective self-immolation, some kind of terrorism, genocide and politicide—the programmed annihilation of a political category’s members²” And finally, opportunism occurs when “as a consequence of shielding from routine surveillance and repression, individuals or clusters of individuals use immediately damaging means to pursue generally forbidden ends; examples include looting, gang rape, piracy, revenge killing, and some sorts of military pillage³.”

As part of this research, the cases of Iraq and Syria will be treated. The intertwined nature of political violence in these contexts will allow us to analyze more clearly the state failure situation in these countries.

Intertwined types of political violence

Inspired by the Arab Spring in Tunisia and in Egypt, the first peaceful protests in Syria are born March 15, 2011 to protest the massacre of 15 young people of Deraa who wrote graffiti against the regime. Government repression was brutal. The regime killed more than 200 people between March 15 and April 21, 2011⁴. This revolt deploys quickly from city to city. The Free Syrian Army that became gradually the head of the opposition movement became militarized and its Sunni character came to the fore. Bozarslan speaks of militarization and “sectarianization” of the conflict⁵ However FSA is not only opposition force against al-Assad regime. The Radical Islamist groups are involved including Jabhat al-Nasra (the Victory Front), branch of the Al-Qaida (which has later pledged alliance to ISIS) and Islamic State of Iraq and al-Sham (ISIS), now Islamic State, (IS). A civil war is taking place between them. According to Bozarslan “the results of four years of repression is well known: nearly 250,000 dead or missing, murders under torture by the thousands, the use of chemical weapons

¹ *Ibid.*

² *Ibid.*

³ *Ibid.*

⁴ Hamit Bozarslan, *Revolution et état de violence. Moyen-Orient 2011-2015*, Paris, CNRS Editions, 2015, p. 135.

⁵ Bozarslan, *op. cit.*, p. 139.

including the utilization of chlorine gas or barrels of oil as a weapon which caused, on August 21, 2013 in Ghouta, near Damascus, the death of 1300 victims, the destruction of many cities such as Aleppo, the exodus of nearly five million people in Jordan, Lebanon, Turkey and the displacement of six or seven million internally. ¹

The types of violence most used by the regime are the destruction of cities, aerial bombing, torture, disappearances, executions, rape of women, use of chemical weapons, and forced displacement of residents. In opposition's side, we see the passage of a peaceful action repertoire to a militarized violence (especially with the desertion of former officers of the Syrian army even though this view is disputed by some), sectarianized and finally jihadized². One must not forget the fact that ISIS too, uses rape, the sale of women as slaves.

In Iraq, the war launched by the US in 2003 lasts a few months. By this war, the US wanted to destroy alleged chemical, nuclear and biological held by Saddam Hussein. However, after the contested victory of the US, the fall of Saddam Hussein, his execution and the transition to a temporary government, the semblance of stability does not last. Sectarian violence that already existed between Sunni and Shiite starts over again. With the arrival of the ISIL this table becomes bloodier. Besides low intensity guerrilla war declared by USA, there is a civil war. The observed types of violence are:

- Suicide missions: suicide truck bombs, suicide bombers
- Bombings: Car bombings, truck and car bombs (sometimes with toxic chlorine, use of chemical arms).
- Raids against exile camps
- Shootings and gun attacks (especially targeting Shia areas)
- Raids on holy places (Shia shrines and churches)
- dropping barrel bombs
- Executions without trials and tortures.
- Sexual assault, slavery, forced marriages to ISIS members.

In both cases we are in the presence of a war (between two states) and a civil war (between a state and non-state entities) which are examples of coordinated destruction. Because as suggested by Tilly's definition: "*persons, organizations that specialize in the deployment of coercive means undertake a program of damage to persons and/or objects*". In both cases the army, paramilitary groups and militias that can be qualified as violent specialists confront each other in order to gain power over a given territory. As part of this type of collective violence according to Tilly, high extent of coordination and high-salience of damage are expected. In Syrian case, evidence shows very high extent of coordination among government and army. High-salience of damage is evident as Bozarslan puts it: "250.000 dead or missing" in four years. The Iraqi case shows high coordination among militaries and paramilitary factions like Sunni and Shiite militias such as *Javsh al-Mahdi* (Mahdi Army). And the damage caused is also very high in this case. According to HRW "*Suicide attacks, car bombs, and assassinations became more frequent and lethal, killing more than 12,000 people and injuring more than 22,000 between January and December.*" ³

Another political violence type is opportunism especially, rape, pillage, murder, revenge hostage taking and blood feuds. So we should look for the cases where there is a high-salience violence but low coordination compared to the war and civil war (coordinated destruction). It occurs when routine surveillance and repression fail and few organized individuals use immediately damaging means. In both cases case war and the civil war diminish the surveillance and capacity of repression of regime. State failure in these cases allows individuals to take advantage of this situation. In both cases the militias and

¹ *Op. cit.*, p. 138.

² *Op. cit.*, pp.142-143.

³ Human Rights Watch, World Report 2015: Iraq, *Events of 2014*, available online at: <https://www.hrw.org/world-report/2015/country-chapters/iraq>, date accessed: 15 March 2016

"ordinary people" resort to rape, pillage, murder, take hostage, revenge and blood feuds. One can see the opportunism most clearly in the case of the kidnapping of children and women and the hostage taking by ISIS in Syrian and Iraqi cases.

Finally, the violent rituals are the type of political violence where we observe the most organized and most violent attacks. The violent specialists, especially pro-regime specialist in Syria used a well-defined script. Bozarslan demonstrate this script as follows: *"the strategy of the regime consists of breaking up the society, forcing the Alawites to renew their allegiance, including through macabre "mise-en-scenes", saving Kurdish cities and villages to avoid the upheaval of Kurdish communities in Aleppo and Damascus, using fear among Christians and massively destroying the Sunni urban space.*"¹

The "defined scripts" followed by Nouri Al-Maliki, prime minister at the time was described by Dexter Filkins: *« Since the last American forces departed, he has embarked on a stridently sectarian project aimed at marginalizing the Sunni minority. He has presided over the arrest of his Sunni political opponents, jailed thousands of Sunni men, and excluded the Sunni population from any meaningful role in government. The Sunni Finance Minister, Rafe al-Essawi, fled the capital: the Sunni Vice-President, Tariq al-Hashemi, fled the country and faces a death sentence if he returns. When the Sunnis rose up in anger, as they did in Falluja and elsewhere, Maliki ordered the Army to shell civilian areas and detain more Sunni men. Ever since the fall of Saddam Hussein, Iraq's Sunnis have been faced with the choice of pledging their allegiance to the Shiite-led government in Baghdad or to the armed groups within their own community.*"²

In both cases, while the war continues, other types of violence such as massacres, rape, pillage, forced immigration killings, seizure of properties, etc. exist. This shows us that war as type of political violence consists of other types of violence that are in a complex way. These intertwined types of collective violence also entail very complex relationships and social interactions. So that even if we have a very detailed chronology in hand, it will be very difficult to separate the various violent episodes corresponding to one or more types of political violence.

Iraq and Syria: Failing, Failed and Forced Failed States?

In the light of these analyses, are Iraqi and Syrian states are "failed" or just weak? Although Flibbert described the situation in Iraq as forced state failure, it is better to use the term "failing states" because this is a process that is never complete and is not finished yet. Using the criteria of Rotberg, one can consider that these states are failing states. In both cases these two states control no longer the monopoly of legitimate violence, territories and no longer deliver public goods to their citizens.

In Syria, the Assad government, pro-government forces, Free Syrian Army the other rebellious factions and jihadist groups such as ISIS show very clearly that the Syrian state no longer has the monopoly of legitimate violence. In addition, the territory is divided and is in the hands of various armed groups including ISIS. The Syrian state can no longer deliver public goods such as security of its population. The increasing number of Syrian immigrants is a substantial example. Other goods are not delivered as roads, hospitals, buildings, schools, other infrastructure are destroyed on a large scale. Entire cities were destroyed either by opposition forces, by the regime or by ISIS. In this case, it will not be illogical to characterize Syria as a failing state.

In Iraq, although there is a government since June 2004, the powers of government seem very limited. The monopoly of violence is no longer in the hands of the state as shown in the rise of sectarian violence in 2012, following the retirement of the American forces. In addition, the return of "ordinary" Iraqis for their security to private security contractors is the second example. Furthermore, control of the territory is a problem with the appearance of ISIS and taking of Mosul and other key towns by ISIS, even if the Iraqi government is gaining territory vis-à-vis ISIS (regaining control of city of Tikrit in April 2015 and Tamim district of Ramadi in December 2015). Aside from the monopoly of legitimate violence and control of the territory, public goods can not be distributed due to failure forced state. Flibbert explains the reasons for this failure in three points: *« First, it nearly destroyed the administrative capacity of the state, requiring the occupation authorities to rebuild in this area while contending with the other major consequences of war. Second the wartime and postwar dismantling of the Iraqi military and security services crippled the state's capacity to control violence and maintain order, creating and absolute*

¹ Bozarslan, *op. cit.*, p. 136.

² Dexter Filkins, "Choices at the top", *The New Yorker*, 30 June 2014, cited by Bozarslan, *op. cit.*, p. 154.

dependence on foreign military power. Finally, the war undermined the state legitimacy, producing a high level of political uncertainty and insecurity which led to ethnic and sectarian mobilization and conflict. ¹»

Considering these states as failing, one should not forget the fact that this phenomenon is open to criticisms. Some researchers ask rightly the following question: Failed for whom and how? For Bøås and Jennings “labeling states as ‘failed’ or (not) operates as a means of delineating the range of acceptable policy responses to those states, including the viability of military responses. ²” Flibbert suggests that state failure concept facilitated the intervention of US Defense Department “in environments of state failure and what comes to be called ‘ungoverned territories’, spaces, or areas. ³”

Moreover the anthropomorphism attributed to states via expressions such as state death, failure, collapse and weak /and strong states distinction seems to be problematic. As we consider these features like human features and accept them in their current form, it can obscure the understanding of the phenomenon as an interactional process.

Accepting the fact that different types of political violence allow us to see how relationships or interactions will develop, what form they will take in the framework of “state failure” will, in turn, improve the understanding of the failure as a more complex social phenomenon. A closer examination of different types of intertwined violence and their relationships can emphasize the emergent properties for each failure. This can also enable the more qualitative work on the subject (particularly field work, in-depth interviews with actors on state failure sites) to complement and increase the capacity of quantitative studies.

In addition, this approach would coincide with a multidisciplinary perspective that state failure should be studied not only from the International Relations perspective but also from anthropological, historical, sociological perspectives in order to show the reality of the sufferings. In short, far from being a spectacle that we see on television or a “cold” object of study, failed or failed states affect the lives of real people.

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¹Flibbert, *op. cit.*, p. 82.

²Morten Bøås and Kathleen M. Jennings, « ‘Failed States’ and ‘State Failure’: Threats or Opportunities? », *Globalizations*, Vol.4, n°4, 2007, p. 475.

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The Appraisal of Commitment in Organizational Environments- Differentiating Organizational Commitment from Employee Satisfaction

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Abstract

In order to acquire (and maintain) a high degree of commitment of a company's staff certain conditions must be met both general – that are valid for most organizations focused on profit - and specific - depending on the particularities of each company. Commitment is very relevant in calibrating the business strategy of companies in order to develop employees but also as a central objective for change management. At a general level, building commitment is conditioned on communication with employees on effective leadership, a high degree of satisfaction and a low degree of resistance to change. Change management theorists suggest that any kind of change - both planned and critical incident related- will have negative implications on organizational commitment. Becker considers communication as one of the main factors that affect commitment, important in the growth and continuation. Communication also has implications for organizational culture calibration, transmission of messages via multiple channels and is affected by several factors including commitment (Keyton, 2010). The main difference between commitment and satisfaction is strongly related to the emotional and affective study dimensions of Meyer and Allen's model on commitment (Keyton, 2010); although satisfaction can generate certain reactions from employees, it has a wide range of meanings from which results can be reported. Commitment may have different affective values because of the implications that it generates and because of their complexity. Accuracy is the most important feature as it helps in measuring commitment and maintaining a high degree of objectivity in data interpretation. Measuring attitudes in social sciences is a subject often problematic because the instruments used do not meet the criteria of validity - do not measure what needs to be measured. Therefore, the measurements may be inaccurate without the use of an appropriate methodology for identifying the exact coefficients of the survey indicators.

Introduction

Commitment is a concept consisting of several distinct dimensions; understanding why people feel this kind of closeness to the organization in which they work depends on a variety of factors. Companies may recognize and reward employees individually or as teams. A recognition which is given individually, directly from the management will be -even if involuntarily in some cases- valued higher by employees. Increasing the level of commitment of the management team and employees depends on a number of factors that must be implemented in a fair way in order to avoid conflicts. There is a wide range of strategies to enhance commitment; their application lies in the degree of adaptability for each distinct organization. Reporting a growth strategy of commitment that gives results in a company can just as easily not change anything in another one. Thus, due to its diversity commitment can be studied, understood and valued by reference to changes in organizations and by observing the valences that it may have.

Without a certain degree of commitment, adherence to organizational culture, understanding and accepting the values that are promoted by the organization, employees cannot perform in an optimal manner; for employees, a sense of belonging to the organization is as important as the technical skills necessary for occupying their positions. To have a high degree of commitment to the company is not necessarily desirable if the company is going through a major process of organizational change. If employees show a high degree of attachment to the old procedures in the company, the transition to a new operating model - different at all operational levels- may be met with major resistance at all levels of the company. In the case of an impending major change in the company, a high level of satisfaction is sought as being desirable from employees, because job satisfaction does not have significant implications at emotional level for company personnel. Even though the difference between employee satisfaction and commitment is defined as being significant for them to be studied as different aspect of an organization's culture, most companies do not have a clear view on the degree in which the first can generate pragmatic benefits, while the other can generate long term loyalty and consolidate an organization's position as a top employer on the market.

Theoretical perspectives on commitment and satisfaction within organizational environments

Organizational commitment can be understood as a state of emotional and social attachment that an employee may feel towards the company in which he works. In order for a person to feel a sense of commitment towards the organization, his values must be in alignment with the ones that the company promotes. The concept of organizational commitment dates back to the early '50s when theorists like Becker, Carper, Blumer and Hartman discussed the possibility of improving a company's performance by enhancing the levels of commitment which employees feel towards the companies in which they work (Singh, 2008). Before the

Introduction of commitment as a factor of development in organizational environments it was used in encompassing behavioral features, mainly in social science research. According to Hartman (1953), in order for an employee to have a positive perception of the company in which he works firstly there is a need to relate positively with company management. From a cultural perspective Hartman refers to the fact that in order for an organization to obtain commitment from its employees there needs to be a clear understanding of the company's mission, vision and values. In this case, considering the fact that a company's culture is promoted firstly by the management team, employees need to relate positively at an interpersonal level with the company management for them to have a high level of commitment to the company.

In 1953 Blumer introduced the term "communion" (Singh, 2008) to define the sense of belonging that employees may have towards the company. The term "communion" as seen by Blumer is defined by a high degree of cohesion at team levels showing a common organizational objective to which all members of the company can relate to (Singh, 2008). Commitment as a general paradigm in the study of organizations was founded by Becker and Carper (1956) – the first theorists who have developed empirical research - noting that motivation and employee satisfaction were not studied by a clear methodology and thus could not be accurately diagnosed. Employees with a high degree of commitment to their work were believed to have an increased interest not only to their work but also to their professional development. According to Becker's empirical studies commitment to an organization is believed to be in direct correlation to the degree in which each employee is interested in his own professional career path, and the way in which he can also benefit from the organization – from a point of view that mainly concerns learning and development of his own professional capacities. Becker (1960) perceived commitment as a characteristic attributed exclusively to professional interest that employees manifest. According to classical theories, the role of the organization in obtaining commitment refers largely to the ability to create stimulating working conditions for their employees (Singh, 2008). These perspectives were the foundation of the modern concept of organizational commitment, considered today as one of the most important elements necessary for obtaining organizational efficiency.

Secondary dimensions of commitment and work engagement identified later in the development of the concept as a study discipline concerned loyalty of employees to their organization, employee motivation and satisfaction. They began to be studied in order to establish a clear pattern of understanding of the ways of acquiring and maintaining organizational commitment at all levels of a company (Klein, 2009). In the early 1970s H. S. Becker introduced the concept of "loyalty" in the study of organizational commitment, as a factor of reference for developing and maintaining employee commitment (Klein, 2009). Becker defined employee loyalty based on past interactions that the two entities (employee and employer) had, interactions that can set a positive framework of interactions. More broadly, the loyalty concept to which Becker's theory refers to is a predetermined pattern to predict future interrelationships, based on past actions. Employees will have an increased tendency to be loyal - and to have a high degree of commitment to the employer – if the or rewarded their contribution to achieving the main company objectives. If employees will be convinced that the company offers a job that is in accordance to the way in which they perceive their own professional status, they will be loyal to the company and will do everything possible to contribute to achieving positive results for the organization.

The main theoretical model for the definition of employee satisfaction was introduced in the paradigms of social science by Herzberg (1979). Herzberg's theory states that there is a clear need of differentiation between factors that can generate employee satisfaction in hygiene factors and motivation factors. Segmenting the concept of employee satisfaction in two focus points was maintained during in the development of organizational theories due to its actuality that remained constant throughout the years. The Herzberg model was first introduced in 1959 and aimed at evaluating the theoretical concepts of satisfaction and dissatisfaction of employees by measuring them through specific indicators. (Stello, 2009). Herzberg's theory was based on studies on several organizations activating in the industrial production sector. The study conducted by Herzberg is based on a hypothesis which states that the factors that generate employee satisfaction and those that

generate dissatisfaction will be – in most cases- different (Stello, 2009). In other words, the absence of factors that generate employee satisfaction do not to create conditions of dissatisfaction; if hygiene conditions are met, the elements that generate motivation for company personnel will create a context suitable for obtaining employee satisfaction but if hygiene conditions are not met, company employees are in a dissatisfaction state in which motivation cannot be developed.

Based on the critical incidents theory, Herzberg's study was conducted on 203 employees working in industrial production companies. The majority of the sample was made up of accountants and engineers. Respondents were questioned on issues that they considered important regarding the company culture, the working conditions, the relationship they have with their direct supervisors, also being asked to give concrete example of situations that can validate their viewpoint on the matters. Based on the deployed interviews Herzberg found that some employees have a very high degree of commitment but also that others feel very frustrated regarding their job, even though they work in the same company on similar positions and had similar financial rewards. In this initial phase of differentiation it can be stated that although all employees had a high degree of satisfaction, some of them didn't have feel committed to the company. Even if commitment is related to motivation it needs to be studied from a different perspective than job satisfaction, due to the fact that it does not depend on hygiene factors –which are presumed to be existent at a sufficient level if employees have remained for a long period of time in the organization- but only on internal motivation and dedication to their work and to the company.

A more detailed perspective on the differentiation between commitment and satisfaction is offered by Rehman (2013) who states that employee satisfaction towards their job and the company can be defined as a general opinion – positive or negative- to the nature of their work in the given organizational context. Luthans (2005) considers job satisfaction as a pragmatic view on the way in which a specific job at a specific company can or cannot create benefits for its employees; Luthans considers that job satisfaction – as opposed to employee commitment towards the company- does not have any emotional implications for employees. Loyalty towards the company can only be achieved if employees identify themselves with the company's vision, mission and values, aspects which are related to organizational commitment.

Meyer & Allen's model on commitment

Meyer and Allen discuss employee commitment to companies from three distinct components (Meyer & Allen, 1991):

- Affective commitment (emotional)
- Commitment based on continuity- based on the time an employee has worked within the company
- Normative commitment: the sense of obligation to remain in the company

Affective commitment refers to the organizational climate, and the way in which it can influence the emotional perception of the organization's members. The affective dimension of commitment can be found in aspects such as communication, relationships in general or the perception of pressure coming from the management team. *"Affective commitment refers to the employee's emotional attachment and involvement in the organization; employees with a strong emotional commitment continue to remain in the organization because they want to, not because they need to."* (Meyer & Allen, 1991). Commitment based on continuity refers to the employee's awareness of the costs they would have if they were to leave the organization. An employee whose primary connection with the organization is continuity will still remain in the company because he needs his current job. Normative commitment reflects a sense of obligation of the employee for the company; the employee feels that he should remain in the organization because of loyalty and fear of change (Meyer & Allen, 1991).

The three concepts through which commitment was defined were not considered distinctive dimensions but interconnected parts that can be present in an organization in different degrees. Some employees can feel that they have a strong emotional bond with the organization but also a high responsibility towards it due to the fact that they have worked in the company for a very long time. Segmenting the concept of commitment in these three areas can help in diagnosing commitment levels with a higher precision.

Measurement differences between job satisfaction and organizational commitment

The most common used instrument for assessing organizational commitment according to the model defined by Meyer and Allen (1991) is the Organizational Commitment Questionnaire developed by Porter and Smith in 1970. The questionnaire assesses the aforementioned three dimensions through indicators that are positively correlated with job satisfaction. The main difference between instruments that evaluate employee satisfaction and the OCQ is that the first deals with employee perception, and the second mainly assess emotional aspects that can lead to commitment. Although most of the instruments that assess job satisfaction correlate positively with instruments that assess commitment to the organization, the two concepts do not share common indicators in the assessment methodology.

Job satisfaction mainly relates with employee perceptions regarding their own position/job, financial compensations, relationship with supervisors, career paths, organizational climate (Manzoor, 2011); as previously states, organizational commitment assess three distinct dimensions that have emotional implications for employees. Although from a methodological point of view both concepts may be assessed similarly a relevant difference for commitment instruments (like the OCQ) is that they need to be validated according to scientific criteria in order for it to be considered reliable; job satisfaction questions may be easily tailored according to punctual elements that are relevant for each company.

The main difference of measuring employee satisfaction and commitment relies on the framing of commitment in psychometric paradigms, whereas job satisfaction is mainly one's perception of the job and the company. Although scaling and formulation of the questions from each type of instruments are similar, the need for validation of instruments that assess commitment in comparisons with instruments that assess satisfaction that don't have such a requirement is the main difference in measurement of the two aspects.

The role of commitment in organizational change

One of the directions in contemporary research of organizational commitment is the evolutionary description of the level of commitment in an organization that is currently undergoing a change process (Pittinsky & Shih, 2005). By measuring commitment in different stages of change a forecast can be defined regarding the success of implementing change and the degree in which resistance from employees can be surpassed. The research conducted by Shih and Pittinsky was deployed in an organization undergoing a process of growth in three different stages - 36 months away from each moment of application of the test battery- using scales introduced by Meyer and Allen discussed previously in this paper. By the successive application of the research instruments it was seen that as the organization grew employee commitment had decreased. The explanation given by Pittinsky and Shih was that employees have developed "a retrospective commitment" (Pittinsky & Shih, 2005). By defining retrospective commitment as a descriptive sub-scale of commitment appraisal in organizations undergoing a change process - in this case based on structured development- was generated through a detailed analysis of the three dimensions developed by Meyer and Allen, with particular reference to the affective dimension; because employees were so emotionally committed to the organization as a static entity, the development process was perceived as problematic by them, and thus it was met with a high degree of resistance. In other words, employees who feel a high degree of identification with the values of the organization and working methods in a particular moment will develop a strong degree of commitment to the organization based on the vision, mission, and values it may have at a specific moment.

The fact that the organization is developing and improving its working patterns will not be positively perceived by employees who remain committed to an organizational culture different from the current one. Being involved at an emotional level due to issues that are no longer present in the same form lowers organization commitment and affects the organization as a whole. In this regard, commitment can be retrospectively defined as "*employee adherence to a static point where the organization is at a given time*" (Pittinsky & Shih, 2005).

Conclusions

The measurement of attitudes in social sciences –and especially in organizational environments - is a sensitive matter due to the fact that the instruments that are used often do not meet the required validity –they do not measure what they imply they are measuring. Therefore, although measurements may be considerate accurate, in the absence of using a precise methodology for validating commitment instruments and for tailoring job satisfaction instruments on the company needs, organizational commitment cannot be diagnosed with high precision. Perspectives on measuring organizational commitment may include other dimensions such as employee perception on top management, on the external customers,

on supervisors, team cooperation and working with other departments (Meyer and Allen, 2004). Therefore, differentiating commitment and satisfaction can be viewed as mandatory in a complex process of organizational culture diagnosis.

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The comparison of MCDM Methods including AHP, TOPSIS and MAUT with an Application on Gender Inequality Index

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Abstract

Gender Inequality Index is a major indicator presenting level of development of the countries as Human Development Index, which is calculated regularly every year by UN. In this study, an alternative calculation has been proposed for measuring gender inequality index which is an important barrier for the human development. Each indicator in the index integrated as MAUT-AHP and also AHP-TOPSIS and these methods carried out again for the alternative ranking member and candidate countries of the European Union. The main objective here is to represent that the indicators form gender inequality index can be reclassified with different weights for each indicator.

Keywords: Development Indexes, Gender Inequality Index, AHP, TOPSIS, MAUT

Introduction

Gender inequality index (GII) which highlights women's empowerment is one of development indices to strengthen the information having from human development index. Human Development Report produces four composite measures which are Human Development Index, Inequality-adjusted Human Development Index, Gender Inequality Index and the Multidimensional Poverty Index since 2010. Gender Inequality Index presents the loss in potential human development due to distinction between females and males. GII ranges between 0 and 1 and higher GII values refers to higher levels of inequalities (HDR, 2015). It is a composite measure with three dimensions which are reproductive health, empowerment and the labor market. The maternal mortality ratio and the adolescent birth rate are the indicators of reproductive health. The share of parliamentary seats held by the woman and the share of population with at least some secondary school are dimensions for empowerment. And participation in the labor force is the measure for labor market (HDR, 2015).

Multi-Criteria Decision Analysis (MCDA) have a widespread applications area in the world. In recent years MCDA methods has been used by combining two or more methods to create more successful methods. Lai (1995) represented the relationship between AHP and MAUT and proved that AHP-MAUT is combined in a consistent structure. Supçiller and Çapraz (2011) realized supplier selection applications by using AHP-TOPSIS. Tyagia M. , Kumar P. , Kumar D. (2014) developed a hybrid model using AHP-TOPSIS for analyzing e-SCM performance. Zolfani, Jurgita and Inzinerine (2012) presented a hybrid model based on AHP-TOPSIS and perform personnel selection. Valim et al. (2013) compared AHP and MAUT methods for suppliers selection for an industrial company. On the other hand, Safari and Ebrahimi (2014) ranked the countries in terms of Human Development Index by using modified similarity multiple criteria decision making techniques. In this study we developed and compared two hybrid models which based on AHP-TOPSIS and AHP-MAUT for ranking member and candidate of the European Countries in terms of Gender Inequality Index. It is concluded that AHP-MAUT hybrid model gives more reasonable results than AHP-TOPSIS model.

Research Methods:

In this study the methods commonly used in the literature TOPSIS&AHP and AHP&MAUT are integrated and proposed as an alternative methods doing fair classification for the indicators form gender inequality index.

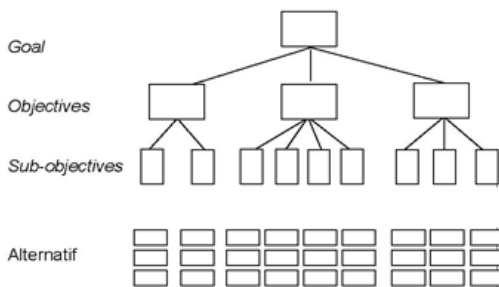
Methodology:

In this section we give brief explanations about the methods used in this study.

AHP:

The Analytic Hierarchy Process (AHP) introduced by Saaty is a multi-criteria decision-making technique to solve complex decision problems (1977 and 1994). This method uses a multi-level hierarchical structure of objectives, criteria, sub criteria, and alternatives (Figure 1). AHP is a preferable model due to its easy to use has been extensively studied and is used in a wide variety of decision situations by many researchers, in fields such as, business, industry, healthcare etc.

Figure 1: Hierarchical Structure of AHP



AHP methodology can be implemented in three steps. Each step needs to be performed to be resolved in a decision-making problem with AHP are described below. In the following m refers to the alternative numbers and n refers to the criteria numbers.

Step 1: It can be stated objective (goal) and in turn defined the criteria picked the alternatives.

Step 2: In this step firstly, elements can be compared to one another, two at a time, with respect to their importance on an element above them in the hierarchy and then structured the comparison matrix (a square matrix of size n×n). All values of each cells that are on the diagonal are mathematical inverses of each other ($a_{ii} = 1$ and $a_{ij} = 1/a_{ji}$). The preference strength is expressed on a ratio scale of 1-9 (Saaty, 1980).

$$A = \begin{bmatrix} 1 & a_{12} & \dots & a_{1n} \\ \frac{1}{a_{21}} & 1 & \dots & \cdot \\ \cdot & \cdot & \dots & \cdot \\ \cdot & \cdot & \dots & \cdot \\ \frac{1}{a_{n1}} & \cdot & \dots & 1 \end{bmatrix} \tag{1}$$

The *Standard Preference Scale* used in the AHP method is provided in Table 1 as follows. In the AHP method, the scale range 1–9 is assumed sufficiently representing human beings' perception.

Preference Level	Numerical Value
<i>Equally Preferred</i>	1
<i>Equally to Moderately Preferred</i>	2
<i>Moderately Preferred</i>	3
<i>Moderately to Strong Preferred</i>	4
<i>Strongly Preferred</i>	5
<i>Strongly to Very Strongly Preferred</i>	6
<i>Very Strongly Preferred</i>	7
<i>Very Strongly to Extremely Preferred</i>	8
<i>Extremely Preferred</i>	9

Table 1: Preference Scale for Pairwise Comparisons

Step 3: It has been normalized each matrix element by the sum of elements in each column and we calculate the sum for each row. B column vectors are utilized in the calculation of the equation (2). Priority vector which is specified below by W column vector is obtained by forming the arithmetic average of the each line of the B matrix.

$$W = \begin{bmatrix} w_1 \\ w_2 \\ \cdot \\ \cdot \\ \cdot \\ w_n \end{bmatrix}, w_i = \frac{\sum_{j=1}^n b_{ij}}{n} \quad (2)$$

Measuring consistency of the judgements, Saaty(1980) proposed Consistency Index (CI), which is a measure consistency of the subjective judgements. It is calculated given following formula below;

$$CI = \frac{\text{maks. eigenvalue} - n}{n - 1} \quad (3)$$

$$\text{maks.eigenvalue} = \sum_i w_i \cdot c_i \quad (4)$$

Consistency Index is used by comparing a value called *Random Consistency Index* (RI). There are different *Random Consistency Index* values used by different researchers in the literature. In this study, the values given in the following table are used.

Table 1: Random Consistency Index Values (Malczewski, 1999)

n	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
RI	0, 00	0, 00	0, 58	0, 90	1, 12	1, 24	1, 32	1, 41	1, 45	1, 49	1, 51	1, 48	1, 56	1, 56	1, 59

The consistency ratio (CR) is obtained by comparing CI with the set of numbers called random consistency index (RI) with the following formula given below.

$$CR = \frac{CI}{RI} \tag{5}$$

If Consistency Ratio is greater than 10% , test results are inconsistent ($CR \geq 10\%$), then the result from the AHP method will be of no use in decision making. The higher consistency ratio, the assessment result becomes more inconsistent.

TOPSIS Method:

The TOPSIS method was initially presented by Yoon and Hwang (Yoon and Hwang, 1981) and Lai, Liu and Hwang (Lai, Liu and Hwang, 1994). This method is a process of finding the best solution among all practical alternatives. TOPSIS is based on that the chosen alternative should have the shortest geometric distance from the positive ideal solution (PIS) (Assari, A. , Mahesh, T. , Assari, E. , 2012) and the longest geometric distance from the negative ideal solution (NIS). The TOPSIS method is expressed with six steps as follows:

Step 1: Firstly create an evaluation matrix consisting of m alternatives and n criteria, with the intersection of each alternative and criteria given as a_{ij} , therefore a matrix in form $(a_{ij})m \times n$

$$A_{ij} = \begin{bmatrix} a_{11} & a_{12} & \dots & a_{1n} \\ a_{21} & a_{22} & \dots & a_{2n} \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ a_{m1} & a_{m2} & \dots & a_{mn} \end{bmatrix} \tag{6}$$

Step 2: Calculate the normalized decision matrix. The normalized value r_{ij} is calculated as follows:

$$r_{ij} = \frac{a_{ij}}{\sqrt{\sum_{k=1}^m a_{kj}^2}} \quad i=1, 2, \dots, m, j=1, 2, \dots, n \quad R_{ij} = \begin{bmatrix} r_{11} & r_{12} & \dots & r_{1n} \\ r_{21} & r_{22} & \dots & r_{2n} \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ r_{m1} & r_{m2} & \dots & r_{mn} \end{bmatrix} \quad (7)$$

Step 3: Calculate the weighted normalized decision matrix. The weighted normalized value v_{ij} is calculated as follows;

$$V_{ij} = \begin{bmatrix} w_1 r_{11} & w_2 r_{12} & \dots & w_n r_{1n} \\ w_1 r_{21} & w_2 r_{22} & \dots & w_n r_{2n} \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ \cdot & & & \cdot \\ w_1 r_{m1} & w_2 r_{m2} & \dots & w_n r_{mn} \end{bmatrix} \quad (8)$$

Where w_j is the weight of the j^{th} criterion and

$$\sum_{j=1}^n w_j = 1$$

Step 4: Determine the ideal (A^+) and negative ideal (A^-) solutions.

$$A^+ = \{(\max_i v_{ij} \mid j \in C_b), (\min_i v_{ij} \mid j \in C_c)\} = \{v_j^+ \mid j=1,2,\dots,m\} \quad (9)$$

$$A^- = \{(\min_i v_{ij} \mid j \in C_b), (\max_i v_{ij} \mid j \in C_c)\} = \{v_j^- \mid j=1,2,\dots,m\}$$

Step 5: Calculate the separation measures using the m-dimensional Euclidean distance. Determine the worst alternative and the best alternative, respectively, are as follows:

$$S_i^* = \sqrt{\sum_{j=1}^m (v_{ij} - v_j^*)^2}, j = 1, 2, \dots, m \tag{10}$$

$$S_i^- = \sqrt{\sum_{j=1}^m (v_{ij} - v_j^-)^2}, j = 1, 2, \dots, m \tag{11}$$

Step 6: Calculate the relative closeness to the ideal solution.

$$(12)$$

Step 7: Rank the alternatives according to s_{iw} ($i=1, 2, \dots, m$)

MAUT (Multi Attribute Utility Theory):

Utility is a measure of desirability and gives to a uniform scale to compare and/or combine tangible and intangible criteria (Ang, Tang, 1984). Utility function is a device which quantifies the preferences of a decision-maker by assigning a numerical index to varying levels of satisfaction of a criterion (Mustafa, Ryan, 1990). For a single criterion (X), the utility of satisfaction of a consequence x' is denoted by $u(x')$. The utility is generally calculated as the sum of the marginal utilities that each criteria assigns to the considered action (Figueira, Greco, Ehrgott, 2005). Multi Attribute Utility Theory takes into consideration the decision maker's preferences in the form of the utility function which is defined over a set of attribute (Pohekar, Ramachandran, 2004). In this method both quantitative and qualitative criteria can be used. The most common method of multicriteria utility function is the additive model (Keeney, Raiffa, 1993).

There are two important MAUT categories discrete and continuous alternative problems. Discrete type alternative problems set of alternatives consist limited alternatives. Continuous alternative problems called multiple optimization problems feasible sets of alternatives usually consist of a very large number of infinitely many alternatives (Wallenius, J. et al., 2008)

The utility functions can be either additively separable or multiplicatively separable with respect to single attribute utility. Additively form;

$$U_i = \sum_{j=1}^m w_j U_{ij} \text{ for all } i \tag{13}$$

where,

U_i = Utility value(overall) of alternative i

U_{ij} = Utility value for the alternative of i (criteria for the j)

n = Total number of criteria

m = Total number of alternatives

The multiplicative form of equation for then utility value is defined below (Keeney, Raiffa, 1976).

$$1 + ku(x_1, x_2, x_3 \dots x_n) = \prod_{j=1}^n (1 + k k_j u_j(x_j)) \quad (14)$$

j = attribute (alternative) index

k = scaling constant

u = overall utility function

u_j = utility function for each operator

In this studying, It has been used the additive type model. In the MAUT method, it can be used six important steps (Alp İ. et. al. , 2015);

Step 1: Generate the criteria (C_1, C_2, \dots, C_n) and alternatives

Step 2: Determination of the weight values (with AHP)

$$\sum_{i=1}^m w_j = 1$$

Step 3: Form the decision matrix

Step 4: Calculate the normalized utility values;

$$u_i(x_i) = \frac{x - x_i^-}{x_i^+ - x_i^-} \text{ (for criteria to be maximized)}$$

$$u_i(x_i) = \frac{x_i^+ - x}{x_i^+ - x_i^-} \text{ (for the criteria to be minimized)}$$

where;

x_i^+ = the best value of the alternatives

x_i^- = the worst value of the alternatives

Step 5: Calculate total utility

$$U_i = \sum_{j=1}^m w_j U_{ij} \text{ for all } i$$

Step 6: Rank the alternatives, Choose an alternative which gain the most utility.

Findings:

In this article, we studied on Gender Inequality Index (GII) Indicators for the Candidate and Member countries of European Union. This index measures reflecting inequality in achievements between women and men in three dimensions: reproductive health, empowerment and the labor market as seen Table 2 given below.

Table 2: Explanations of Indicators used in the analysis

Indicators	Explanations
Maternal mortality ratio	(deaths per100, 000 live births)
Adolescent birth rate	(births per 1, 000 women ages 15–19)
Share of seats in parliament	(% held by women)
Population with at least some secondary education (for men)	(% ages 25 and older)
Population with at least some secondary education(for women)	(% ages 25 and older)
Labour force participation rate(for men)	(% ages 15 and older)
Labour force participation rate(for women)	(% ages 15 and older)

When examined GII calculations, it can be seen that all of the indicator’s importance is in the same level. However, it has criticisms from some scholars and policy makers about indicators since they are not equal each other, as in the human development index (Safari, Ebrahimi, 2014). By thinking these critics, it has been created as an alternative method of ranking countries in terms of gender inequality index.

This study is compromised two important stages. Firstly by using analytical hierarchical process method, it can be achieved the comparing elements (indicators) to one another, two at a time, with respect to their importance with in the hierarchy and structured the comparison matrix (a square matrix of size n×n). Weights given below in Table 3 have been created randomly in order to set an assignment for the criteria.

Table 3 Comparison Matrix for the criteria of the GII

	C1	C2	C3	C4	C5	C6	C7
C1	1	2	3	4	5	6	7
C2	0, 5	1	2	3	4	5	6
C3	0, 33	0, 5	1	2	4	5	6
C4	0, 25	0, 33	0, 5	1	2	3	3
C5	0, 2	0, 25	0, 25	0, 5	1	2	3
C6	0, 17	0, 2	0, 2	0, 33	0, 5	1	2
C7	0, 14	0, 17	0, 17	0, 33	0, 33	0, 5	1

Table 4 represents normalized values for each element of the comparison matrix. The last column of the Table 4 called Priority vector (Criteria Weights) obtained by forming arithmetic average of each line.

Table 4: Normalized values for the comparison matrix

	C1	C2	C3	C4	C5	C6	C7	Criteria Weights
C1	0, 39	0, 45	0, 42	0, 36	0, 3	0, 27	0, 25	0, 35
C2	0, 19	0, 22	0, 28	0, 27	0, 24	0, 22	0, 21	0, 23
C3	0, 13	0, 11	0, 14	0, 18	0, 24	0, 22	0, 21	0, 18
C4	0, 1	0, 07	0, 07	0, 09	0, 12	0, 13	0, 11	0, 1
C5	0, 08	0, 06	0, 04	0, 04	0, 06	0, 09	0, 11	0, 07
C6	0, 06	0, 04	0, 03	0, 03	0, 03	0, 04	0, 07	0, 04
C7	0, 06	0, 04	0, 02	0, 03	0, 02	0, 02	0, 04	0, 03

According to the Table 4, Consistency Ratio (0.03) has been calculated by using formula (5), which represents that AHP is reasonable for the analysis. Further, countries are listed with TOPSIS and MAUT method after defining weights with AHP.

In the TOPSIS method, initially evaluation matrix is formed consisting of 32 alternative countries and 7 criteria. Table 5 given below represents evaluation matrix for TOPSIS method partially.

Table 5: Evaluation matrix for TOPSIS Method

	C1	C2	C3	C4	C5	C6	C7
Denmark	5	5, 1	38	95, 5	96, 6	58, 7	66, 4
Netherlands	6	6, 2	36, 9	87, 7	90, 5	58, 5	70, 6
Germany	7	3, 8	36, 9	96, 3	97	53, 6	66, 4
Ireland	9	8, 2	19, 9	80, 5	78, 6	53, 1	68, 1
Sweden	4	6, 5	43, 6	86, 5	87, 3	60, 3	67, 9
.....
.....
Serbia	16	16, 9	34	58, 4	73, 6	44, 5	60, 9
Turkey	20	30, 9	14, 4	39	60	29, 4	70, 8
The F. Y. R. Macedonia	7	18, 3	33, 3	40, 2	55, 6	43, 1	67, 5
Bulgaria	5	35, 9	20, 4	93	95, 7	47, 9	59

Table 6 represents weighted normalized evaluation matrix, which is calculated by multiplying criteria weights with each column of the Table 5.

Table 6: Weighted normalized evaluation matrix

	C1	C2	C3	C4	C5	C6	C7
Denmark	0,07	0,07	0,8	6,39	0,55	0,7	0,47
Netherlands	0,1	0,1	0,76	5,38	0,48	0,7	0,53
Germany	0,14	0,04	0,76	6,49	0,56	0,59	0,47
Ireland	0,23	0,18	0,22	4,54	0,37	0,58	0,49
.....
.....
Romania	3,04	2,56	0,08	5,19	0,5	0,48	0,45
Serbia	0,72	0,76	0,64	2,39	0,32	0,4	0,39
Turkey	1,12	2,56	0,12	1,06	0,21	0,18	0,53

The F. Y. Macedonia	0, 14	0, 89	0, 62	1, 13	0, 18	0, 38	0, 48
Bulgaria	0, 07	3, 45	0, 23	6, 06	0, 54	0, 47	0, 37

Table 7 represents the ideal (A⁺) and negative ideal (A⁻) solutions of weighted (with AHP) normalized decision matrix.

Table 7: The ideal and negative ideal solutions of weighted normalized values

A positive	3, 04	3, 45	1, 06	7, 00	0, 59	1, 01	0, 64
A negative	0, 03	0, 00	0, 06	1, 06	0, 14	0, 18	0, 35

Separation measures (S⁺, S⁻) are measured by using the m-dimensional Euclidean distance Formula (10)(11) thus it's determined the worst alternative and the best alternative. Finally the relative closeness to the ideal solution is obtained. Separation measures of each countries and relative closeness to the ideal values has been given at Table 8.

Table 8: Separation measures

	S ⁺	S ⁻	TOPSIS v values	Ranking
Denmark	4, 56	5, 42	0, 543	13
Netherlands	4, 77	4, 43	0, 482	17
Germany	4, 54	5, 51	0, 548	12
Ireland	5, 06	3, 52	0, 41	21
Sweden	4, 83	4, 35	0, 474	19
United Kingdom	3, 43	6, 22	0, 645	3
Croatia	4, 52	4, 08	0, 475	18
.....
.....
Serbia	5, 88	1, 8	0, 235	30
Turkey	6, 44	2, 79	0, 302	28
The F. Y. Macedonia	7, 09	1, 09	0, 133	32
Bulgaria	3, 29	6, 09	0, 65	2

After getting the ranking with TOPSIS, it has been performed MAUT method. Marginal Utility Scores, which is the identification of best and worst values in the MAUT method, is given as follows.

Table 9: Marginal Utility Scores

	C1	C2	C3	C4	C5	C6	C7
	Min.	Min.	Max.	Max.	Max.	Max.	Max.
Denmark	5	5, 1	37, 99	95, 54	96, 56	58, 7	66, 4
Netherlands	6	6, 17	36, 89	87, 68	90, 47	58, 5	70, 6
Germany	7	3, 8	36, 86	96, 29	97, 03	53, 6	66, 4
Ireland	9	8, 24	19, 91	80, 52	78, 56	53, 1	68, 1
Sweden	4	6, 53	43, 55	86, 54	87, 27	60, 3	67, 9
United Kingdom	8	25, 76	23, 53	99, 82	99, 9	55, 7	68, 7

Iceland	4	11, 49	41, 27	91	91, 58	70, 5	77, 4
Luxembourg	11	8, 35	28, 33	100	100	50, 7	64, 6
Belgium	6	6, 71	42, 38	77, 5	82, 88	47, 5	59, 3
France	12	5, 74	25, 73	78, 01	83, 21	50, 7	61, 6
Austria	4	4, 13	30, 33	100	100	54, 6	67, 7
Finland	4	9, 21	42, 5	100	100	55, 7	64
Slovenia	7	0, 62	27, 69	95, 78	98, 03	52, 3	63, 2
.....
.....
Macedonia	7	18, 26	33, 33	40, 16	55, 6	43, 1	67, 5
Bulgaria	5	35, 9	20, 4	93	95, 7	47, 9	59

Total utility values have been calculated for each country after normalized values are obtained by multiplying with AHP coefficients (Table 10).

Table 10: Final Utility Scores

	C1	C2	C3	C4	C5	C6	C7	Total utility	Rankings
Denmark	0, 93	0, 87	0, 83	0, 93	0, 93	0, 71	0, 45	0, 88	4
Netherlands	0, 9	0, 84	0, 8	0, 8	0, 82	0, 71	0, 66	0, 84	7
Germany	0, 87	0, 91	0, 8	0, 94	0, 94	0, 59	0, 45	0, 85	6
Ireland	0, 8	0, 78	0, 29	0, 68	0, 59	0, 58	0, 54	0, 66	17
Sweden	0, 97	0, 83	1	0, 78	0, 75	0, 75	0, 53	0, 88	2
United Kingdom	0, 83	0, 29	0, 4	1	1	0, 64	0, 57	0, 64	19
.....
.....
Montenegro	0, 87	0, 59	0, 21	0, 74	0, 9	0, 33	0	0, 62	23
Romania	0	0, 14	0, 06	0, 77	0, 85	0, 47	0, 38	0, 21	32
Serbia	0, 57	0, 54	0, 71	0, 32	0, 49	0, 37	0, 18	0, 54	29
Turkey	0, 43	0, 14	0, 13	0	0, 23	0	0, 67	0, 24	31
Macedonia	0, 87	0, 5	0, 69	0, 02	0, 14	0, 33	0, 51	0, 58	26
Bulgaria	0, 93	0	0, 31	0, 89	0, 92	0, 45	0, 08	0, 55	28

Results and Discussion:

Gender inequality index (GII) which highlights women's empowerment is one of development indices to strengthen the information having from human development index. In this study we monitor development of the countries in terms of Gender Inequality index to highlight the importance of gender equality for the countries development. On the other hand, the main purpose of this study is to develop an alternative method to rank countries based on gender inequality index by taking into account the suggestions of critics defending not to give equal value of all indicators used in the ranking. In that reason, it is developed AHP-TOPSIS and AHP-MAUT hybrid models.

The weights obtained by AHP method is listed with TOPSIS and MAUT Method respectively. It is seem that ranking obtained by TOPSIS method is quite different according to the countries' level of development given report by UN while MAUT Method gives much more meaningful results. Correlation between total utility value and GII index values for 2014 is quite high (0, 94) obtained by MAUT Method while it is very low (0, 007) obtained with the TOPSIS method. It is reasonable to say MAUT gives more preferable results according to the correlation test. According to the ranking with AHP-MAUT hybrid model, Finland is most advanced country while Sweden is the second and Iceland is the third advanced country based on GII.

In this study, we have given random weight to the criteria in order to perform as an example. We will be attempted to ranking again based on expert opinion for further study.

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APPENDIX 1

	S ⁺	S ⁻	Topsis sıralaması	Sıralama
Denmark	4, 56	5, 42	0, 543	13
Netherlands	4, 77	4, 43	0, 482	17
Germany	4, 54	5, 51	0, 548	12
Ireland	5, 06	3, 52	0, 41	21
Sweden	4, 83	4, 35	0, 474	19
United Kingdom	3, 43	6, 22	0, 645	3
Iceland	4, 48	4, 93	0, 524	15
Luxembourg	4, 31	5, 99	0, 581	7
Belgium	5, 29	3, 31	0, 385	24
France	5, 16	3, 27	0, 388	23
Austria	4, 59	5, 99	0, 566	10
Finland	4, 42	6, 05	0, 578	9
Slovenia	4, 62	5, 41	0, 539	14
Spain	5, 86	2, 25	0, 278	29
Italy	5, 78	2, 55	0, 306	27
Czech Republic	4, 61	5, 95	0, 563	11
Greece	6, 32	1, 5	0, 192	31
Estonia	3, 93	6, 03	0, 606	4
Cyprus	5, 37	3, 05	0, 362	25
Slovakia	4, 14	5, 88	0, 587	6
Poland	5, 11	3, 41	0, 4	22
Lithuania	4, 48	4, 57	0, 505	16
Malta	5, 46	2, 42	0, 307	26
Portugal	6, 88	0, 96	0, 123	33
Hungary	4, 13	5, 71	0, 58	8
Latvia	4, 04	5, 86	0, 592	5
Croatia	4, 52	4, 08	0, 475	18
Montenegro	4, 68	3, 97	0, 459	20
Romania	2, 32	5, 74	0, 712	1
Serbia	5, 88	1, 8	0, 235	30
Turkey	6, 44	2, 79	0, 302	28
The F. Y. Macedonia	7, 09	1, 09	0, 133	32
Bulgaria	3, 29	6, 09	0, 65	2

APPENDIX 2

C1	C2	C3	C4	C5	C6	C7	Total utility	Rankings
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Denmark	0, 93	0, 87	0, 83	0, 93	0, 93	0, 71	0, 45	0, 88	4
Netherlands	0, 9	0, 84	0, 8	0, 8	0, 82	0, 71	0, 66	0, 84	7
Germany	0, 87	0, 91	0, 8	0, 94	0, 94	0, 59	0, 45	0, 85	6
Ireland	0, 8	0, 78	0, 29	0, 68	0, 59	0, 58	0, 54	0, 66	17
Sweden	0, 97	0, 83	1	0, 78	0, 75	0, 75	0, 53	0, 88	2
United Kingdom	0, 83	0, 29	0, 4	1	1	0, 64	0, 57	0, 64	19
Iceland	0, 97	0, 69	0, 93	0, 85	0, 84	1	1	0, 88	3
Luxembourg	0, 73	0, 78	0, 55	1	1	0, 52	0, 36	0, 73	13
Belgium	0, 9	0, 83	0, 96	0, 63	0, 67	0, 44	0, 1	0, 81	9
France	0, 7	0, 85	0, 47	0, 64	0, 68	0, 52	0, 21	0, 66	16
Austria	0, 97	0, 9	0, 6	1	1	0, 61	0, 52	0, 86	5
Finland	0, 97	0, 76	0, 97	1	1	0, 64	0, 33	0, 89	1
Slovenia	0, 87	1	0, 53	0, 93	0, 96	0, 56	0, 29	0, 82	8
Spain	0, 97	0, 72	0, 83	0, 46	0, 48	0, 56	0, 42	0, 77	11
Italy	0, 97	0, 91	0, 6	0, 53	0, 62	0, 25	0, 11	0, 76	12
Czech Republic	0, 93	0, 88	0, 26	1	0, 99	0, 53	0, 55	0, 78	10
Greece	0, 93	0, 68	0, 33	0, 34	0, 36	0, 36	0, 26	0, 62	22
Estonia	0, 73	0, 54	0, 29	1	1	0, 65	0, 58	0, 65	18
Cyprus	0, 77	0, 86	0, 07	0, 61	0, 65	0, 65	0, 69	0, 63	20
Slovakia	0, 87	0, 57	0, 26	0, 99	0, 99	0, 53	0, 56	0, 68	15
Poland	1	0, 67	0, 36	0, 66	0, 72	0, 47	0, 38	0, 72	14
Lithuania	0, 73	0, 72	0, 4	0, 82	0, 89	0, 64	0, 5	0, 68	16
Malta	0, 8	0, 5	0, 09	0, 48	0, 58	0, 21	0, 45	0, 52	30
Portugal	0, 83	0, 66	0, 63	0, 14	0	0, 62	0, 44	0, 61	25
Hungary	0, 63	0, 67	0	0, 97	0, 98	0, 37	0, 13	0, 56	27
Latvia	0, 67	0, 63	0, 24	0, 98	0, 98	0, 62	0, 51	0, 63	21
Croatia	0, 67	0, 66	0, 47	0, 75	0, 88	0, 37	0, 05	0, 62	24
Montenegro	0, 87	0, 59	0, 21	0, 74	0, 9	0, 33	0	0, 62	23
Romania	0	0, 14	0, 06	0, 77	0, 85	0, 47	0, 38	0, 21	32
Serbia	0, 57	0, 54	0, 71	0, 32	0, 49	0, 37	0, 18	0, 54	29
Turkey	0, 43	0, 14	0, 13	0	0, 23	0	0, 67	0, 24	31
Macedonia	0, 87	0, 5	0, 69	0, 02	0, 14	0, 33	0, 51	0, 58	26
Bulgaria	0, 93	0	0, 31	0, 89	0, 92	0, 45	0, 08	0, 55	28

Council of Europe and Its Priorities on the Reform of the Legal System in Albania

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Abstract

After the Second World War in all international organizations, it was created a spirit of overall giving a fundamental importance to the recognition and the guaranteeing of human rights. These organizational initiatives by then tried to avoid what had just happened, that according their existence results precisely to the goals of peace and friendly relations increasingly between them. In such circumstances setting out the principles on which relations between Member States of European council should support. Which supports the Council of Europe and in its efforts Albania has responded to the essential changes that apparently occurred in its legal system within the country. The Council of Europe has played an essential role for countries like Albania with typical character which aspired to adopt new reforms on the international stage but based on their a regional level. Following the principles and objectives enunciated in the UN Charter as well as the spirit that pervades today regarded as a universal catalog of human rights, Albania more than anyone else had some-century clash conflict. Council of Europe had defined its key purpose in his status founded and signed on 5 May 1949 in London, called the Treaty of London which states: "*achieving a closer collaboration between its Member States to maintain and promote the ideals and principles that constitute their common property in their social and economic development* " ¹ To achieve this goal the European Council submitted clearly, in its status, the principles on which it will be inspired and will constitute the basis of the Member States commitments. Thus, under Article 3 of the Council of Europe: "*Every state of the Council of Europe accepts the principle of priority of law and the principle that every person under its jurisdiction should enjoy human rights and fundamental freedoms* " This principle, although insufficient is necessary to achieve the goal, in close union with the European countries who assisted the by activity of regional organizations but at the same time encourage the development of lower countries like Albania. In this paper, obviously we do not think to resolve any special important issues of, but to give a specific picture of the most important changes in Albania under the impact of the principles of the Council Europe.

Keywords: *jurisdiction; international agreement and guarantee; shortcomings*

INTRODUCTION

Considering the role of this jurisprudence for the member states of Europe and especially primary weight to the Constitution of the Republic of Albania has given to this document for the protection of human rights and our principles freedoms. In our

¹ See Article 1, paragraph a) of the Statute of the Council of Europe

paper are highlights diverse and complex situations in that of the European Convention on Human Rights but also applies of social and legal issues on which it reaches to settle down by its provisions and control bodies.

This shows that the European Convention as an authentic document is very important one for all subjects of the law in the Republic of Albania and in particular for judges, prosecutors, lawyers and all other jurisdictional entities. The European Convention on Human Rights as it is claimed dozens of times constitutes one of the most efficient regional instruments across the globe concerning the protection of human rights.

Over the years of its existence the Convention has shown its particular value and in relation to other international instruments finished in the same direction primarily stands a complete structure, solid and precise one with exact terms and from the binding standpoint of the international conventional technique.

Secondly it equips her with a sustainable mechanism of control which can be put in operation, as has been proved quite successfully in dozens of times even with individuals against a member states to the European Convention on Human Rights.

EUROPEAN CONVENTION THE KEY RESPECT FOR HUMAN RIGHTS.

European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted 48 years ago, 4 November 1945 in Rome.

Countries that called it were convinced that in this way would create the mechanism of preventing the coming of the great evil that mainly any country was not allowed to fall into the trap of totalitarian governments, which trample the fundamental rights of citizens.

The result and performance to conclusions showed that exactly was the disrespect of human rights that led to the outbreak of WWII. These were added to the cruelty of Stalinism which Albania as a totalitarian country which adopted Stalinism at that time constituted a real threat to world peace but also instability.

The Convention during its entire existence has met the requirements marked by its creators. And we really had very few complaints about 98% was considered as inadmissible.

The activity of the European Commission which served as unfounded obstructionist complaints was shown out. Especially regarding the review of some interstate issues, related to the problems between respective countries of Cyprus and the UK as well as the tense situation that was created disputes between Austria and Italy.

The year of 1975 marks the second phase of the activity of this institution. Meanwhile the commission made efforts not to comply with the restrictive and positivist attitudes that kept due to the problems that were treated. Then there were repeated cases of failure to consider the complaints which were not directly involved in any of the guarantees that were mentioned.

Unlike the early years of its existence¹ the convention has become almost a *sine qua non* for membership of the Council of Europe and all member states of the organization within a few months of membership in the organization should have signed and ratified the Convention. The Republic of Albania, for example, became a member of the Council of Europe on 13 July 1995, the moment in which signed the convention, which was ratified in July 1996 and deposited the instruments of ratification with the Secretary General of the Council of Europe on 2 October 1996.

Being designed for the realization of the goals predicted in Article 3 of the abovementioned status of the Council of Europe, the Convention reiterates that in its Preamble, constitutes:

" the first appropriate measures to ensure collective guarantees of some of the rights proclaimed in the Universal Declaration"

¹ For example France, although it was one of the first ten signatory countries in 1950, it has signed the Convention only on 3 May 1974.

It is worth mentioning that the measures to which the Convention preamble didn't remain in the initial level of the year 1950. Up to now twelve protocols ¹ are met in the framework of the European Convention on Human Rights with new rights and procedures have changed of guaranteeing these rights and freedoms perfected them further.

It may be said that the first of these protocols was developed during the summer of 1950, the before the Convention itself the European Human Rights to be signed. However, as well as for other protocols was the political will of the member states that conditioned the inclusion of some certain rights, such as for property or for free elections and democracy, in the bosom of the Convention and signed the acceptance of those rights, special procedures of signing and ratification.

THE CURRENT VERSION OF THE EUROPEAN CONVENTION

In its current version of the European Convention of Human Rights it consists of 59 articles 4 additional protocols.

We are speaking about its current version because during 50 years of its existence it has been changed and amended by a number of other protocols. Protocols which have brought changes to the text of the Convention, namely 2,3,5,8,9,10 and 11 which are also called amending protocols have been those who have had to do with the control system and its procedures, which we would show more broadly below.

But others who specifically were 1,4,6,7 and 12 protocols have therefore brought the addition of the other rights and freedoms of man in Convention system, by attaching other specified by the Title of Convention. As above it has been mentioned, both these types of Protocols subject in accordance with the rules of international law, with special procedures of signature and ratification, specified by each of them.

The complex of 59 articles of the Convention, for further now the Court under Article 19 of the Convention is permanent and under Article 32 of the convention is responsible "*for all matters concerning the interpretation and application of the Convention and its Protocols*". It consists of number of judges equal to the number of member states of the Convention².

To cope with its functions that previously dealt with by the Commission, the Court now divided into three judges who examine individual requests and if the request is acceptable file is forwarded either by Chambers³ which consist of seven judges. ⁴

In accordance with the provisions of Article 44 of the Convention, the Grand Chamber decisions are final. While decisions of Chambers become final if the parties declare that they will require the case to be transferred to the Grand Chamber or if within three months they do not make such a request or when the panel of abovementioned of five judges did not accept the request passing to the Grand Chamber. ⁵

If, after the decision passed by the Chamber, one of the parties in the process within three months from this decision, although in exceptional cases may require that the matter be passed Grand Chamber. Such exceptional case is considered when comes up: "*An important problem for the interpretation or application of the Convention of its protocols, or a serious problem of a general nature*". A panel of five judges took into account such a request. If it accepted the case is referred to the Grand Chamber of judgment. ⁶

We find appropriate to mention that the European Court of Human Rights is not in the role of the Supreme Court because it has always referred to the interpretation of the internal law of the relevant national bodies.

¹ Protocol 12 of the European Convention on Human Rights, which deals with a clause of general non-discrimination, adopted by the Committee of the Ministry in September 2000 was presented for signature by member states on 4 November 2000 during memorial ceremony of the 50 - anniversary Convention held in Rome.

² Article 20 of Convention

³ Article 29 /1 of Convention

⁴ Article 27 of Convention

⁵ Refer article 44 of Convention

⁶ Article 43 of Convention

However, the Court reserves the right of the interpretation and implementation of the European Convention on Human Rights, even when we have about the internal decisions that may be different in the justifications to conclusions.

From this point of view it can say that the European Court of Human Rights plays a higher court. Despite this, its decisions have no character internal e Supreme Courts when they conclude that a particular country has violated its obligations under the Convention. So, through these decisions the European Court of Human Rights finds only as violations of the Convention by the State in question and does not pretend to repeal the act, the measure or incompatible practice with the convention.

It is for the following, pursuant to Article State responsible to take appropriate measures pursuant to paragraph 1 of Article 46 of the convention and then under paragraph 2 of the same article, it is the Committee of Ministers which supervises the implementation of the decision by respective states.

Furthermore it can be added to the European Court of Human Rights does not matter whether the violation of the Convention is made by the legislative character, administrative or judicial one.

About this, the responsibility for the violation of the Convention has the character of an international responsibility of the state, since he as a subject of international law is a contracting party to the European Convention of Human Rights and under Article 1 of the Convention has undertaken to guarantee the rights and freedoms of basic human as it is stated in its title.

ALBANIA AND ITS COMPLIANCE WITH COUNCIL OF EUROPE CONVENTION

"Article 3 of the Protocol [appendix] shall be implemented in accordance with the provisions of Albanian law nr. 8001 dated 09/22/1995 and nr. 8043 dated 30. 11. 1995 for a period of 5 (five) years, starting from the deposit of instruments of ratification. " **(Reserve shown on the instrument of ratification deposited on 2 October 1996)**

In accordance with Article [57] of the Convention, the Republic of Albania has had some reservations about Article 3 of the Protocol, in this sense the content of this Article shall be established in accordance with the provisions of Law No. 8001 dated 09. 22. 1995 as and the law nr. 8043, dated 30. 11. 1995 of the Republic of Albania.

Law No. 8001 dated 22. 09. 1995 on "genocide and crimes against humanity committed in Albania during the communist regime for political, ideological and religious" and Law No. 8043 dated 30. 11. 1995" on the control of official figures that personalities official and other persons who are related to the protection of the democratic state. " They predict *inter alia* by the 31st December of 2001 election in the central organs of the state or local government is stopped for authors, for those who have conspired and having actuating crimes against humanity, committed in Albania during the regime for political, ideological and religious those up to 31 March 1991 were former members or candidates of the Political Bureau, secretary or members of the Central Committee of the Party of Labor of Albania (or Albanian Communist Party), former secretary to see the Committee of District Party of Labor of Albania and responsible of comparable rank, employees of sectors which are related to security State Central Committee of the Party of Labor, the former prosecutor General, former ministers, former member of the Presidential Council, former Chief Judge, former prosecutor general, former members of Parliament, with the exception of those who have acted against the official line and public.

They have renounced the amendment, as well as former employees of the Security Service of the State, the former collaborators of State Security and the persons who testified against accusations in the political process, the former investigator, Judge in the political process, the former investigating judge at special political processes, former secret agents of some foreign service or their homologous.

Recently the Law No. 8151 dated 12. 09. 1996 "" on amendments to the law No. 7513 dated 06. 16. 1992 related to the election of local government bodies. ""People's Assembly of Albania has significantly reduced the scope of the law nr. 8001, dated 09. 22. 1995. "On genocide and crimes committed in Albania during the communist regime for political, ideological, religious," and law no. 8043 dated 30. 11. 1995. "" For the control of the official figure personalities which are relevant to the protection of democratic state. "

As the result of these amendments, the laws mentioned above is not apply either for Respondents listed or selected heads of municipalities. Referring to concrete figures, in terms of local elections and as a result of recent amendments to the number of cases that must be verified it is reduced by about sixty thousand(60. 000) for 5764 countries and eight hundred (800) for 64 countries.

CONCLUSIONS

Just as nowadays the European Commission of Human Rights, New Court will continue to accept complaints from any person, organizations in governmental or groups of persons, who see themselves as victims of a violation by one of the States parties of rights guaranteed by Convention. These countries are engaged that in any way not to interfere with the implementation and effectiveness of this right

In such circumstances the European Court of human rights shows that it includes – and is taking over-all today important functions that of the Commission and the Court. Despite the forecasts, something is safe; the reform of the mechanism of protection of Human Rights, based on the European Convention is an important step for the future.

Obviously to give a solution to all jurisdictional issues is really too big commitment because of the number of decisions and a wide range of issues addressed by it. But it is interesting and important to do this thing and also should be noted that under paragraphs of these decisions could be found concrete ways to regulate the lives of individuals and activities of state bodies and authorities across European countries all around the world.

This picture shows a clarifying bridge in relation to such an arrangement since it has being made such efforts, quite successfully efforts in providing also an overview of the decisions of the Strasbourg Court. These leaders today still constitute its jurisprudence and consequently the activity of internal state court. For this reason, along with other things this Convention of the Council of Europe comes at a time giving the right result for a higher level of professional Albanian jurist consult from all "the Albanian law".

Certainly, the greatest role is played in the integration of Albania in these standards regulating European life today more than ever and tomorrow forever.

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The Representation of Women in Turkish Local Governments

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Abstract

Turkey is one of the countries which has the lowest representation of women in local governments (LGs) in the world. While in many countries, women are more successful to participate in local political decision-making processes, the situation is vice versa in Turkey. The tendency of women to participate in politics at both national and local level is quite low in the country and this arises from several reasons such as the cultural and patriarchal structure of the country, the roles attributed to women by society, the insufficiency of women's education level etc. In this framework, this study aims to evaluate the representation of women in the LGs in Turkey. In this context, the theoretical framework is examined and the data and statistics regarding the issue are analyzed. Our analysis reveals that despite the efforts to increase the political representation of women in LGs, the invisibility of women in LGs is still a significant issue in the country.

Keywords: Turkey, Local Governments, Women, Representation, Women's Studies.

1. Introduction

Women's strong hunches, patience, sense of responsibility and communication skills bring them an advantageous position both in business life and politics. However, despite the absence of any legal obstacles in many countries, women's participation into business and political life is highly limited. It is seen that, women who managed to find a place somehow in the business life or politics must display greater efforts than their male peers to reach the place they deserve or faced much more obstacle than men. Unfortunately, this situation lowers their self-confidence and leads them to abstain from participating in business life and politics. But, considering the fact that the half of the world population is female, the need and significance of the representation of women in business and political life is seen more clearly.

In many countries LGs are the crucial service units because of their closeness to the citizens and local problems. But despite the increasing significance of the LGs, the representation of women in the local units is notably limited. In most countries it can be claimed that women are less actively involved in political, administrative and economic life than men and this situation does not change in the representation of women in both national and local politics. However, LGs should reflect the diversity and composition of the community they serve at all levels and especially at elected level.

Many researches and evaluations in Turkey emphasize the limited number of the women representation in local politics and LGs (Çitçi, 1996; Alkan, 2004; 2009; Gökçimen, 2008; Arıkboğa et al., 2010; Negiz and Üçer, 2012; Anbarlı Boztaşay and Kutlu, 2014). After the local elections held in March, 2014; women politicians were elected for 3 of 30 metropolitan municipality mayors; 37 of 1366 municipality mayors; 2198 of 20498 municipal councilors and 58 of 18143 head of village positions (TÜİK, 2014: 137). These percentages have not been changed much over the 85 years since women got the right to be elected in the country.

In this general framework, the aim of the study is to evaluate the representation of women in the Turkish LGs. In this context, after the examination of the theoretical framework about the issue, the data and statistics regarding the women's representation in Turkish LGs are analyzed. Our analysis reveals that despite the efforts to increase the political participation and representation of women in national and local politics, the invisibility of women in LGs is still a serious problem in Turkey.

2. Women in Politics and Local Governments

Women's participation in politics and decision-making mechanisms within the history has taken place among the subjects that have been discussed and studied in different ways and different countries. Particularly in recent years, it has been observed that some significant steps have been taken in terms of the participation of women in the political and economic life and decision making processes within the scope of the global efforts especially on the increasing importance of gender studies and providing gender equality in many fields. Nevertheless, despite the existence of all these efforts, it is not so possible to say that effective results have been gained about the subject.

Essentially, it can be claimed that the patriarchal structure of the state is the main stumbling block in relation to the participation and representation of women in the national and local politics. The feminist theoreticians, who analyze the state, especially emphasize this structure of the state. They express that the public sphere has been formulated in a way peculiar to the men since the modern state emerged and women have been excluded from these fields for the centuries. Thereby, the historical development of state's tasks and functions were also take shape with the historical dominant form of male power. In addition to this, it has been stated that, this patriarchal structure of the state caused the formation of a male-dominated society and this situation poses a serious obstacle in terms of women's participation into the public life with the influence of the domestic roles casted for the women by the society (Robinson, 1995: 7-8). In this sense, the states in today's world have also been maintaining this patriarchal structure not only with the policies they follow and but also with the social, economic and political priorities that they determine. They have also been providing the continuation of the social order which have been formed within the frame of the understanding in question (Öztürk, 2012: 4). Thus, the understanding that limits the role of women with domestic activities and casts non-domestic roles for the men has led to the fact that women have become distanced to the political, economic and administrative life.

As Öztürk (2012: 6) underlines, women either have not been accepted as the citizens for a long time within the political process or have been deprived of their civil rights. It became possible for women to gain their citizenship which was the combination of political life's public and social sides and the right to vote by depending on the citizenship in the late 19th century and the early 20th century (Petmann, 1996; 10-13). Women have begun to gain the right to participate in the political life in different countries in different times with the influence of feminist movements that have been struggling for the political rights and been going on since the second half of the 19th century which emerged in England and other European countries (Öztürk, 2012: 6-9). However, this participation actualizes in a relatively more trouble-free way for women in terms of voting and in a more grueling way in relation to involvement into political decision making mechanisms.

Today, women in many countries mostly fall quite behind the men in terms of the participation in the decision making process regarding themselves, their families and their countries. The issue of women's representation in national and local politics on an equal basis is still a problem that has not been resolved yet. This problem forms an important dimension of the debates within the feminist movement. The limited participation of women in the national and local administrative structures in which key political decisions are made and the distribution of resources taken place, leads to a negative effect on the development of women's political, economic and social opportunities, as well (United Nations, 2010: 112). Therefore, even though the countries show differences from each other with their cultural, social, political and economic structures; there is a common point which is accepted worldwide is that some powerful social, economic, cultural and institutional obstacles exist in terms of women's involvement into the public space and their representation within the political field.

Reynolds (1999: 550) classifies the obstacles regarding women's representation as cultural and social-economic development; political culture; the nature of the state and political foundations. On the other hand, Bari (2005: 3-5) collects the obstacles concerning the issue under the titles of ideological factors, political factors, social-cultural factors, economic factors, social capital and the inadequacy of political capacities. In this context, the low rate of women who take place in occupational and administrative activities; the inadequacy of education possibilities; the deficiency of enough financial resources; the problems in the harmonization of the business and family life; official political structures; a male-dominated

structure in the political parties; political culture and the roles attributed to the women by the society are substantially among the important barriers concerning women's participation and representation in the political life (Bari, 2005: 3-5; EMC, 2014: 8-10).

Nowadays, with the strong effect of the globalization, the international organizations and the international trade and economy policies also influence the development policies of nation states as the exterior factors. Hence, the influences of these components in question on the barriers faced by women in the participation/representation to political life should not be underestimated or ignored. In other words, it should be considered that the globalization and the development policies increase the exclusion, poverty and marginalization and it will not be possible to reach the aims about the gender equality or women's equal representation in national and international level as long as social, cultural, political and economic structural obstacles are not eliminated (Bari, 2005: 9).

In recent years, the number of the studies that contributed to prevent the following obstacles is increasing. Various strategies, methods and regulations have been applied in the national and global level on providing "the equal representation" of women in political parties, local governments and parliaments. Also, some programs about providing the gender equality have been prepared. The global or regional organizations and formations such as European Union, The United Nations, The Organization for Economic Cooperation and Development (OECD) and International Labour Organization (ILO) have carried out crucial studies on particularly gender equality and they have settled on a general strategy (gender mainstreaming) which is necessary to provide gender equality in the global dimension. This strategy essentially aims to place the understanding of the gender mainstreaming into the center of all activities such as politics, management, development, employment, research, dialogue development, the planning, conducting and applying of the programs and projects (United Nations, 2016; 2015). Although the positive influences of these studies have started to be seen in the fields of health, schooling, and economic participation, it is observed that there are still many things to do in the critical fields especially such as politics, management and the participation in the decision making processes (United Nations, 2010).

While the studies regarding the participation and representation of women in the political life in both national and local level are increasing, it can be claimed that the representation of women in local political level is generally higher than the national level in many countries (Alkan, 2004: 3). Particularly, the local governments and local councils are evaluated as a field where the women can take place more actively in political arena. The higher representation of women in the local politics can be explained with the arguments such as; the criteria of convenience to the politics in the local level are more flexible, the local politics is seen as a more suitable field for political apprenticeship (Evertzen, 2001: 6), the local politics is more related with the subjects that concern the daily life of women like water, solid waste, health services, electricity and so on and it is easier to participate in the local politics which is in a closer level for the women when their own restrictions are considered in terms of their responsibilities such as housework and childcare. Of course, it is also possible to see the ideological traces of the patriarchy within these arguments (Jayal, 2005: 2).

Today, local governance is a tool that aims to spread the authority and responsibility in an equal way among the local interest groups and to provide the representation of the opinions of all related groups. Within the scope of this understanding, the local governance concept that adopts and encourages the equal participation of the all stakeholders in the region, should reflect a perspective which is sensitive towards the social demands of whole parts living in the region and fulfils its responsibilities towards its citizens (Abdul-Razak et al. 2014: 5). Accordingly, to implement the local governance effectively, women's involvement in decision-making mechanisms is highly important in terms of both representing all the parts of the related territory equally and providing the local democracy. That's why; to achieve the main goals of the local governance, women should involve in the local politics actively and should be represented equally with the men in local governments.

Evertzen (2001: 7-8) who collects the reasons of why the women should take more place in the local politics under the titles of justice; productivity; variety and changing the political system and she draws attention to the facts that; i) women who forms the half of the population should also take place in the politics at the same rate; ii) women have experiences and resources that will contribute to the politics from different perspectives when compared to the men; iii) women will also be able to create variety and difference in the presentation of the local services as the ones who mostly use the local services than men who cannot represent the demands of women exactly and iv) they will be able to more beneficial for the political system with their more opportunist point of views. Besides, she states that the participation of women in the local

governments which are closer to their own lives is easier than the participation into the national politics. The local politics can also be the first stage in order to enter the national politics by improving its capacities and gaining experience.

Another subject coming to the forefront on the issue is the fact that the women possess a more different perspective and management style as the local administrators than their male coworkers. This difference is seen clearly within the study of Fox and Schuhmann (1999) which included 875 city managers in total in the USA in 1997 and compared the female (435) and male (440) city managers. According to the results of this research; female city managers are more interested in the participation of citizens and society in the decision making processes when compared to the male city managers. They underline the importance of communication more while fulfilling their duties and they are tending to see their own roles as the administrator and facilitator rather than political entrepreneurs (Fox and Schuhmann, 1999: 240). Therefore, women taking part in the decision making processes of the local governments and in senior positions will both lead to a variety in terms of perspective and management style and will contribute to the establishment of effective local governance.

3. The Political Representation of Women in the National and Local Level in Turkey

In Turkey, the main reason for the women to remain in the shadow of men in almost every field is mostly derived from the traditional approaches and prejudices. Women have been tried to be protected since they were born. Motherhood is associated with women much more by bringing the womanhood feelings into the forefront. Most of the time women are struggling to gain the place they deserve in the public and business life. However; they have not been able to find a possibility of representation in politics and business life at the rate of their population in spite of all these struggles. According to the data of 2014; the participation rate of women in workforce in Turkey is determined as 30,3% and it is observed that the main reason for not being able to involve in workforce is "dealing with the household chores" with the rate of 57,6% (TÜİK, 2014: 78-79). It is seen that women also fall behind in terms of attending to the political life and representation when compared to the rate of participation into the business life. According to this, as of February 2016 the rate of female deputy in the country is 14,73% (TBMM, 2016) and only two female ministers (Minister of Family and Social Policies and Minister of Environment and Urbanization) take place in the cabinet (T. C. Başbakanlık, 2016). In this framework, it can be claimed that the participation and representation of women in both business life and politics is in a quite inadequate level in the country.

Proclamation of the Republic is a crucial turning point for women to have the equal rights with men in many fields in Turkey. Women have started to gain their social, political and economic rights with the proclamation of the Republic and it has been developing since that time (Negiz and Uçer, 2012: 2-3). It is seen that the women in Turkey took the first step in 1923 in order to participate to the political life and become deputy. On June 1923, an effort to establish a party called as "Kadınlar Halk Fırkası" under the leadership of Ms. Nezihe Muhittin came to the agenda, and the program and declaration of the party was presented to the government. But this formation was not accepted by the government and turned into an association called "Turkish Women's Union" in 1924 (Toprak, 1994: 7). This effort had an important influence on women's gaining the same equal political rights as men and in following years, firstly the right to vote was recognized for the women (who were 18 years old and older) and the right to stand for election was regulated with the 23rd and 24rd article of the Municipal Law (dated 1930 Law No. 1580). On October 1933, with the alteration of 20th and 25th articles of the Village Law dated 1924, women had the right to vote and to stand for election in the determination of the village head and the selection of the elderly council. Ultimately, the general suffrage was recognized for the women in the legislative elections on December 1934 (Talaşlı, 1996: 57). Turkey, which recognized the right to vote and to stand for election for women in the local election in 1930 and in general elections in 1934, became one of the first countries to give this right to the women in the world (Şahin, 2011: 21). Within this framework, 18 female deputies in total entered the Turkish Grand National Assembly for the first time as a result of 5th Period elections on the February 1935. In 1950, the first female city manager was chosen; in 1971, the first female minister took office and in 1993, the first female prime minister formed the government (TÜSİAD-KAGİDER, 2008: 220). The rate of women's representation in the parliament, which was 4,5% in 1935, rose to 9% in 2007 and rose to 14% in 2011 (Gençkaya, 2014: 7). According to the results of last general election that was held in 2015; there are 81 female deputies (14,73%) and 469 male deputies (85,27%) out of 550 deputies in the parliament (TBMM, 2016).

Unfortunately, the representation of Turkish women, who gained the right to vote and to stand for election earlier than their fellows in many other countries, is rather low both in national and local politics. Even though there are not sexist provisions concerning the political rights Turkish laws, the representation of women in politics, political parties, government and among political leaders is quite limited. This situation is an indication that, there are problems in the implementation of political

rights which was given to the women in order to be equal with the men, into the practice in Turkey like in many countries (Çağlar, 2011: 59). There are various social, cultural, economic and political reasons in Turkey that prevent women from participating in the political life actively. Particularly, the factors arising from traditional patriarchal family relations and low education level especially in rural parts, the political pressures of husbands, fathers, brothers and even sons on women (Doğramacı 1997: 141 cited in Çağlar 2011) the inadequacy of financial possibilities and lack of self-confidence can be considered as the main barriers preventing women from participating in the political life actively. In addition to this, the lowness of women's representation in the country can also be attributed to the functioning of the democracy and the political parties' women policies, their sexist approaches and applications (Çağlar, 2011: 65). Especially, due to the unwillingness of the political parties nominating women candidates in Turkey, many women who can have the chance to carry the problems and suggestions of women into the politics with the general and local elections are deprived from taking place in the political decision making processes. (TÜSİAD-KAGİDER, 2008: 234).

In recent years, it has been basically seen that the efforts for women's entry into the public life more actively and providing gender mainstreaming in every field have become prevalent across the country, as well. Turkey, has guaranteed to develop policies, make legal regulations and put these laws into practice with the engagements, decision and advices of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in the first place, and the foundations such as European Social Charter, Organization For Economic Cooperation and Development (OECD), International Labor Organization (ILO), Organization on Security and Cooperation in Europe and in accordance with the directives of the Action Plan of Cairo Conference on World Population and Development, the Action Plan of the 4th World Women Conference, Declaration of Beijing and European Union about the equality of woman and man (TÜİK, 2014: XXIII). In addition to this, Directorate General on the Status of Women was established in 1990 as a national mechanism with the aim of developing woman policies and this foundation was restructured in 2004 (Gökçimen, 2008: 19). Besides these efforts, there are a lot of non-governmental organizations that work actively for providing the gender equality in the country. These efforts make important contributions to provide gender mainstreaming. However; despite all these efforts, it is not possible to say that the country has reached to the intended level in terms of women's participation and representation in the political life like many other subjects.

Even though, women cannot find enough opportunity of representation in the political life, they work actively in the women's branches of the political parties. However, in the studies focusing on Turkey (Altındal, 2007; Çakır, 2001; Yaraman, 1998), it is concluded that, women are not effective as a social and political reality in the women's branches that are unable to achieve an effective political activity. It is observed that, in the political parties, without considering the ideological differences, gender-based business division is preserved and women prioritize their party identities more than their identity as a woman. It is also seen that the women working in the women's branches find being seen as a sign in political spectrum is enough, they do not take place in the processes of delivering an opinion in any subjects and decision making processes without receiving approval from their political parties (Çakır, 2001: 407-408) and they mostly apply the decisions that taken by their political party.

It is seen that the women's situation is also not so different from the level of the representation in national politics when it is evaluated about the point of their representation in local politics and local governments. Turkey is one of the countries in the world in which the representation rate of the women in the local governments is the lowest. However; the features of women's participating in local politics in Turkey shows a tendency which is opposite to the world-wide. Even though the women in many countries of the world cannot reach to a serious representation level in national politics, they can be more successful in taking place in local political decisions. But, just the opposite of this case is seen in Turkey (TÜSİAD-KAGİDER, 2008: 235; Alkan, 2004). The reasons such as the traditional structure that influences the representation of woman negatively in Turkish political system and the exclusion, inadequacy of financial resources and technical data, the structures of political parties and the methods of determining candidate, internal problems and lack of self-confidence (Negiz and Üçer, 2012: 5-6) can be regarded as the most basic obstacles in front of women's representation in local politics. According to Alkan (2004: 5); three factors can be underlined in order to explain the inadequate participation of women in local politics in Turkey. The first factor is "figurativeness" in the politics and the second factor is that the majorly limited social mobility of women even in the level of local community. Ultimately, the third factor can be stated with the fact that the organization of woman has excluded the local from its field of interest until recent periods.

When it is considered that local politics is at least as vital as central politics for women's gaining strength, the importance of eliminating this and similar factors comes into prominence much more. Providing women to participate in local politics

actively in the level of municipality and metropolitan municipality mayorship; municipality and metropolitan municipal council, provincial council and being a village head in the country is a necessity in terms of both for the need of values such as democracy, justice, and modernness and providing the active governance. However, when the results of local elections in Turkey are examined, the inadequacy of women's representation in these levels is seen clearly.

4. Women in Turkish Local Governments with Respect to the Statistics

When the statistics about the last four local elections (1999, 2004, 2009 and 2014) in Turkey are examined, it can be claimed that there is a general increase in the number of elected women even though it is not in a sufficient level. This situation is discussed in a more detailed way in the tables below.

Table 1: The Rates of Female Mayors

<i>Local Elections</i> \ <i>Mayors</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	18	3197	3215	0,6
2004	18	3207	3225	0,56
2009	27	2922	2948	1
2014	40	1356	1396	2,86

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

As it is seen in Table 1, the rate of female mayor is exceedingly low when it compared to the male mayors. While this rate is 0,6% in the elections of 1999, the rate has risen to 2,86% as a result of 2014 elections. The women who are rarely seen at the positions of mayorship are seen more often as powerful and effective deputy mayors.

Table 2: The Rates of Female Metropolitan Mayor

<i>Local Elections</i> \ <i>Metropolitan Mayors</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	0	15	15	0
2004	0	16	16	0
2009	0	16	16	0
2014	3	27	30	10

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

In the elections of 2014, the women were elected for the mayorship for the first time in three metropolitans. One of these women is the former minister (Fatma Şahin) and the other two are the former deputies (Özlem Çerçioğlu and Gülşan Kışanak). These women, who can be elected for the metropolitan mayorship, have also taken place in politics actively before.

Table 3: The Rates of Female Municipal Councilors

<i>Local</i> \ <i>Municipal Council Members</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
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<i>Elections</i>				
1999	541	33543	34084	1,6
2004	834	33643	34477	2,4
2009	1340	30450	31790	4,2
2014	2198	18300	20498	10,72

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

The rate of female council members which is 1,6 % in 1999 elections has risen to 10,72 % in the elections of 2014. This case depicts that political parties prefer the women as candidates in councillorship much more instead of mayorship.

Table 4: The Rates of Female Provincial Council Members

<i>Provincial Council Members Local Elections</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Percentage of Women (%)</i>
1999	44	3078	3122	1,4
2004	58	3151	3208	1,8
2009	110	3269	3379	3,2
2014	60	1191	1251	4,80

Source: The data was compiled from İçişleri Bakanlığı Mahalli İdareler Genel Müdürlüğü (2016) and Türkiye İstatistik Kurumu (2014)

Whereas the representation of women in provincial council memberships was 1,4 % in 1999, the rate rose to 4,8 % in 2014. This rate is still rather low. Although it is seen that the representation of women increased in four fields in the elections of 2014 when compared to the past elections, these rates are still notably insufficient. These rates are clearly indicator of the fact that the women forming the half of population cannot be represented in the local governments at the rate of their population. These statistics are not enough to prove that the women exist in local politics in Turkey and they simply point out a "situation of absence" (Anbarlı Bozatay, Kutlu, 2014: 139; Tekeli, 1991: 117). These low rates are neither temporary or periodical nor regional – although they approach to nearly 10% on average in three metropolitans like Ankara, İstanbul and İzmir- (Alkan, 2004). These rates also show that the barriers that are mentioned above have a highly important role in women's attendance and representation in the national and local politics in the country.

In Turkey, the strategies of political parties to determine candidate list are also rather problematic. The ones who own the necessary political sources and possibilities – such as money, time, powerful public relationship, networks, education and experience- are primarily presented candidates and elected in the local level just like in the national level. It is clear that women are disadvantageous in nearly all of these situations (Alkan, 2004). This disadvantage has also reflected to the tables presented above. The fact that there are no female political leaders in Turkey also can be evaluated as another obstacle for women's attendance in politics. The male dominance within the political parties causes women to stand much more aloof from this system.

5. Results and Suggestions

Like around the world, women in Turkey also cannot participate in the political life sufficiently and the political life is governed substantially by the men. The male-centered structure which is generally common in the social life of Turkey manifests itself in the national and local politics, as well. Even though the women in Turkey have gained the right to vote and stand for election in an early period, it is difficult to mention about their active political participation. Whereas the participation of

educated women who live in the city and can compete with the men in the politics is relatively higher, the possibility of women living in the rural area to take part in the political life is low. Although the female sympathizers take charge in the propaganda works of political parties intensely, it is not possible to see them equally in the representation. The women are mostly presented as candidates by the male leaders of the political parties with the aim of receiving vote from female voters and they take place within the lists. Hence, the steps that are taken in Turkey in order to increase the participation of women both in national and local politics are still very limited.

While the women in many countries of the world are more successful in participating in the local politics when compared to the national politics, the women in Turkey, on the contrary, are represented in the national politics much more. The representation of women in the local governments that is the most important factor of the local politics in Turkey remains highly limited. The number of female mayors in the level of province and metropolitan is the most significant indicator of the fact that women cannot take place actively and represented in the local politics. The political parties prefer women as the candidates in councillorship instead of mayorship more often. Much as the representation rates of women in the local governments in the last four local elections have shown a tendency to increase, but this increase is exceedingly insufficient. When it is considered that the local governments are the basic executive units that are the closest to the public and carry out the local resources and services and supervise them, the participation of the parts which benefit from these services and resources in the process of decision making actively and equally is a necessity of the democratic sense of rule. Accordingly, the equal representation of women in local governments is profoundly important in relation to realizing a sense of rule which is both democratic and participatory.

Even though there are not any legal barriers against women's representation in the national and local politics; political, social, economic and cultural factors are functioning as main barriers that confront women at this point. It is observed that a lot of studies have been made in Turkey regarding women's attendance in national and local politics actively. Although, these studies should be evaluated as the positive efforts, the expected success about the subject has not been able to gain yet. In this context, the aspects that need approaching primarily about women's representation in the national politics and particularly in the local governments can be listed as follows; first of all women's education level should be increased and non-governmental organizations and female politicians should be more sensitive about the problems of women and the politics regarding women and in this sense, they should take over responsibility in these matters actively. Also, the selections of candidates in the political parties should be democratized and the policies about quota setting (the minimum lot/ rate allocated for women) for the women in the political parties should be adopted by force of establishing an equalitarian structure. Accordingly, central government should make legal regulations in a way that these policies will be able to come true and besides, women's associations and non-governmental organizations should lobby in order to increase the number of female leaders by working for the benefit of female candidates.

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Self Presentation of Communist Albania Through the Antagonist Discourse

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Abstract

Given the fact that totalitarian systems use the media as the most powerful tool to produce and disseminate the ideology, the text of this paper is the printed press of that period. I especially selected the journal *Zëri i Popullit* (Voice of People), as it was the main representative press organ of Communist Party which would later become the Labor Party. Understanding the past discourses paves the ground for understanding their continuity or their change during the new systems of governance as it will be after 1990's in Albania. The methodology of this paper is Critical Discourse Analyze. I will use Critical Discourse Analyze at the same time as theory for this study. Since the totalitarian system ruled Albania during that period, the study will be focused on analyzing the hegemonic discourse, seeing antagonism as the basic form of power's self presentation. Also to understand the key moments of self presentation I have selected the articles during the national holidays such as 1st of May the Labor Day 28th of November the Independence Day and 29th of November the Liberation Day. The articles of press during national holidays are selected as key data, because these dates have always been important to deliver messages. This paper aims to establish discursive categories seeing antagonism as main feature of power legitimacy. Based on this argument the research question of this paper is; which are the elements used by printed press for its self presentation to legitimize the power?

Keywords; political discourse, media discourse, critical discourse analyze, hegemonic discourse, self presentation

Introduction

Language is one of the most important elements that help to construct the social structures. As well as language there are several other tools that help to raise up social structures such as; social context, economic context, cultural and political context. The presupposed structures are those concepts build in a society so that society can represent itself. Those structures at the same time help the society to understand the reality and to be part of this reality. Different authors argue the function of language in different ways; some of them argue that language structures the reality and others argues that reality produce the language. The approach followed in this study is the one which describes the language as a reality producer. As I said above the process through which we understand the reality doesn't happen by the spoken language but by the communicative language, therefore I chose the newspaper text as an important communicative text. Newspaper is a very important medium that transmits, produces and distributes messages. Referring to Bertrand (1997) there are four types of regimes of press which coincide with the political regimes during whom they are performing. So to explain the context of newspaper, *Zëri i Popullit*, I have to explain the political system of the period. The case of this study belongs to communist regime of press. Bertrand (1997:16-17) explains that totalitarian governments 'use media to spread the official ideology, to teach this ideology to people, to encourage people to follow this ideology and at the end, to impose it'. He also adds that third world medias pretended to have a very special role to; "serve to development, to educate the people, to conceive in a nation heterogeneous groups and to save the local culture"(Bertrand 1997: 17). By all these means media is used for a proper aim and directly for an effective self presentation. Regarding this approach the question raised is; which are the strategic discursive tools used by printed media during this period? Hypothesis of this paper is; to construct the social reality the communist regime in Albania uses printed media, and the main element through which the antagonist camps are constructed is history. Before arguing the hypotheses I should explain some key concepts such as self

presentation, hegemonic and antagonism that will be followed by critical discourse analyze. Referring to Fairclough and Wodak (1997: 271-80) we can summarize Critical discourse analyze in eight components such as;

1. CDA addresses social problems
2. Power relations are discursive
3. Discourse constitutes society and culture
4. Discourse does ideological work
5. Discourse is historical
6. The link between text and society is mediated
7. Discourse analysis is interpretative and explanatory
8. Discourse is a form of social action.

According to these functions of discourse I will try to explain the ideology, the mediated text that is used to spread the ideology and the interpretative forms such as antagonism.

Methodology

Constructing discourse historical approach Wodak sets six types of different kind as 'field of action', one of them is formation of public opinion and self-presentation (Wodak 2001:68). One of the genres of this field is press release. Because of that, the data collected from the newspaper including all the articles through this dates will help to explain the antagonist forms that the communist party has used to legitimate the power but at the mean time to represent itself. This paper is carried from years 1945 till years 1985 when Enver Hoxha¹ is dead. I especially chose these dates because after the death of dictator the regime turns out to have some changes with the new leader. As discourse analytical approach I will use the dimension of strategy.

Strategy

The first step of historical discourse analyze is the identification of main themes of content. According Wodak this identification is realized through the pilot reading of empirical data, which will be connected with the proper theories of the study (Wodak et al 1999). A second related dimension of analyze is strategy. De Cillia et al distinguish four types of macro-strategies;

(1)constructive strategies; (2)perpetuation and justification strategies; (3) transformation strategies; and (4);dismantling or destructive strategies (De Cillia et al. 1999:160)

Strategy helps to understand the used discourse for the self presentation. Referring to the presumption of this paper I will try to explain the application of these four macro strategies using the historical dates where we chose the empirical data. Constructive strategies describe the various linguistic ways through which we perceive and build the group. Referring to De Cillia et al; Components of constructive strategies are all persuasive linguistic devices which help invite identification and solidarity with the 'we-group', which, however, simultaneously implies distancing from and marginalization of 'others' (1999: 160).

¹ Leader of Communist Party in Albania that ruled from 1945 till April 1985

Through justification and legitimating which are the main components of perpetuation strategies the discourse tries to construct Our-history. Who we are, why we are, why we should be are the most important perspectives of this strategy (De Cillia 1999:161). The continuity, as well as threaten of this continuity help to construct the history of *Us* (Wodak et al, 1999).

The use of discourse to change a deep rooted aspect of self presentation's identity is realized by transformation strategies. During political discourse analyzes the political oriented press or political actors are the possible re-definers of the new meanings.

The destruction of mythic elements through which the mediated tools or politicians fabricate the history is realized by dismantling or destructive strategies. Wodak explains that, while the existing identities are being dismantled by this strategy, they do not get replaced (Wodak et al, 1999)

Strategies of self presentation

For the self presentation process Jones (1990) establish five strategies; ingratiation, competence, intimidation, supplication and exemplification. As I am presenting a self presentation of a political system, I should be aware that there are some differences in strategy making between individuals and systems. Regarding communist Albania I will chose intimidation, exemplification and competence as strategies used by Communist Albanian Party. A better and shorter description of these chosen strategies is made by Dominick (1999:648) as below; Intimidation: Persons using this strategy have power as their goal. Typical characteristics are threats, statements of anger, and potential unpleasantness. Exemplification: The goal of this strategy is to be perceived as morally superior or possessing high moral standards. Characteristics include ideological commitment or militancy for a cause, self sacrifice, and self discipline. Competence: The goal of this strategy is to be perceived as skilled and qualified. Common characteristics include claims about abilities, accomplishments, performance, and qualifications.

Newspaper's text analyses

Beside different articulation such as classes, ideology, friends, education and culture during this study the history is the articulation which affects mostly the discourse. Through the element of history, we will see how the antagonist camps divide and how the social identity is constructed separately in the proper camps it belongs. History will play an important role to reinforce the antagonism between the different camps. The growth of antagonism will increase the hegemony, therefore the power will be more legitimated. As far as self presentation strategies are, intimidation, exemplification and competence, in this study we will see how these strategies interlink and interact with the discursive strategies and how the history became an important tool during this process. The analyze will be based in three important historical dates. Each of the dates, 1st of May, 28th of October and 29th of October will be analyzed separately as an important and different entity of discourse that help in the construction of self presentation identity of the Communist Party.

While analyzing the text I will try to explain how the self presentation strategies ate interfered and integrated with self presentation strategies constructing both precedents of a totalitarian identity of *Us*.

1st of May

Based on Albanian press, is clear that during the years 1945 two main poles are constructed. These two poles as well as save the equivalence inside them will be different one to the other. The first pole is based on concepts such as; people, party, worker class, peasantry and will be the opponent pole of all the former official of monarchy, former land owners, former member of other organizations or parties, during the National War for Independence, who did not fought in the side of Communist Party. 1st of May as an international holiday will serve to empower the group *Us*, making it part of a larger group of a more global group, beyond the Albanian borders. 1st of May will be the holiday of every person part of communist republics from one continent to the other. To reinforce the group *Us*, there is also a transferring from nation to class. Because working class is more comprehensive. Celebrating the 1st of May internationally makes the group larger and stronger. The regime takes the model of celebration from other communist countries, and uses for the unification with these countries. Meanwhile the opposite patterns are, West Europe and the entire West world. Through exemplification that puts on the high moral standards of the group it is analyzed that party identity with the 1st of May has two imperative discourses which are protection and peace. The discourse that expresses the protection of peace aims to unify the group and peace

has the aim to increase the morality of the group. One of examples that is found mostly can be illustrated with the text below;

"Today our country is unbeaten castle, which protect with courage its freedom and independence, and protect the peace in this place of the world. (Zëri i Popullit, 01. 05. 1952)

There is also another paragraph that enforces the idea of peace such as;

"The worker in fabric, the farmer in the field, the student in the school, the officer in the office protect the peace in the same way as the soldier in the border; each of them in their own way with their own tools. " (Zëri i Popullit, 01. 05. 1953)

Self presentation through intimidation is seen using the discourse of war. The power that comes through the war makes *Us* powerful in front of inside enemies the old regime and ex powerful class such as monarch and others but at the same time war empower the group of *Us* against the outside enemies such as imperialist and capitalist world. An illustrative example is;

"... 1st of May is being celebrated as the day of international consolidation of working class, as day of detestation and revenge against capitalism, as day of war for freedom and against ruling class." (Zëri i Popullit, 01. 05. 1950)

Also during the years 1960 there is another text that explains self presentation through intimidation. There is a text cited by Lenin chosen for the front page of the newspaper;

" In this big war there are two worlds that stay one in front of the other: the world of capital and the world of work, world of exploitation and slavery and world of brotherhood and freedom. " (Zëri i Popullit, 01. 05. 1960)

In the text of 1st of May 1971 we can analyze the self presentation through the Competence. The group of *Us* is skilled and qualified. But it is important to underline that all these skills and qualifications are thanks to a well organized party and its leader Enver Hoxha. The text below is a summary discourse of such a strategy.

"The party raised up the worker, made him the only powerful god of his country. Today our intelligent folk that parades side by side has realized a wonderful work, embodying the ideals of communist party and lessons of comrade Hoxha" (Zëri i Popullit, 01. 05. 1971)

To reinforce the self presentation strategy of competence we will show a quote cited from Enver Hoxha, established on the front page of the newspaper during 1st of May 1968;

" It is a fact that we have a heroic working class, with a great revolutionary spirit and courage, we have a working class closely related with its party and its folk. " (Zëri i Popullit, 01. 05. 1968)

28th of November and 29th of November

Analyzing the two of the most important historical dates in Albanian history, 28th of November and 29th of November, I will try to show how the self presentation is well integrated in discourse strategies and how the dates changes their importance through the discourse.

The 28th of November is the international Independence Day for Albania. Albania won independence from Ottoman regime on 28th of November 1912. Till the years 1945 for all the Albanians this was the most important historical day. But later on in year 1945 with the new regime, we can see how the totalitarian regime will capture this date and transform its importance to reinforce and make more powerful the 29th of November which is the known as Liberation Day. The communist regime which was installed on November of 1945 made this date as the key point of Albanian history. This date will become important because it glorifies the Communist Party itself, because it sees and shows it as its own success.

Using the strategy of justification and victimization where the 28th of November will be shown as an unfinished attempt, the Communist Party will represent its self as confident, strategic and powerful through the self presentation strategies.

The discourse strategy in this case will help to transform the importance from 28th to 29th and then to glorify the 29th. Examples extracted by newspaper text will illustrate better the situation.

On year 1959 we can see as at the date of 28th the news paper writes about 29th as below;

“Our folk will happily celebrate tomorrow 29th of November...” (Zëri i Popullit, 28. 11. 1959)

Through the strategy of victimization the newspaper's text shows that;

“...even the declaration of independence the Albanian were not really liberated ...” (Zëri i Popullit, 29. 11. 1951)

Because the 28th of November is seen as an;

“The stage that had its full culmination on 29th of November 1944, when Albanian folk manned from Communist Party and comrade Enver Hoxha...” (Zëri i Popullit, 28. 11. 1965)

In almost all the texts that comes out during the date of 29th of November we a discourse that conclude this date as the most important one. An example of all this is the text that shows the form of celebration of this date;

“...graciously we celebrate the 29th of November, the Day of Liberation, the greatest date of our history through the centuries” (Zëri i Popullit, 29. 11. 1949)

Fading the date of 28th of November, by shifting the importance to 29th of November, and unraveling the heroes of that date, the communist party will construct the 29th of November by exemplification. Through this strategy the party involves all its ideological superiority and sacrifices. Most of the texts found in the newspaper can be summarized with such a paragraph;

“29th of November marks our history, the border between two worlds, the one where the folk was mistreated from ‘the powerful ones’ and where was nothing true and right and the other where we stand up the pedestal of full master of our fates”(Zëri i Popullit, 29. 11. 1964)

An important point of this strategy is military and to conclude the analyze I have picked a paragraph where the military force plays an important role during the self presentation;

“There was nobody there donating the freedom, we gain it with our blood and our struggle, we didn't need any allied armies to come at our land and help us” (Zëri i Popullit, 29. 11. 1979)

Conclusion

All the systems not only the totalitarian ones use strategies to self present and by this to gain terrain and to legitimize themselves. The same happened in totalitarian Albania as well. Even the communist party used its force and terror, its full power to convince, the power itself was never sufficient. The long-life of regime, more than 45 years, shows that the communist party used media as well to better legitimize itself. Analyzing the texts of the newspaper Zëri i popullit helps us to understand how the regime presented itself and what it chose to self present.

As seen in the analyze part, most of strategies were present, but differently chosen. If in 1st of May they are altogether to make a self presentation, it is different on 28th of November. In the 28th of November the system uses justification and unraveling the myths more than exemplification, intimidation or competence. More than an international day the 28th was used as a bridge that helped to empower the 29th of November. Meanwhile during the 29th of November the strategy that is mostly used is exemplification. It is not by chance but it is on purpose because, because through this strategy the regime reinforce its values.

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Appendixes

Fjala e shokut Beqir Balluku. (1949, Nëntor 29). *Zëri i Popullit*, pg. 2

Konference Solemne – Shefqet Peçi (anëtar i Komitetit Qendror të P. P. SH.). (1951, Nëntor 29). *Zëri i Popullit*, pg. 2

Rrugë fitoresh. (1959, Nëntor 28). *Zëri i Popullit*, pg. 1

Fjalimi i shokut Enver Hoxha. (1964, Nëntor 29). *Zëri i Popullit*, pg. 3

Per beteja te reja, per fitore te reja ne ndertimin socialist. (1965, Nëntor 28). *Zëri i Popullit*, pg. 1

Zëri i Popullit, 1 Maj, 1952, pg. 1

Zëri i Popullit, 1 Maj, 1953, pg. 1

Zëri i Popullit, 1 Maj, 1950, pg. 1

Zëri i Popullit, 1 Maj, 1960, pg. 1

Zëri i Popullit, 1 Maj, 1971, pg. 1

Zëri i Popullit, 1 Maj, 1968, pg. 1

Migration as an Early European Reality

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Abstract

The contemporary phenomenon of migration has already reached global dimensions and differs from the early migrations for the reasons as well as for the course of migration flows. This article aims to provide an overview of the historical evolution that has characterized migration in the European Continent. Passing in different historical stages it explains how Europe as a place of migrant's departure returns into migration destination. Migration occurs for many different reasons. An analysis of the reasons explains the value that they have been throughout history and how the motives that push entire populations to migrate are the deep needs, fear of war, fear of persecution, torture, till to the desire to improve the social status and the living conditions. And so that migration is not a simply free choice but a necessity. The fact that migration is a constant presence in our society, an ever-evolving phenomenon and that directly affects our societies, have been working impetus to this article.

Key words: European migration, migration flows, migration reasons, migration as an ever-evolving phenomenon, historical migration phases, etc.

Introduction

The human being, in its long history that begins before millions of years with primitive forms, has always shown a strong tendency to migrate, to be exact to move from their countries of origin in exploration of new territories (Simeon, 2014). Migration is a global phenomenon that affects the international community as a whole. It is difficult, almost impossible to find a country that has not generated migration during its history.

The universal nature of this phenomenon cannot be doubted; therefore many studies and researches have attempted to give a complete illustration. Awareness that migration has always characterized the life of human beings delivers a solid base to show how it has contributed to the formation of cultural, social and political identities over the years, and how it continues to have a key role in our societies (Gozzini, 2005).

Although contemporary migration has already reached global dimensions, it is different from the early migrations in some essential elements, among which form of migratory flows, the entry of new destination and departure of international migration; political and normative element takes a central role in determining the direction, selection and composition of flows, which are modeled on various migration policies being differentiated by objectives and socio-economic and political situations.

Contemporary migration, because of the intertwining of the political implications, social and economic problems that has been characterized, is much more difficult to read than the migration of the past decades, characterized mainly by economic reasons and linear and standardized directions. The transformation of Europe from country of departure into country of destination of flows, in particular, implies the need to rethink some of the classical theories about the causes that lead people to migrate, anchored essentially in the centrality of the factors attracting work from the outside: the massive migration of recent decades cannot be read only in function of country's economic growth and demographic change.

The phenomenon of migration is rapidly evolving, changing, migratory flows display variable speed, both in space and time. One obvious way to create a general overview of the phenomenon and to focus the migration flows in the economic and political contexts in which they fall and to understand how they interact with society is the division of the migration in historical periods (Ambrosini, 2005).

Migration as an attribute of the human kind

The human kind, as it has already been recognized by all researchers, had its cradle in Africa, and then it moved slowly but steady, in every continent. This leads to the conclusion that the phenomenon of migration is as old as mankind.

Europe has been in its beginnings a transit country.¹ Ancient civilizations practiced nomadism especially looking for new territories where to hunt and even when settled civilizations before, as in Mesopotamia, migration continued, often due to war and hunger. Europe's population came from the southeast to northwest and from eastern Mediterranean in the British regions. This was a slow advancement in which migrants settled in new territories. This expansion depended from population growth on one hand and the availability of land on the other, this last one circumstance changed over time. In fact, in the history of the last two thousand years, with a world increasingly changing these conditions without a doubt were increasingly rare. Migrants should be measured with the local population negotiating modalities of coexistence, imposing or suffering them and depending on the strength of the relationship and circumstances (Livi Bacci, 2014).

In the first millennium of the Christian era, migration in Europe had sorts of invasions and occupations, as happened with the expansion of the Roman Empire, and later to its demise or with the Germanic peoples who invaded Europe.

Many of the migratory flows that characterized Europe's first millennium AD had the characteristics of invasion-occupation, so happened with the Germanic people that spread to Europe with the fall of the Roman Empire. The arriving of groups numerically rather modest compared with the local population but ride by the military and colonial ambitions. In the second millennium strike among others, eastward migration of the Germanic peoples in territories that were previously occupied by Slavs. Migration flows occur due to the high level of organization of the population and the fact that the local Slavic population was less evolved but also because the weather conditions were very favorable for farmers also the very short distances between areas of departure and arrival. German migrants had plows, tools that make possible deforestation and cultivation of difficult soil; Slavs practiced hunting and fishing (Livi Bacci, 2014).

Since 1500 Europe, from destination for migrants, became migrant's location (Discovery of America in 1492). By 1800, about one million people every century left the old continent to the Americas, a number that may seem large but not sufficient to impose on the new continent, language, religion and culture. The conditions favored this migration primarily related to new transport vehicles which were already faster with a greater workload and safer. Even the internal movement into the old continent was improved, with four-wheel drive trucks, the improvement of roads and construction of bridges and canals, had played an important role (Ambrosini, 2005).

The Great Migration

During the 1800, international migration grew because trains and steamships encouraged travel and makes it easier passing borders and oceans (Colucci and Sanfilippo, 2009).

Between 1814 and the Great War (1915-1918), left Europe tens of millions of people, the so-called Great Migration. The first wave of migration consisted of soldiers and officers, who were part of the armies during the Napoleonic wars and were left without work. The second wave of migration consisted of revolutionaries and Bonapartists escaped from French territory and the disillusioned of the failure of 1848 that saw the collapse of their homeland under foreign. At this stage there was displacement of people to the Americas, but also in the old continent. In the early twentieth century, Paris became the capital of refugees (Colucci and Sanfilippo, 2009). The third wave, in the end, had mainly economic character and continued until 1929, the year of the Great Depression in America. During this period, the uninterrupted flow of departures brought from Europe, over a century, about 50 million people, a figure underestimated by the history. It should also be mentioned that about a third of these migrants returned to their countries or migrated to new destinations (Livi Bacci, 2014).

In general, researchers are inclined to consider migration classical and medieval, as collective, as a migration of people, and modern and contemporary migration, as individual migration. After the conquest of the New World, colonies are a powerful attraction for those seeking jobs and new opportunities. Among those who left were many people who, not having

¹ *Migrazioni nel mondo antico*, Available at: <http://geostoria.weebly.com/migrazioni-nel-mondo-antico.html> (Accessed: 13 March 2016).

what to pay their way, they provided free work for several years, in exchange for the ticket. A separate discussion, but that does not affect the old continent geographically and therefore will not be treated, is the slave trade, millions of people were evicted forcibly from Africa to America to be enslaved.

Lack of historiography on the issue of migration has created for a long time the illusion that before the French Revolution, during the ancient regime, there was a silence and arrest phase, in which the villagers were strongly associated with the land.

In fact, those were years of great movements: from villages to city, or from village to village, from town to town and to new worlds. Moreover, the political debates of the time bouncing on the concern of their villager's departure, since it was believed that the power of a country depended on a large population. As a result, 1800 is not so much, or not only, the century of the great migration, but also of the discovery of this one, as a political, economic and social phenomenon (Livi Bacci, 2014).

Between 1800 and the start of the First World War the population of Europe had increased passing from 188 million to 548 million, and the pressure of population, together with an agriculture that grew slowly, constitutes a powerful impetus towards migration. We should not forget that in the early nineteenth century, while England had laid the foundations of Industrial Revolution in the rest of Europe, two-thirds of the population was still engaged in agriculture. Productivity had increased, thanks to the cultivation of new, improved and reduction techniques etc. But this productivity growth corresponded to the population growth that had caused the division of property and increase the number of landless families. This fact increased migration, which slowed only when labor force growth began to be used in the manufacturing industry. The road to the Americas continued apace until the great crisis of 1929.

In the early 1800, the passage of ships was not faster than at the time of Columbus; take five or six weeks from Liverpool to New York. In 1838, steam ship "Great Western" made the Atlantic crossing in 15 days and in 1880 Atlantic crossing was done in a week. From Spain (Galicia) to Cuba needed 38 days to sail in 1850, and about ten day's steamboat (Ambrosini, 2005).

The expansion of the railway network made it possible to quickly reach the ports of departure. The policies of different states of departure and arrival facilitated migration. For example, in England and in the Scandinavian countries since the early 1800s 30s were removed all restrictions to foreign countries. In Italy in 1901 it was repealed the law that provided for some types of controls, while in Austria, Hungary and Russia in late 1800 was granted the right to migrate. In the United States in 1862, President Abraham Lincoln issued the so-called Homestead Act that gave 65 hectares of land every family head that made the request and undertook to cultivate it (Livi Bacci, 2014).

It is believed that the Great Migration brought to America about 50 million people from Europe and it ended, according to some researchers with the First World War and in 1929 according to others with the so called the Great Depression or the Great Crisis. The uncertainty of the period in question also brings the uncertainty of numbers, which are approximate because many migrants fled the controls when moving from one place to another.

The twentieth century, the two world wars and the protraction of migration

The twentieth century was the century of great turmoil: the two world wars, the crisis of '29 in America, the division of Europe into two opposing blocks and then subsequent the fall of the Berlin Wall, the birth of the European Union, the end of colonialism, were all events that changed the direction of migration flows (Colucci and Sanfilippo, 2009).

Europe was almost always at the center of these cataclysms. Two world wars caused millions of deaths, the balance of which was added the destruction of 6 million Jews. Since 1900, the continent has seen a slow but inexorable demographic decline (Bernabei and Onder, 2010).

Despite this Europe continued to grow in number, in the twenty years 1950-1970 due to a positive economic period while in the twenty years 1990-2010 would have seen a contraction of its inhabitants if it wasn't for the immigration. Migration from the old continent in the new continent that marked the 1905 in 1914, 14 million individuals, had fallen to 6 million from 1921 to 1930, and only about a million people from 1930 to 1940. This decrease was due to declining demand for labor in countries of destination.

Since the Second World War, moreover, migration is characterized more by family reunions, but decreased gradually from the settlement of economic welfare between the two continents. On the other hand, migration that in Europe was 7 million from 1920 to 1940 rose to 28 million people in the twenty years from 1990 to 2010 (Livi Bacci, 2014).

Currently the old continent, which in 1900 was inhabited by 300 million people, has more than 700 million inhabitants, a figure that corresponds to the influx of migrants and EU joint of new member states. Of course it should not be forgotten that it was internal migration to the borders of Europe which is always directed from the economically weak countries, such as Italy, Spain, Portugal, and Greece towards the most plain, such as England, France, Germany, and Benelux. According to estimates of the United Nations, from 1950 to 1970 in Western Europe (France, Germany, Benelux and Switzerland) have absorbed a net migration of 6.6 million while southern (Italy, Spain, Portugal, Greece, Yugoslavia) had generated a migration net (6.3 million), but opposite sign. The migration didn't come only from the most powerful countries of Southern Europe: Turks in Germany and citizens of former colonies (the Indian subcontinent, the Caribbean, Indonesia, the Maghreb) European countries contributed to these migration flows (Koser, 2008).

Since 1970, Europe from land of migration becomes attractive of migration. Internal flows from poor south to rich north had sit with declining birthrates in southern countries, with a leveling of per capita income and the reduction of the demand for labor. Ultimately, these were the same reasons that led to the termination of the great migration from the old continent to the new continent. In more developed economies starts to happen that locals not accept less qualified jobs, the worst paid and even dangerous that often adjusts the supply of labor migrants (Vecchia, 2014).

Conclusions

As a conclusion of this consideration of the early migrations that affected Europe as a departure or arrival country must return to the basic concept, migration remains an instrument to improve the living conditions more than economic conditions (Colucci and Sanfilippo 2009).

In fact, when there are no external factors, migrants evaluate the costs and benefits of their removal, making a balance that affects their family and community on the come. The gap between the living conditions of the country of departure and place of arrival is undoubtedly a powerful impetus for migration.

According to the economist and diplomat John Kenneth Galbraith migration had broken the old equilibrium of poverty that was characteristic of European countries. It was the strength of adaptation, called accommodation in conditions of poverty that were considered constant. Rural Masses of past centuries were "adapted" to the equilibrium of poverty, as well as measures contemporary Western that were used to live in a prosperous society, with high levels of consumption, were "adapted" to the footing of prosperity (Vecchia, 2014). For most of those who attempted migration, he worked and for their children, even better. Migration has rarely sought active efforts by governments. Migration rarely received governments consent or their supervision. When migration is fully experienced, not only allow the escape from poverty for those who are involved, but have eased the "exit" from the equilibrium of poverty for those who are motivated to pursue other opportunities (Galbraith, 1980).

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The Emotional and Social Effects of Dyslexia

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Abstract

Dyslexia, is one of the disorders with a greater prevalence among the group of the learning disorders. With the passing years many studies (observations) to explain the causes of dyslexia and to show the newest interventions in this field has been made. People with dyslexia have to overcome quite a few barriers during their lives in order to be able to fulfil their dreams and achieve their targets. The fact that some of them are not assessed at an early age can affect their self-esteem and their self-concept. Once they are assessed research has proved that people with dyslexia learn better once they are taught in their preferred learning style (Mortimore, 2003). In dyslexia one of the most commonly missed areas is the emotional side. Teachers and parents are very good at noticing problems with reading, writing, spelling and even maths. They can miss the growing element of lack of motivation, low self-esteem and upset which develops as the child goes through school and the pressures grow greater and greater. The frustration of children with dyslexia often centers on their inability to meet expectations. Their parents and teachers see a bright, enthusiastic child who is not learning to read and write. Time and again, dyslexics and their parents hear, "He's such a bright child; if only he would try harder." Ironically, no one knows exactly how hard the dyslexic is trying. The pain of failing to meet other people's expectations is surpassed only by dyslexics' inability to achieve their goals. This is particularly true of those who develop perfectionistic expectations in order to deal with their anxiety. They grow up believing that it is "terrible" to make a mistake. However, their learning disability, almost by definition means that these children will make many "careless" or "stupid" mistakes. This is extremely frustrating to them, as it makes them feel chronically inadequate. This in the long term can cause them a lot of problems in their personal and social life.

Keywords: dyslexia, self-esteem, self-concept, self-image, anxiety, anger

Self-esteem

Everybody has an inner picture of his/her strengths and weaknesses, which are being affected from the positive and negative responses he/she receives from the people he/she thinks that are important to him/her (Mosley, 1995). The idea we have about ourselves and the value we ascribe to it is our self-esteem. Self-esteem is created by our experiences and begins to be shaped from the earliest years of our lives (Stenhouse, 1994). William James (1982 quoted in Griffiths, 1993: 301) originally proposed that *self-esteem is the ratio of one's success to one's pretensions*. He divided the self into two components, the 'me' and the 'I' (Mussen et al, 1984; Cowie and Pecherek, 1994). The 'me' is the individual's ability to view the self as the sum total of his/her abilities, personal characteristics, qualities and material possessions. The 'I' is the individual's awareness of self as an entity separate from others, of self as unique and distinctive, and of self as having continuity over time (Cowie and Pecherek, 1994: 69). The former refers to the individual's process of understanding its role in society, its cultural identity and people's evolution over time, whereas the latter is self-reflective and explains experience, people, objects and behaviour in a subjective manner.

Writing in the context of children William's beliefs were later translated by psychologists into the idea that self-esteem is best understood as *the discrepancy between the 'ideal self' and the 'self-image'* (Griffiths, 1993: 301). Ideal self is the person's picture of what he/she would like to be or the picture that he/she thinks the others would like him/her to be (Smith, 1998). When the child is growing up and becomes able to understand and value the things better, he/she gains more awareness of the demands and the standards that society might apply to its members. For example, the higher the person's

socio-economic status, the more chances he/she has to be successful and accepted by the society. The child attempts to fulfil these standards in order to be socially accepted and become a respected member of society.

The media is a big influence in forming an ideal self as it provides a lot of images and models of aspiration (Lawrence, 1996). In addition, the family's ideas and the pressure this might pose to the learner could make him/her form an ideal image in his/her mind and try to accomplish this image in order to make his/her family proud of him/herself. The more demands a society might have, the more pressure might be put on a person's shoulders in order to fulfil them; especially when the person is a child as he/she is not mature enough to evaluate his/her strengths and capabilities or to see if the goal that has set in his/her mind is realistic or not. Children look up to their parents and long for their acceptance and approval. Children with dyslexia fear that due to their academic failure they will lose the support and love of their families (Scott, 2003). Without the appropriate help and support children with dyslexia can become part of a vicious circle by feeling guilty and inadequate. There are people that confuse self-esteem with self-concept (Mussen et al., 1984). The two are not identical. '*Self-concept can be broadly defined as a person's perceptions of him- or herself*' (Shavelon and Bolus, 1982: 3). Self-concept is a set of ideas about one-self that is *descriptive* rather than *judgmental* (Mussen et al., 1984: 356). One can describe some of his/her qualities without trying to categorise them as good or bad whereas when it comes to self-esteem the person tries to evaluate his/her own abilities comparing them with someone else's. We can see self-concept as an '*umbrella term*' (Lawrence, 1996: 2) because under the self there are three aspects: self-image, ideal self and self-esteem. For example, a person by saying his/her occupation (student) reveals something about his/her self-image. At the same time he/she might say he/she is very brave and intelligent and that he/she would like to become a millionaire. This might reveal things about his/her self-esteem whereas the latter reveals his/her ideal self. Throughout the years a number of definitions have been used to describe self-esteem depending on the psychological knowledge and understanding of each individual (Davies, 1995). Usually, it is defined as a *personal judgement of worth lying along a dimension with 'positive' and 'negative' ends* (Cottle, 1965; cited in Davies and Brember, 1995: 171). Coopersmith (1967: 4) defines self-esteem as: '*The evaluation which the individual makes and customarily maintains with regard to himself – it expresses an attitude of approval or disapproval and indicates the extent to which an individual believes himself to be capable, significant, successful and worthy*'. Lawrence (1981: 246), from his research on children of 8 to 11 years old, defined self-esteem as: '*The child's affective evaluation of the sum total of his or her characteristics both mental and physical*'.

In his research, Lawrence found out that children of that age tended to be concerned about others' opinions in three areas: 1) the opinion of peers, 2) the opinions of teachers and 3) the opinion of parents (Lawrence 1981: 246, Davies, 1995).

Research has also showed that there is a strong and positive correlation between a child's self-esteem and his/her school achievement (Gurney, 1987; Watkins and Dong, 1994). The more children feel good about themselves, the easier they learn and the longer they retain information (White, 1990). The more children have a positive image about themselves, the more chances they have to handle difficult situations in life such as prejudice, failure, solitude, violence, and so forth.

Empirical research conducted by Morgan and Klein (2000) confirms that adults that were not diagnosed early in their lives with dyslexia went through life feeling inadequate, frustrated and angry. Some of the students that took part in their study experienced low-self esteem due to the fact that dyslexia was not picked up when they were young (school) and a feeling of bitterness for the emotional pain that they had to go through. Dale and Taylor (2001) report in their study the feelings of personal failure that adults with dyslexia expressed due to their academic failure. Most of them had negative memories from school as some of them had experienced ridicule and physical punishment due to their difficulties.

Nevertheless, recent research has shown that there is a high percentage of dyslexic adults and young people among offenders. The percentage varies from 31% -52% depending on the definition criteria, the methods and the age and nature of the individuals that took part (BDA report, 2005; Kirk and Reid, 2004; Morgan and Klein, 2000). Dyslexia if undiagnosed can result in anti-social behaviour as a result of low self-esteem, social exclusion and educational failure (BDA report, 2005; Kirk and Reid 2004).

Kirk and Reid (2004) in their study uncovered that 50% of the young offenders that took part showed at least borderline indicators of dyslexia. Only three of these participants were officially diagnosed with dyslexia. The subjects that had indicators of dyslexia also experienced signs of low self-esteem. Although the participants completed a computerised self-assessment screening test, informal discussions with the offenders revealed '*histories of school refusal, exclusion for disciplinary matters and, in many cases, a bitter dislike of school education*'.

The previous results are supported by the BDA and HM Young Offender Institution Wetherby report (BDA, 2005). In 2005 31% of the young offenders at Wetherby reported to have dyslexia with a further 32% showing borderline symptoms of dyslexia. Their outcomes are similar with comparable studies that have used cognitive tests for data collection.

The previous reports confirm the need for assessing and diagnosing dyslexia early in the individuals' lives. The earlier the screening takes place the better it is for their self-esteem and their future choices.

Why is dyslexia discouraging and frustrating?

The frustration of children with dyslexia often centers on their inability to meet expectations. Their parents and teachers see a bright, enthusiastic child who is not learning to read and write. Time and again, dyslexics and their parents hear, "He's such a bright child; if only he would try harder." Ironically, no one knows exactly how hard the dyslexic is trying.

The pain of failing to meet other people's expectations is surpassed only by dyslexics' inability to achieve their goals. This is particularly true of those who develop perfectionistic expectations in order to deal with their anxiety. They grow up believing that it is "terrible" to make a mistake.

However, their learning disability, almost by definition means that these children will make many "careless" or "stupid" mistakes. This is extremely frustrating to them, as it makes them feel chronically inadequate.

The dyslexic frequently has problems with social relationships. These can be traced to causes:

Dyslexic children may be physically and socially immature in comparison to their peers. This can lead to a poor self-image and less peer acceptance.

Dyslexics' social immaturity may make them awkward in social situations.

Many dyslexics have difficulty reading social cues. They may be oblivious to the amount of personal distance necessary in social interactions or insensitive to other people's body language.

Dyslexia often affects oral language functioning. Affected persons may have trouble finding the right words, may stammer, or may pause before answering direct questions. This puts them at a disadvantage as they enter adolescence, when language becomes more central to their relationships with peers.

What does the dyslexic children feel?

Anxiety

Anxiety is the most frequent emotional symptom reported by dyslexic adults. Dyslexics become fearful because of their constant frustration and confusion in school. These feelings are exacerbated by the inconsistencies of dyslexia. Because they may anticipate failure, entering new situations can become extremely anxiety provoking.

Anxiety causes human beings to avoid whatever frightens them. The dyslexic is no exception. However, many teachers and parents misinterpret this avoidance behavior as laziness. In fact, the dyslexic's hesitancy to participate in school activities such as homework is related more to anxiety and confusion than to apathy.

Anger

Many of the emotional problems caused by dyslexia occur out of frustration with school or social situations. Social scientists have frequently observed that frustration produces anger. This can be clearly seen in many dyslexics.

The obvious target of the dyslexic's anger would be schools and teachers. However, it is also common for the dyslexic to vent his anger on his parents. Mothers are particularly likely to feel the dyslexic's wrath. Often, the child sits on his anger during school to the point of being extremely passive. However, once he is in the safe environment of home, these very powerful feelings erupt and are often directed toward the mother. Ironically, it is the child's trust of the mother that allows him to vent his anger. However, this becomes very frustrating and confusing to the parent who is desperately trying to help their child.

As youngsters reach adolescence, society expects them to become independent. The tension between the expectation of independence and the child's learned dependence causes great internal conflicts. The adolescent dyslexic uses his anger to break away from those people on which he feels so dependent.

Because of these factors, it may be difficult for parents to help their teenage dyslexic. Instead, peer tutoring or a concerned young adult may be better able to intervene and help the child.

Self-Image

The dyslexic's self-image appears to be extremely vulnerable to frustration and anxiety. According to Erik Erikson, during the first years of school, every child must resolve the conflicts between a positive self-image and feelings of inferiority. If children succeed in school, they will develop positive feelings about themselves and believe that they can succeed in life.

If children meet failure and frustration, they learn that they are inferior to others, and that their effort makes very little difference. Instead of feeling powerful and productive, they learn that their environment controls them. They feel powerless and incompetent.

Researchers have learned that when typical learners succeed, they credit their own efforts for their success. When they fail, they tell themselves to try harder. However, when the dyslexic succeeds, he is likely to attribute his success to luck. When he fails, he simply sees himself as stupid.

Research also suggests that these feelings of inferiority develop by the age of ten. After this age, it becomes extremely difficult to help the child develop a positive self-image. This is a powerful argument for early intervention.

Depression

Depression is also a frequent complication in dyslexia. Although most dyslexics are not depressed, children with this kind of learning disability are at higher risk for intense feelings of sorrow and pain. Perhaps because of their low self-esteem, dyslexics are afraid to turn their anger toward their environment and instead turn it toward themselves.

However, depressed children and adolescents often have different symptoms than do depressed adults. The depressed child is unlikely to be lethargic or to talk about feeling sad. Instead he or she may become more active or misbehave to cover up the painful feelings. In the case of masked depression, the child may not seem obviously unhappy. However, both children and adults who are depressed tend to have three similar characteristics:

First, they tend to have negative thoughts about themselves, i.e. a negative self-image.

Second, they tend to view the world negatively. They are less likely to enjoy the positive experiences in life. This makes it difficult for them to have fun.

Finally, most depressed youngsters have great trouble imagining anything positive about the future. The depressed dyslexic not only experiences great pain in his present experiences, but also foresees a life of continuing failure.

A loss of confidence

A child's early years are spent developing their self-image. If these years are full of frustrations from school, they will lead to feelings of inferiority. If not helped quickly this can lead to feeling powerless and incompetent.

Research also suggests that these feelings of inferiority develop by the age of ten. After this age, it becomes extremely difficult to help children develop a positive self-image. *This is a powerful argument for early intervention and homeschooling.*

Loss of interest or zeal for learning

If a child is consistently performing below expectations and no matter how hard they try, they are still falling short, it is easy to understand that they may lose interest in learning.

Low tolerance or patience with difficulty

Without regular success, kids with dyslexia can develop a low tolerance to difficulty, causing them to give up quickly when a project is perceived as being too hard.

Family Problems

Like any handicapping condition, dyslexia has a tremendous impact on the child's family. However, because dyslexia is an invisible handicap, these effects are often overlooked.

Dyslexia affects the family in a variety of ways. One of the most obvious is sibling rivalry. Non-dyslexic children often feel jealous of the dyslexic child, who gets the majority of the parents' attention, time, and money. Ironically, the dyslexic child does not want this attention. This increases the chances that he or she will act negatively against the achieving children in the family.

Specific developmental dyslexia runs in families. This means that one or both of the child's parents may have had similar school problems. When faced with a child who is having school problems, dyslexic parents may react in one of two ways. They may deny the existence of dyslexia and believe if the child would just buckle down, he or she could succeed. Or, the parents may relive their failures and frustrations through their child's school experience. This brings back powerful and terrifying emotions, which can interfere with the adult's parenting skills.

How dyslexia can affect children social life?

Most people with Dyslexia in their family know how much of a struggle reading and writing can be, but did you know Dyslexia can also affect social skills?

Here are some common social skill challenges and things you can do to aid in development of these important skills:

Your child doesn't understand jokes or sarcasm—Children with Dyslexia have trouble understanding humor. Tell jokes or funny stories at the dinner table to help your child practice responding.

Your child have trouble finding the right words—Children with Dyslexia have trouble finding words especially if they feel strongly about a subject or need to respond quickly. Give your child time to think before responding and slow down the overall pace of the conversation.

Your child misses' social cues—Children with Dyslexia may not pick up on body language and other social cues. Watch your child's favorite shows with the volume turned off. Ask your child to guess how a character is feeling based on their body language and facial expressions.

Your child hesitates to message their friends—Your child may shy away from texting because they have difficulty understanding abbreviations, to help show them how abbreviations work. Some are based on spelling ("I don't know"= idk) and others on how letters and numbers sounds ("later"=l8tr).

Your child remembers things inaccurately—Children with Dyslexia usually have trouble with their short term memory. Help improve memory skills by playing games like having your child name the different cars on the street and having them repeat it back to you a few minutes later.

How to Overcome Common Emotional and Social Issues with Dyslexia

The main factor that determines whether a person with dyslexia will thrive or not is *the presence of someone in their life that is supportive and encouraging*. Know that your support and advocacy on the part of your child will be the most effective thing you do, whether you have made or are making mistakes long the way or not.

Other factors that help a dyslexic overcome their emotional struggles are:

Education

Parents aren't the only ones who need to understand dyslexia. Kids with dyslexia need to know what dyslexia is and is not. Read all the information needed regarding to dyslexic children and help them to really understand that they are smart but learn differently.

Testing

It is not always necessary to have your child tested for dyslexia, especially if you are homeschooling and you aren't needing to qualify for special services from the school. Dyslexia is the most common cause for reading and spelling difficulties. If your child is bright and struggles in these areas, it is most likely that they are dyslexic. What testing can provide, however, is an explanation for their struggles. Many people are relieved to learn that they have average to above-average IQ and that there is a scientific explanation and solution for their learning difficulties.

Self-Advocacy

This goes hand in hand with education. A dyslexic person who understands their diagnosis can then be taught to advocate for themselves. This means they can tell teachers, or friends or Boy Scout leaders what their needs are up front and not wait until a situation has gotten out of control before beginning conversation.

Finding talent

Find an area in which your child can succeed, whether it is athletics, arts, mechanical or whatever they have a bend for.

Take a break

Studies have shown that people who are anxious cannot learn. If your child is anxious about schoolwork, it may be best to back off of the academics for a time. There is a lot of freedom in homeschooling. Taking a break can seem counterintuitive, especially if a child is already 'behind' their peers who are traditional learners.

Taking a break doesn't mean you stop learning. Taking a break can simply mean stepping away from the books for some real life learning. Go to the beach, museums, conferences, expos or anything that your child likes. Use these opportunities for learning. Read, research and learn together. Show them that learning can be fun and rewarding and they will gradually come around.

Listen to your kids feelings

Listen to your kids and hear what they are saying about how they feel. Remember, some dyslexics have processing and speech lags so be quick to listen and slow to speak.

Talk to your child - discuss their day or their feelings. Vocabulary has been shown to have a major impact on developing literacy skills.

Look at the whole person rather than focus on your child's difficulties. Encourage them to get involved with things that they are good at as this will help build self-esteem.

Don't let homework become a battle ground. Little and often is more effective, reading one page or practicing one word is better than nothing at all.

Spelling practice can be done with a whiteboard or with plastic letters. Try to find a way to make it fun.

Reading does not always have to be from a book. Perhaps use sets of word cards to make sentences, play matching or pairs games. Don't let your child view it as a chore that has to be done.

Out shopping- ask your child to read out the shopping list or the signs around the store. We are surrounded by words, use them as resources.

Talk to the school about any concerns you may have. Working together with the school can lead to a more coordinated response to any difficulties.

Self-organization can be a key difficulty leading to forgotten books, kit, pens etc. Encourage your child to develop a routine. Is it swimming tomorrow? – Get the kit ready tonight!

Encourage the use of memory joggers such as checklists, 'to do' lists or school planners. Perhaps a large chalkboard or whiteboard could be used as a family planner.

Remember reading and spelling are skills, and, like any skill, they need lots of regular practice. Footballers, swimmers and tennis stars also have to work hard to improve their skills!

Daily encouragement

Reward effort not the finished product

Avoid using labels like 'lazy' or 'stubborn'

Help them set realistic goals – learning takes longer but can be achieved

Implement effective accommodations

Not all families experience these struggles but most will experience at least a few of them. Homeschooling your dyslexic child, BY FAR, eliminates many of these issues, giving your family the freedom to individualize your child's school/educational experience.

What schools can be done?

Schools need to train teachers to recognise dyslexics in their classes. Research suggests that 20% of all school-aged children will have a learning difficulty at some point in their education, and dyslexia is the single most common difficulty. Seen severely in 5% of schoolchildren and another 5-10% more mildly, that's at least one to two dyslexic children in each classroom.

Teacher training needs to teach recognition of learning difficulties.

All teachers are required by the UK government to be qualified to teach all children with special educational needs in their classrooms, but most lack this ability, so additional training is urgently required for them to 'differentiate' their lessons effectively.

Schools need to identify early and provide specialist teaching to children with special educational needs.

Schools need to provide counsellors for children who experience difficulty learning at school, as the emotional effects of failure can lead to social exclusion, depression and self-harm.

Teachers need to recognise the avoidance by children, ask themselves why, and act to question if there is a learning difficulty or another barrier to their learning e.g. avoiding reading and writing.

Parents need to praise the effort not the end result, and support their children to focus on strengths not weaknesses.

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Recognition in International Law: Recognition of States and European Integration - Legal and Political Considerations

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Abstract

Recognition of States in international law is a political act based on interests and assessments made by states individually. However, in granting recognition, it is the legal arguments that must prevail. The recognizing State should base its decision on a legal framework which makes the act of recognition valid and credible. At the same time, such political decision supported by legal arguments may in no way threaten international peace and security, and may not be in collision with the peremptory norms of international law. Following is a paper on recognition of States in international law as seen from the aspect of international peace and stability. The primary objective of the international community, particularly since the establishment of the United Nations Organization, has been the maintenance of peace and security in the world. Therefore, the international recognition of entities that have demonstrated wide and strong capacity to be states, and whose attitude has been to serve the greater interests of peace, security, harmony and prosperity among people, must be a principled decision, not conditioned by mere political interests. International recognition of states is a precondition for the prosperity of new states. As such, it must obtain the status of a stabilizing instrument of new entities as well. When it comes to small states, this act is even more significant, for it secures and protects them from potential threats, hence strengthening the commitment for peace and stability. In the context of European Union membership process, it must be underlined that recognition may not become an obstacle to the aspiring States, though it seems to be the case at present. Macedonia and Kosovo are case in point. Recognition must become a catalyst and incentive for a quicker, more efficient and full-fledged euro-integrating process, which is crucial for preserving long-term stability, functioning democracy and peace and understanding among people.

INTRODUCTION

The State is a central concept and the basic subject of international law. For a State to function and engage in treaties and relations with other states in a growing globalized world, it must be accepted and treated as independent by other states. But independence alone is not sufficient. While that might have been the case in the past, States today have become more integrated and function in an inter-dependent world of trade, exchange of information, environment, energy, or gas supply. For this reason, recognition of States is an essential concept of international law and a precondition to secure the functioning of a State in the international order.

The ethnic diversity of States in the Balkan Peninsula today is proof of border realignments that have taken place in Europe throughout the 20th and the beginning of the 21st century. In fact, territorial changes in Europe have been more or less a regular phenomenon, at least since 1792. The basic question one must ask here is, how has, or how does the community of nations, or the international community, as an organized system of states in the international sphere, deal with the emergence of new states?

In a 1963 American University Speech, President John F. Kennedy noted: "We must deal with the world as it is and not as it might have been had the history of the last eighteen years been different." While this rather generic statement might collide with geopolitical interests today, its validity cannot be overruled and finds its application equally today as in 1963 or 1989. This is what makes recognition such a central and controversial principle in international law.

In the Balkans, the contentions produced by the realignments that took place during the twentieth century, were at the focus and attention of the international community, particularly at the dawn of the new millennium. The great historical project called European Union succeeded primarily because it rested on the basic principle of reconciliation of peoples, and it has offered the peoples of the Balkans hope and perspective. There is an evident and strongly supported shift in narratives among Balkans nations today: the paradigm of conflict and confrontation was replaced by a paradigm of reconciliation and cooperation, while patterns of disintegration were given up in return for values of integration. What were the hostile nations of the past have agreed to become the friendly nations of the future. This is the overwhelming transformative effect that the prospect of European integration has offered to these young European nations.

This paper argues that, while recognition is a matter of policy and political assessment based on legal arguments, it must not become a constraint in the process of uniting Europe and making it complete. On the contrary, the positive and proper recognition is the promotion of peace, stability, and human rights in the international community. Hence, extending full-fledged recognition to young democracies does not collide with the established relations and rules in the international community, or the so-called balance of power, particularly among the super powers, but rather helps to consolidate Europe by putting an end to frozen disputes or unresolved questions on the soil of Europe.

Western European nations went through the period of self-reinvention and completed the complex nation-building process between sixteenth and nineteenth centuries. In the Balkans, this process began later¹. Hence it ended late, and produced tragic consequences for its people. But today, the countries of the Western Balkans are working together towards building a prosperous future. The rhetoric of hatred and intolerance has shifted to rhetoric of cooperation and common future, while people seem to have given up the idea of building national states in exchange for a multinational and integrated European future. This shift in discourse was only possible once these nations were promised European integration.

Slovenia and Croatia, the first two republics to secede from the former Yugoslav federation are European Union member states today, while the remaining countries are at different phases of carrying out the European reform agenda. Serbia and Montenegro have launched accession negotiations. Macedonia has been a candidate country since 2005, while its challenges today are mainly related to completing democratic reforms. Finally, Kosovo and Bosnia and Herzegovina are still negotiating the basic principles of potential accession². Macedonia's candidacy was endorsed back. However, both Macedonia and Kosovo are still struggling for international recognition of their Statehood. Macedonia's recognition has been disputed by its southern neighbor and European Union member state - Greece, while Kosovo's recognition that followed its unilateral declaration of independence in 2008, is being challenged as a result of Serbia's refusal to recognize it.

European Union and the Recognition of New States in Yugoslavia: The establishment of the European Union

Europe... will be built through concrete achievements which first create a de facto solidarity"

R. Schuman, 9 May 1950

The European Union is not a State. It is a political union, a rather unique model of organization of institutions founded in the aftermath of the Second World War, which in time acquired elements of both a federation and a confederation, and yet it is neither the first, nor the latter. Initially designed as an economic Union that would achieve the historical reconciliation of France and Germany through economic cooperation, the Coal and Steel Community that was founded in 1950, slowly began to unite the remaining nations of the Continent, while also furthering the construction of its political institutions. The founding nations of the Union became France, Germany, Belgium, Italy, the Netherlands and Luxembourg. The first treaty following the establishment of the Coal and Steel Community was the Rome Treaty of 1957, which established the European Economic Community.

¹ Historical data on declarations of independence of some Balkans countries....

² The European Commission has offered all the countries of the former Yugoslavia plus Albania the perspective of joining the Union, provided that they meet the required political and economic criteria. Every year, the Commission publishes the Progress Report portraying the pace of reforms undertaken by the respective countries and projects the dynamics for the next year. The progress reports can be accessed through the web portal of the European Commission at www.europa.eu

Today, the most common term used to define the European Union is that this is a *sui generis* community.¹ However, even though the European Union is a political organization of European nations still in the making, the effects it has produced in terms of ending long standing hostilities between France and Germany after the Second World War, the long-term stability and peace on the European continent, the economic prosperity, the increased standard of living and stability of institutions, are proof of the European Union being a successful attempt to construct a political inter-state organization: "The successful formula that European nations had invented to overcome their depression was the integration of the formerly antagonistic nation-states into a union of peacefully interacting and competing nations. The multinational integration formula involves the gradual creation of imperceptible albeit innumerable links between the nations taking part in the process."² Today, the single currency, the home affairs and the common security and foreign policy, incorporated in the European Constitution or the Lisbon Treaty, speak of it as a serious, consistent, reliable and credible international organization.

The Community was further consolidated in 1992 with the adoption of the Treaty on European Union, commonly known as the Maastricht Treaty. This treaty laid the foundations for the establishment of the European Community as a single entity.

The policy of recognition with regards to the breakup of the Yugoslav Federation

The end of the Cold War and the subsequent collapse of communism brought about a new wave of state-formation in Central and Eastern Europe. In the aftermath of the Second World War, the decolonization process which granted independence and recognition to the former colonies was carried out under 'conditions' set forth by the United Nations, of which the most important was that self-determination as a right in international law can apply only if there is absolute respect for the territorial status quo – *uti possidetis iuris*³. The United Nations Charter stipulated in Art. 1 (2) that "it is one of the purposes of the UN to 'develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace", while the Declaration on the Granting of Independence to Colonial Countries and Peoples (UNGA Res 1514 [XV 14 December 1960]) provided the actual framework and guidelines as to how the decolonization process, that is, the granting of independence to the nations was to proceed. This complex process, quite rightly absorbed the capacity of the international community to anticipate another major wave of dismantling and a new debate on State formation, particularly on the soil of Europe. While the disintegration of the Soviet Union was negotiated with minimal consequences, the extent of violence and suffering that unfolded in the Yugoslav Federation was indeed shocking for the international community. Hence, the Union helplessly watched as Yugoslavia was breaking apart and thousands of innocent civilians were being killed or forcefully displaced.⁴ The law of recognition was soon to be put to a serious test.

Paradoxically, a process that began with the unification of Germany ultimately ended up with a host of secessionist movements, independence warfare and bilateral disputes over historic legacies and heritage.⁵ According to Antonio Millososki, the former Minister of Foreign Affairs of Macedonia, "most members of the European Community and NATO were much more surprised than prepared for the dissolution of Yugoslavia and the consequences that followed. Perhaps this was due to the fact that the NATO and EU member-states were too focused on the process and consequences of Germany's unification, the events in post-Soviet Poland or the partition of Czechoslovakia." And unlike in Czechoslovakia,

¹ The term was coined by the German Federal Constitutional Court, on its ruling on the Treaty of the European Union. The Court held that the Union is not a State, especially not a Federal State and that the Community law is neither a component part of the national legal system nor international law, but forms an independent system of law flowing from an autonomous legal source. See Crawford, "The Creation of States in International Law", 2006, p. 495 - 496

² N. Moussis, "Access to the European Union: Law, Economics, Policies", 20th edition, Intersentia, Cambridge-Antwerp-Portland, 2013, p. 5

³ *Uti possidetis iuris* is widely recognized as the principle according to which newly formed states must accede to the borderlines as defined by the colonizers and there would be no realignment of borders allowed

⁴ Authors as Grant do not fully agree with this position of European Union's helpless observance of the breakout. In support of this claim, Grant describes that already "in the summer of 1991, the European Community had assembled a troika of foreign ministers- Jacques Poos (Luxembourg), Gianni De Michelis (Italy), and Hans van den Broek (the Netherlands)- and the troika was sent numerous times to Yugoslavia in efforts to mediate. The foreign ministers had visited Yugoslavia in April 1991 to try to fend off the disintegration of Yugoslavia which some were then beginning to believe possible." See Th. A. Grant, "The Recognition of States: Law and Practice in Debate and Evolution", Praeger, Westport, Connecticut, London, 1999, p. 152

⁵ By 1994, there were nineteen new or successor states that had emerged from the breaking up of the communist federations: Yugoslavia (Serbia and Montenegro), Slovenia, Croatia, Bosnia and Herzegovina, Macedonia, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, the Czech Republic and Slovakia.

where transition to pluralism went in a rather smooth and democratic fashion, the disintegration of Yugoslavia was but a peaceful transition and was marred by grave ethnic conflicts. The secessionist movements that had emerged in the respective federal republics had ensued political bargaining on preserving or dissolving the federation, while on the ground fierce fighting had broken out and was receiving attributes of a major civil war and massive devastation. Whilst negotiations went on at the central level¹ in efforts to broker political and peaceful solutions, the fighting on the ground became dramatic.

As soon as heavy fighting had unfolded, the central authority in Belgrade, the capital of the Socialist Federative Republic of Yugoslavia, played rejectionist towards claims to self-determination of the federal units and used military force to confront the demands of the constituent republics, i.e. Slovenia, Croatia, and Bosnia and Herzegovina. The efforts by the European Community to broker peace and stall hostilities continued through active diplomacy, and involved options of looking at prospective peace negotiations under the auspices of the CSCE (Council for Security and Cooperation in Europe), or the United Nations Security Council as a framework for a possible Yugoslavia conference. The end result was the European Conference on Yugoslavia at The Hague headed by Lord Peter Carrington, a former Foreign Secretary of Great Britain and former Secretary General of NATO.

The European Community also established the Arbitration Commission, widely known as the Badinter Commission, named after the French Head of the Constitutional Court, Robert Badinter, who was appointed Chairman of this body. The Arbitration Commission was closely tied to the European Conference, and was to evaluate and conclude whether the seceding republics met the criteria for recognition. Based on its findings, the European Community was then to take the decision on the recognition of the seceding units of the former Yugoslav federation.

In such an environment, on 16 December 1991, the European Community Ministerial Council adopted the Declaration on the Recognition of New States in Eastern Europe and the Soviet Union, extending recognition to Slovenia, Croatia and Bosnia and Herzegovina. This Declaration served as a roadmap to collective recognition as a European practice on new states. A few months later, on April 8 1992, the Administration of President George Bush issued a statement on recognizing three Yugoslav Republics as independent – Slovenia, Croatia, and Bosnia and Herzegovina.²

Unfortunately, both the European Community and the United States declined to recognize Macedonia and consequently chose to postpone its recognition “out of deference of Greece, which already has a region named Macedonia and is concerned that an independent Macedonia would make claims to Greek territory.”³ More than twenty years later, the issue of independence and recognition of Macedonia as a seceding republic of the Yugoslav federation remains open. Macedonia and Kosovo, though for different reasons and in rather different contexts, are still considered ‘unfinished businesses’ and are struggling to become recognized as equal members of the international system. In fact, the international recognition of the last two entities that emerged from the federation as the final chapter in dealing with the consequences of the Yugoslav crisis, will contribute to a long-term stabilization, sustainable peace and ultimately would increase the prospects for development and progress of Western Balkans region.

Scholars seem to agree on the basic premise that independence is the central criterion for statehood. In that sense, today, both Macedonia and Kosovo are independent States with legitimate governments and engage in international relations. However, these entities still tend to be treated as open issues, for the process of their recognition is not fully completed. Partial recognition imposes partial participation in international organizations or forums. As a consequence, membership is not full-fledged but remains partial. Consequently, their democratic consolidation continues to pose a challenge for international law and international politics.

¹ The central government of the former SFR of Yugoslavia was based in Belgrade, the then capital of the Federation. After the death of Josip Broz Tito, the constituent units had agreed to a rotating presidency that would give possibility to every republic to govern with the country. For more on the functioning of the post-Tito Federation, see for instance Terret, Steve, “The Dissolution of Yugoslavia and the Badinter Arbitration Commission”, Ashgate, Dartmouth, 2000

² A New York Times Article available at: <http://www.nytimes.com/1992/04/08/world/us-recognizes-3-yugoslav-republics-as-independent.html>. Moreover, the Arbitration Commission (known as the Badinter Commission) that was mandated by the European Community to evaluate whether the seceding republics had met the conditions set forth in the Declaration on Recognition, i.e. the Statehood Criteria and the provisions proclaimed in the Helsinki Final Act, had concluded that Macedonia too met the conditions, however, the members states were reluctant towards its recognition due to Greece’s objections and refusal to do so.

³ *Ibid.*

Macedonia is a member - state of the United Nations. In modern international law practice, membership in the organization of nations is considered as *de facto* recognition and admittance in the international system. However, Macedonia is not recognized under its constitutional name but under the acronym the 'Former Yugoslav Republic of Macedonia', thus creating numerous perplexities in the international sphere. In addition, Macedonia cannot join either the European Union or NATO, due to a bilateral recognition issue with its southern neighbor – Greece. This, rather unique case of Macedonia, quite rightfully raises the question of whether today, one could distinguish between at least two levels of acceptance in the international system – one that is only formal, and another that is full. In other words, a country can formally join the United Nations, but not be fully endorsed as an independent and recognized State, because its right to call itself whatever it chooses to, is denied by one of its neighbors. Clearly, Macedonia represents an example where the clearly listed Montevideo criteria of statehood are not sufficient a foundation to recognize its existence in the international sphere. The so called 'name issue' over time has emerged into a major political rift spurring anger and consequently, political obstructions at the international level by Macedonia's southern neighbor, Greece.¹

Kosovo, on the other hand, is not a member of the United Nations, and is using active diplomacy to secure individual recognitions by member states of the United Nations. Its application bid at the United Nations was rejected by Serbia (calling itself the mother state), who objected the unilateral declaration of independence and recognition was consequently vetoed by Russia² at the Security Council. In turn, Kosovo's Ministry of Foreign Affairs launched a campaign of lobbying among United Nations members to secure the required number of recognitions in order to be admitted to the United Nations. Meanwhile, the Kosovo-Serbia Agreement reached in Brussels on 24 April 2013 offered Serbia a clear perspective of European integration by enabling it to launch accession negotiations with the European Commission. This put Serbia in a leading position in the integration process compared to the remaining countries of the Western Balkans, and particularly compared to Kosovo.

Today, recognition remains an issue challenging both the foreign and enlargement policies of European Union member - states.³ The European Union perhaps needs to explore new possibilities regarding its legal framework on recognition. Such a framework would primarily serve to protect and promote the crucial interests of the Union, which are to preserve security and build a coherent single foreign policy of the member states, particularly with respect to enlargement as one of the most important political instruments of the Union. In other words, enlargement as an all-encompassing, universal mechanism of strengthening the Union must not be entrapped in the endless debate of whether one country has individual reasons not to recognize another country. On enlargement, the Union must speak in one voice, and hence on recognition of potential member states of the Union.

EUROPEAN INTEGRATION – THE 'CARROT AND STICK' POLICY

The complex nature of the post Second World War reality produced the need for a new form of political organization in Europe. The old continent had to invent a *modus Vivendi* to restore its political authority and become a viable partner in the international scene. The need by governments to take joint actions for common planning was becoming the underlying reality for the conflicted nations. The need to reconcile the pride of victors with the humility of defeated was becoming imminent. These issues could no longer be dealt with exclusively through the diplomacy of bilateral negotiation. There was an ever growing need for multilateral negotiation. The League of Nations had been one such attempt; it was further strengthened and gained greater political weight with the founding of the United Nations Organization: "The increasing frequency during the nineteenth century of the need for multilateral negotiation produced ever more international conferences, which are nothing more than a device to adapt the diplomatic method to the need for multilateral negotiation, by ensuring that a number of States are continuously represented in the same place for a certain time by suitably qualified envoys. When the number of problems to be treated in this way increases beyond a certain point, there is need for such representation to become permanent and the result is a standing conference; when the standing conference is served by

¹ At the 2008 NATO Summit in Bucharest, Romania, which was expected to extend membership to Macedonia, Albania and Croatia, Macedonia's bid was rejected by Greece, who used veto in the decision-making to block the accession claiming that the first political criterion of membership is reaching a mutually acceptable compromise on the name of the country, referring to Macedonia

² Such support refers to the historical alliance and mutual partnership between Russia and Serbia

³ A more in-depth analysis of the enlargement challenges will follow in the next chapters. On this debate, see Christopher J. Borgen's article "From Kosovo to Catalonia: Separatism and Integration in Europe", which gives and illustration of the fears of domino-effect among EU members states if granted recognition to Kosovo

a permanent secretariat, it becomes an international organization.”¹ This claim describes the mere formal procedure of the conceiving of the European institutions, beginning with the Council of Europe in 1949 and continuing with the structuring of the remaining European Union bodies. From this aspect, it is yet another multilateral organization in charge of dealing with issues of multilateral concern in an ever integrating world. However, the founding ideas behind it are those of the great historical reconciliation of peoples, securing peace on the soil of Europe and economic revival and rehabilitation after the wreckage of the Second World War.

The model of historical reconciliation between France and Germany was applied to the efforts to end the wars in the Balkans at the end of the twentieth century.

STATEHOOD

The topic of recognition of states is closely linked to the concept of statehood. However, as Crawford states, it is questionable “how a concept as central as statehood could have gone without a definition, or at least without a satisfactory one, for so long.”² Crawford recognizes the deficiencies in the Montevideo Convention on the Rights and Duties of States and wonders: “is there a legal concept of statehood at all or does the meaning of the term vary indefinitely depending on the context?”³ Anyhow, “statehood is nonetheless a central concept of international law, even if it is one of open texture,”⁴ Crawford concludes, and points to (at least) five ‘general legal characteristics’ of States:

In principle, States have plenary competence to perform acts, make treaties, and so on, in the international sphere: this is one meaning of the term ‘sovereign’ as applied to States.

In principle States are exclusively competent with respect to their internal affairs, a principle reflected by Article 2(7) of the United Nations Charter. This does not of course mean that international matters is prima facie both plenary and not subject to the control of other States.

In principle States are not subject to compulsory international process, jurisdiction, or settlement without their consent, given either generally or in the specific case.

In international law States are regarded as ‘equal’, a principle recognized by the Charter (Article 2(1)). This is in part a restatement of the foregoing principles, but it has other corollaries. It is a formal, not a moral principle. It does not mean, for example, that all States are entitled to an equal vote in international organizations: States may consent to unequal voting rights by becoming members of organizations with weighted voting (the United Nations, the World Bank...). Still less does it mean that they are entitled to an equal voice or influence. But it does mean that at a basic level, States have equal status and standing...

Derogations from these principles will not be presumed: in case of doubt an international court or tribunal will tend to decide in favor of the freedom of action of States, whether with respect to external or internal affairs, or as not having consented to a specific exercise of international jurisdiction, or to a particular derogation from equality.....”⁵

Crawford suggests these five basic principles to constitute “in legal terms the core of the concept of statehood, the essence of the special position of States in international law.”⁶

The capacity of states to perform acts and make treaties in the international sphere, the exclusive competence over their own internal matters, and treatment in front of international courts showcase the ability of a state to act and behave freely in the international sphere. This implies that statehood is independence: “It would seem that the concept of independence is an indispensable element in the notion of statehood under international law when the term “state” is used for a claim to

¹ Robertson, A. H. “The Law of International Institutions in Europe”, Manchester University Press, Oceania Publications, USA, 1961

² J. Crawford, “The Creation of States in International Law”, second edition, Clarendon Press, Oxford, 2006, p.40

³ Ibid.

⁴ Ibid.

⁵ J. Crawford, “The Creation of States in International Law”, second edition, Clarendon Press, Oxford, 2006, p. 40-41

⁶ Ibid.

comprehensive participation.”¹ Furthermore, in the *Customs Union* case², Judge Anzilotti gives a rather precise definition of independence: “[Independence]... may also be described as *sovereignty (suprema potestas)*, or *external sovereignty*, by which is meant that the State has over it no other authority than that of international law.

RECOGNITION– Legal Thinking and Historical Practice

*“No element of international policy has gone more askew in the break-up of Yugoslavia than recognition– whether, when, how, under what conditions – of the emerging parts”*³

There seems to be an underlying controversy regarding the concept of recognition in international law. Israel was recognized by the United States in a matter of minutes following its declaration of independence, but Palestine has ‘a special status’. Russia recognized Abkhazia and South Ossetia but refuses to recognize Kosovo. The United Nations recognize the sovereignty of the Republic of Cyprus on the whole territory of Cyprus, however the Turkish Republic of Northern Republic of Cyprus declared in 1974 has never ceased to exist. Why was the partition of Germany a politically and morally legitimate act after World War II, and forty-five years later it was proven illegitimate and replaced by the unification paradigm? In his critical remarks on Lauterpacht’s “Recognition of States in International Law”, Josef L. Kunz, acknowledges that recognition is indeed a controversial problem that has not been satisfactorily resolved neither in theory nor in practice: “The reason is that recognition “is a subject of enormous complexity, principally because it is an amalgam of political and legal elements in a degree which is unusual for international law.””⁴

The international system, however organized and stable, is not fully resistant to change. While its organization and functionality is based on treaties and charters, the United Nations Charter being the supreme act providing the framework for such organization and building relations between nations and states while preserving world peace and human lives, there are persisting challenges to which precise answers are difficult to be given. The decade - long warfare in Sudan resulted with a somewhat peaceful partition and independence referendum for southern Sudan. The end of the war in Syria could result with the creation of a state for the Kurdish peoples. The plebiscitary vote on independence of Catalonia in Spain could potentially succeed and produce the independent state of Catalonia. The Scottish referendum on independence in the fall of 2014 was only failed by a 1% difference for those in favor of the Union with Great Britain, mostly as a result of central state authority’s involvement and pledges for greater devolution and strengthening of Scotland’s position as a constituent part of the United Kingdom. The annexation of Crimea by Russian troops could end with a new sovereign unit on the territory of the former Soviet Union federation. The events in Syria, Iraq point to the possibility of the emergence of some type of transnational state that would transpose existing internationally recognized territorial boundaries. Such a creation clearly does not claim its right to exist on the Montevideo Declaration on Rights and Duties and States. What should be response of the international community to such an ‘entity’, that tends to revive some sort of a self-styled ancient regime state based primarily on violence and human rights abuse, and not on democratic values and freedom for all.

These are yet a few of the challenges of the international community in the global affairs of the world today which only prove that norms and regulations between states have not succeeded to provide precise and final answers to quests for independence and statehood. This has been the case for centuries in the past and it will most likely remain the case in the future. This is why recognition is such a challenging subject of international law.

What is recognition? How is it defined? Is it a principle, a right, or perhaps just a discretionary decision made individually by States? Is recognition a matter of law or a mere political consideration? Scholars often times refer to the ‘Doctrine of Recognition’. How has it developed? Who makes the decision? When is it legitimate? Can it be rejected or withdrawn? The examples, the nature, and the circumstances under which recognition is extended, seem to imply that recognition implies

¹ R. Cohen, “The Concept of Statehood in United Nations Practice”, *The University of Pennsylvania Law Review*, Vol. 109, No.8 (Jun., 1961), pp.1127-1171

² *Customs Regime Between Germany and Austria*, P.C.I.J., ser. A/B, No.41 (1931), as quoted in R. Cohen, “The Concept of Statehood in United Nations Practice”, *The University of Pennsylvania Law Review*, Vol. 109, No. 8 (Jun., 1961), pp.1127-1171

³ ‘The Macedonian Question’, an editorial published in the *Washington Post*, 16 May 1992, shortly after the breakout of fighting and warfare in Bosnia and Herzegovina

⁴ Alwin V. Freeman, as quoted by Josef L. Kunz, “Critical Remarks on Lauterpacht’s “Recognition of States in International Law””, *The American Journal of International Law*, Vol.44, No.4 (October 1950), pp.713-719

various meanings and various actions: "The problem of recognition in international law has been the subject of a far-flung practice of states, of many decisions of national and international courts, of many treaties and of an enormous literature."¹ To those aspiring it, recognition represents a right; to those granting it, recognition is a matter of political evaluation and decision. Recognition is based on normal principles. It is rather rightly termed 'a controversial principle', for the contextual bases when it is granted and particularly how it is granted often contradict, are not uniformed, and create further contentions. Somewhere in between comes the law. Recognition is a subject of international law and the fundamental principles of international law must apply in extending or withholding it. According to Brown, "[I]n spite of the comments and theories of the writers on the subject of recognition the simple truth is that it is governed by no rules whatever. In the absence of a supranational state exercising supreme authority the act of recognition is political in nature and the prerogative of an independent sovereign state.

In 1934, John Fischer Williams began his considerations on the doctrine of recognition citing Lorimer, according to whom recognition is "the basis of international law",² and went further to explain that "In international law, [therefore], recognition carries with it the clear implication that the recognizing Power has some concern or interest in the subject matter of the recognition."³ Williams maintains that the doctrine of recognition provides for "a common system of international rights and duties binding to all members of the Family of Nations."⁴ According to Oppenheim, "the grant of recognition establishes that the new state, in the opinion of existing recognizing states, fulfils the conditions of statehood required by international law,"⁵ and therefore "... it is recognition which constitutes the new state as a member of the international community."⁶ Dugard submits that "Recognition is the most maligned and controversial branch of International Law", and Terret recognizes the fact that "the dividing line between law and politics is often difficult to discern and nowhere more so than in international law"⁷. Such theoretical considerations strengthen the position according to which recognition is ultimately a matter of political evaluation and political interests, not so much a matter of mere legal principles.

Ti-Chiang Chen acknowledged in 1951 that the question of recognition arises every time there is a change of government, outbreak of civil war, or a dispute over territories.⁸ Chen explains the importance of recognition as essential for the validity of acts of a State in its relations with another State or with the community of States.

Some eighty years ago, the participating governments at the Seventh International Conference of American States, signed in Montevideo, Uruguay, the Declaration on the Rights and Duties of States. This Declaration, widely known as the Montevideo Declaration is still considered as the legal basis for the international recognition of States, as it lays out four basic elements for Statehood: a) a permanent population; b) a defined territory; c) government; d) capacity to enter into relations with other States.⁹ Not all scholars subscribe to these basic criteria, and some extend the list by also including self-determination, minority rights or the quality of democracy as basic preconditions. However, the four elements of the Montevideo Convention still serve as an indicator of whether a new entity could qualify to become an independent State or not. Article 3 of the Declaration stipulates that "[T]he political existence of the state is independent of recognition by other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts."¹⁰

However, the outlying controversy with regards to recognition of Statehood does not derive from the above criteria. The controversy begins when newly formed entities aspire to acquire international subjectivity and enter into treaty relations

¹ Josef L. Kunz, "Critical Remarks on Lauterpacht's "Recognition in International Law"", *The American Journal of International Law*, Vol.44, No.4, (Oct. 1950), pp.713-719

² *La Doctrine de la Reconnaissance* (1884), 16 *Revue De Droit International* (1st Ser.) p.333, as cited by John Fischer Williams, "Some Thoughts on the Doctrine of Recognition in International Law", 47 *Harvard Law Review* (1933-34), p.776

³ John Fischer Williams, "Some Thoughts on the Doctrine of Recognition in International Law", 47 *Harvard Law Review* (1933-34), p.777

⁴ *Ibid.*

⁵ Oppenheim, *ibid.* 130

⁶ Oppenheim, *ibid.* p.129

⁷ S. Terret, "The Dissolution of Yugoslavia and the Badinter Arbitration Commission", p4

⁸ Chen, "The International Law of Recognition: Special Reference to Practice in Great Britain and the States", obtained via <http://heinonline.org/HOL/License>, p.13

⁹ Article 1 of the Montevideo Convention, 1933, setting the qualifications of a State as a person of international law

¹⁰ Article 3, Montevideo Convention, 1933

with other states, a matter which requires the consent or the will of the other State to submit to such relations. This is when recognition become a matter of *Realpolitik*, and when the debate between constitutive or declarative form of recognition, really, loses ground. In exploring the debate among states on what makes a state, Thomas D. Grant is right to claim that “[T]he fact finding process remains open to the discretionary application of individual states.”¹ State practice tends to show that individual States look at the Montevideo criteria individually, not universally, when the actual act of recognition comes to the surface and more importantly, they inform their positions on recognition based primarily on political evaluations. At this point recognition becomes a legally challenging matter, or, as Grant observes: “If the problem is to find a model that reduces the *Realpolitik* aspect of recognition for which constitutivism was criticized, declaratory doctrine is no solution. Writers concerned about lack of legal principle therefore began to focus on the *process* of recognition.”²

Historical milestones seem to imply that there is no legal norm in international law regulating recognition of new States by existing ones. In the cases of seceding parts of a state to form a new one, a decisive political precondition is considered to be the prior consent by the mother state over the seceding one. Yet, achieving such consent is seldom in international politics. Another reason, but not independent of the first, might be the various ways of obtaining statehood. Professor Puto, for instance, defines three ways of state-creation: a) a disintegration of one State into two or more states, such as the disintegration of Austria-Hungary in 1919; b) a unification of two or more states into a single State, such the creation of the USSR in 1922; and c) a result of the liberation war of an oppressed peoples, such as Albania in 1912.³

According to Crawford, there are at least six modes of the creation of states in international law:

Original acquisition – “The acquisition of more than half the world and its peoples by a handful of European States – presents numerous difficulties, especially since the same States largely controlled the rules of the game,”⁴ Crawford argues, while classifying in this category issues related to the status of indigenous communities, including statehood and legal personality. He looks at the acquisition of territory from indigenous communities including the status of aboriginal treaties, legal effects of aboriginal treaties and grants of territory to private persons. Crawford places in this groups Liberia, The Boer Republics, the Free State of the Congo, Israel and Taiwan, as examples of original occupation of territory by a new State.

Dependent States and other dependent entities – Crawford admits that the problem of dependent states is a perennial problem in the law and practice of territorial status. “Precisely because of their dependence, many of these did not qualify as States under the criteria...”⁵ According to Crawford, these entities “appeared to possess a legal personality distinct from any other State, including the ‘dominant’ State.”⁶ However, Crawford maintains, “the older dependent States have now disappeared: modern practice has developed its own categories of shared governmental competence which are mostly different both in their purpose and in the modalities through which they have been established, and which can operate without the stigma of dependence. These categories include associated statehood, international administration of territory and special settlements involving groups of States or international organizations.”⁷

Devolution – Devolution, according to Crawford, is “the grant of independence by the previous sovereign.”⁸ The distinction between devolution and the following category – secession, is the presence or absence of metropolitan consent. The grants of independence, Crawford argues, can take different forms. “In particular it is useful to distinguish between immediate grants of independence and gradual devolution or accretion of power in a local unit to the point where it is eventually seen as a separate State. Immediate or relatively immediate grant of independence is by far the most common modern method of transfer of governmental authority.”⁹

¹ Th.D. Grant, “The Recognition of States: Law and Practice in Debate and Evolution”, Praeger, Westport, Connecticut, London, 1999, p.122

² *Ibid.*

³ Puto, A. “E Drejta Nderkombetare Publike”, p.167

⁴ J. Crawford, “The Creation of States in International Law”, 2006, p.259

⁵ *Ibid.*, p. 282

⁶ *Ibid.*, p. 282-283

⁷ *Ibid.*

⁸ *Ibid.*, p. 330

⁹ *Ibid.*

Secession – according to Crawford, secession can be defined as “the creation of a State by the use or threat of force without the consent of the former sovereign”¹ and until 1914, it was considered the most common method of the creation of new States. But since 1919, “new States have been more often created with the consent of the former sovereign, especially in the course of decolonization,”² Crawford underlines. Some of these attempts have succeeded – Indonesia, North Korea, North Vietnam, Bangladesh, Guinea-Bissau and Eritrea. The case of Israel and Palestine is an exception, Crawford maintains, as “the creation or attempted creation of these States has occurred without the consent of the previous administration and as a result of armed conflict.”³ In the failed attempts to secession, Crawford lists Katanga and Biafra, or Somaliland and Chechnya.

The breakup of Yugoslavia is characterized by Crawford as ‘secession outside the colonial context.’ Despite the underlying controversy in terms of the means through which an entity would gain independence, including fighting an independence war, “international law was prepared to acknowledge political realities once the independence of a seceding entity was firmly established and in relation to the territory effectively controlled by it.”⁴ The example of Yugoslavia brings to the surface such underlying controversies: Croatia fought a war of independence and was recognized by the European Union while still not in control of its entire territory, while Macedonia did not fight a war of independence and was in control of its entire territory, yet it was not recognized alongside the other three seceding former Yugoslav republic: “The international response to the Yugoslav crisis was largely articulated through the Conference on Yugoslavia established on 27 August 1991 by the European Communities. The Conference on Yugoslavia established the Arbitration Commission...,”⁵ which in its Opinion No 1 dated 29 November 1991 “expressed the view that the situation in Yugoslavia was one involving the dissolution of the Federal Republic and the consequent emergence of its constituent republic as independent States, although that process was not yet complete.”⁶ This Opinion of the Arbitration Commission paved the way for the European Community to design the Guidelines according to which member-states would proceed with recognition. Crawford acknowledges that the response of the international community to the Yugoslav crisis continues to be seen with doubts, in particular “the early recognition of Croatia and Bosnia-Herzegovina by member States of the European Union remains controversial, as too the unduly delayed recognition of Macedonia.”⁷

Divided States and reunification – “The translation of ethnic or cultural affinity into territorial organization is, [however], not an easy one – especially since it tends to invade the claims for unity of other ‘peoples’ or ‘nations’.”⁸ In the cases of divided States Crawford lists the two Germanies, Korea after 1947, Vietnam after 1945, and China after 1948.

Unions and federations of States – in this category Crawford places the federations, confederations and other forms of political unions and States like Cyprus or Bosnia-Herzegovina. Under the chapter of Unions of States in international organizations, Crawford places The United Nations Organization and the European Union.

In the aftermath of the First World War, “aspirant States realized that the most effective way of obtaining recognition of their statehood was by means of participation in the Paris Peace Conference or by admission to the League of Nations.”⁹ Dugard notes that to the aspirant States, admission to the League was a method to secure international recognition:

“Even before the Covenant was finally drafted several of these entities, notably the Ukraine and Ireland, directed applications for League membership to the President of the Peace Conference in which they requested both international recognition and admission to the League of Nations. Liechtenstein emphasized the link between admission and recognition still further when it requested ‘admission into the League of Nations so as to obtain recognition of the sovereign rights of the Prince’, while the delegations of the Russian succession States of Estonia, Latvia, Lithuania, Azerbaijan, the North

¹ Ibid., p.375

² Ibid.

³ Ibid.

⁴ Crawford, p. 389

⁵ Ibid., p. 396

⁶ Ibid.

⁷ Crawford, p. 400

⁸ Crawford, p. 449

⁹ Dugard, p. 14

Caucasus, Georgia, the Kuban Republic and the Ukraine pleaded for admission, based on the desire of their peoples 'to enter, by their admission, into the Society of Nations, into the family of the other free and civilized peoples'.¹

Admission to the League of Nations was consensually accepted as the act of international recognition by the writers of the League of Nations period. Such membership then put the so called individual *de jure* membership to a secondary role, even though the post- League of Nations, and post World War II writers contest this position by emphasizing the relevance of the argument that recognition is in fact, an individual rather than a collective decision made by an organization.²

After the Second World War, Grant states, "writers [after the Second World War] approached recognition in a new way. Finding the discretionary or political element manifest in both theories of recognition and holding this undesirable, they emphasized the process of recognition, as much as the *content* of the definition of statehood."³ Whether collective or individual, scholars seem to agree that when recognition is granted, aspiring entities must meet the basic criteria for statehood as listed in the Montevideo Declarata. Procedurally, recognition might be discretionary, or a result of purely political evaluations, however, the fulfillment of basic criteria is an absolute precondition to secure international subjectivity of the newly formed States.

According to Professor Puto, international recognition gains relevance everytime new situations in international life unfold: "States might have to recognize an acquisition or loss of territory from another state, they might recognize a protectorate or the permanent neutrality of a given state."⁴ The most important cases of recognition however, are related to the creation of new states, Puto concludes: "International law does not study the issue of the birth of new states in its entirety. These are all problems related to political history, not to international law. International law only deals with these issues from one perspective: when a new State is born, the issue of its status in international law and in relation with other states is raised too."⁵ The recognition of the United States "demonstrated the centrality of great powers in recognition of states,"⁶ Fabry underlines, and adds that "[T]hese powers carried most weight in international society and smaller states tended to follow their initiative and example."⁷

In 1992, after the breakout of heavy fighting in the federal units of the Socialist Federal Republic of Yugoslavia which followed the unilateral declarations of independence by at least three republics (Slovenia, Croatia, and Bosnia and Herzegovina), the European Community established a body called the Arbitrary Commission (The Badinter Commission), and mandated it to evaluate whether the seceding countries of the former Yugoslavia meet the conditions for recognition. The Commission had ruled that Slovenia, Croatia, and Bosnia and Herzegovina did meet the criteria for recognition. The Arbitrary Commission ruled that Macedonia also met those conditions and hence, it could be recognized. However, the European Community seemed reluctant to proceed with recognition when confronted to Greece's objections and claims that the seceding Republic of Macedonia, in fact had territorial aspirations against Greece. Hence, it decided to postpone its decision and practically sympathize with Greece's objections. More than two decades later, this bilateral dispute remains unresolved and the prospects of a possible solution and ultimately recognition of Macedonia by Greece remain rather vague. Ambassador Christopher Hill, the first United States Ambassador to Macedonia, recalls the nature of this dispute in the following way:

"The problem between the two countries might seem like a joke in the heads of a late-night comedian, but in the Balkans there was nothing funny about it. Greece objected to Macedonia's use of a name that first appeared in Greek antiquity and had since served as a place-name for an area that included northern Greece and southernmost Yugoslavia. Macedonia was the name of Alexander the Great's home kingdom, the Macedonians his tribe. When Tito fashioned Yugoslavia, he recognized that the Slavic people living in the southernmost part since around A.D.700 (a thousand years after Alexander

¹ Dugard, p.15

² Dugard, pp.21-23

³ Th. A. Grant, "The Recognition of States: Law and Practice in Debate and Evolution", Praeger, Westport, Connecticut, London, 1999, p. 122

⁴ Puto, A. "E Drejta Nderkombetare Publike", Tirane, Albin, 2008, p.166

⁵ Ibid.

⁶ Fabry, M. "Recognizing States: International Society and the Establishment of New States Since 1776", p. 35

⁷ Ibid.

the Great) were not Serbs, as the Serbs were inclined to insist; however, neither were they Bulgarians, as the Bulgarians insisted. They were Macedonians, that is, people living in a region known as Macedonia.”¹

On the other hand, Germany rushed to recognize Croatia, not awaiting the conclusions and recommendations of the Badinter Commission, even though the opinion had been positive and favoring for recognition.² The policy of the United States was not much different either. This selective recognition of states that followed the disintegration of Yugoslavia and the sense of application of biased criteria for evaluation, only strengthen the conviction that when recognition of states is concerned, it is not the legal arguments that prevail in the decision making process.

Jonathan Paquin calls the position of the United States with regards to the resurgence of secessionist movements in the post-Cold War era and consequently the recognition of newly emerging entities ‘contradictory’ and uses the examples of Croatia and Macedonia as proof of such contradictory policy. Furthermore, Paquin maintains that the United States’ policy is primarily based on what he calls ‘the stability argument’ as their paramount interest. The stability based argument proved to be true when later in 2005 the United States decided to recognize Macedonia under its constitutional name to prevent a plebiscitary vote that threatened to divide the country, and more so in 2008, when it recognized the unilateral declaration of Kosovo’s independence. This rather contradictory approach leads inevitably to Lauterpach’s conclusion who, back in 1947 contended that “recognition of states is not a matter governed by law but a question of policy,³” Almost 70 years since it was established, this premise remains ever more realistic today.

Today, recognition remains a controversial subject in international law. In February 2008, Kosovo declared unilateral independence. This seemed like the natural end of a cause that had lasted for almost a century, which involved decades of peaceful resistance, a campaign of ethnic cleansing against the civilian population of Kosovo, and a bombing campaign to oust Serb military forces which was conducted by NATO. As soon as this small autonomous province, traditionally considered as part of Serbia and hence denied its right to Statehood as a natural consequence of the breakup of Yugoslavia declared independence, the United States and key European member states went on to recognize it. The decision to recognize Kosovo came as a natural outcome of long years of efforts to accord a peaceful solution and overcome grievances. Unfortunately, such efforts failed and ethnic violence continued. In the recognition of Kosovo, the security argument prevailed and the history of Balkans bloodshed is the best support in favor of it.

Russia on the other hand, refused to recognize Kosovo’s independence on grounds that it was ‘illegal’, that it represented a breach of international law and hence, it represented a dangerous precedent. Only a few months later, however, when the South Ossetian (Georgian) War broke out and South Ossetia and Abkhazia declared independence, Russia was the first country to recognize the independence of these two Georgian provinces. No debate as to the breach of norms of international law or dangerous precedents was considered. The then Russian President Dmitry Medvedev signed decrees⁴ recognizing the independence of Abkhazia and South Ossetia as sovereign states and called upon other countries to follow its example.

This is a mere proof that when it comes to recognition, it is mere political arguments that prevail over legal arguments and there is no single formula or a set of universal principles that apply in the process, regardless of the clearly listed Montevideo criteria. The decision to recognize is often arbitrary and ultimately political.

Scholars and statesmen agree on the premise that in the vast majority of cases, recognition is subject to discretionary policies and relations between states and not a result of an exclusively objective legal examination of whether or not an entity meets the criteria for Statehood. One of the reasons for such an approach may well be the fact that secessionist movements could potentially challenge the existing international order and claims to the right to self-determination by

¹ C. Hill, “Outpost, Life on the Frontlines of American Diplomacy”, Simon & Schuster, 2014, p.94

² For more, see R. Caplan, “Europe and the Recognition of New States in Yugoslavia”, 2005. Caplan argues that the decisions of the EC on recognizing the seceding Yugoslav republics were driven from a conflict-management policy position, and that the criteria for recognition were practically political. The EC’s Arbitrary Commission which was founded to produce the legal basis and framework to move towards recognitions, did not serve its end, for the member states did not fully recognize and respect its authority, competence and functions, hence they acted in accordance with their own separate interests and not in accordance with the findings and recommendations of the Commission.

³ H. Lauterpach, “Recognition in International Law”, 1947, 1

⁴ See Russian Presidential Decree No. 1260 on recognizing Abkhazian independence, and Russian Presidential Decree No. 1261 recognizing South Ossetian independence, of 26 August 2008

seceding groups could easily acquire features that would question the very principles on preserving peace and security in the world, as laid down in the United Nations Charter. According to Dugard, "Any writer who attempts to examine the mysteries of State practice on recognition with the intention of providing a coherent explanation of the behavior and expectations of States within a framework of legal principle and theory exposes himself to certain ridicule and vituperation."¹ Nevertheless, both scholars and policy makers share the view that, while the very act of recognition might be a matter of political assessment and interests on the side of the recognizing state, at the same time, there are legal norms that apply and perhaps more importantly, legal effects that recognition produces. In a similar manner, Oppenheim argued that, "[W]hile the grant of recognition is within the discretion of states, it is not a matter of arbitrary will or political concession, but is given or refused in accordance with legal principle."² In other words, while recognition is a legal principle, its materialization is a political act. "The matter is of legal importance because it is when an entity becomes a member of the international community that it thereupon becomes bound by the obligations, and a beneficiary of the rights, prescribed by international law for states and their governments," Oppenheim submits.³

Doctrine

*"At the beginning of the twentieth century there were some fifty acknowledged States. Immediately after World War II there were about seventy-five. By 2005, there were almost 200 – to be precise, 192. The emergence of so many new States represents one of the major political developments of the twentieth century. It has changed the character of international law and the practice of international organizations. It has been one of the more important sources of international conflict."*⁴

The above is among the best illustrations of how the international community of States has grown, and hence how and why norms of international law had to adjust to such changes. The function of the law therefore is to evolve and reflect upon the changing realities the world, while preserving the functional balance of power and not challenging the basic principles of *ius cogens*. Institutions need to evolve as societies evolve, but the rights and basic premises stay the same. In his overview of the International Court of Justice's Advisory opinion on the independence of Kosovo, Christian Walter explains that courts, apart from solving disputes by reaching a judgment, also fulfill a function of 'judicial law-making' and thus the Advisory opinions of the Court "contribute to the development of international law."⁵

Dugard notes that "[I]n 1913 the world community consisted of 48 States, of which 41 were situated in Europe and the Americas. By 1933, this number had increased to 66, made up of twenty-eight European, twenty-two American, twelve Asian and four African States."⁶ Today, the Organization of the United Nations is composed of 193 States, the United States included. Such increase in the number of States is an indication/show of the huge transformations of the world community that came as a result of breakdown of empires, decolonization, or independence warfare. The international law norms had to naturally adjust to such transformation and here the principle or the policy of recognition is no exception. More precisely, the international law of recognition evolved, but attention was paid by jurists not to allow for such evolution to infringe basic rules of preserving peace and security. As a consequence, parallel to the law of recognition, the law of non-recognition also was developed and it is today primarily reflected through the Stimson Doctrine, named after former United States Secretary of State, Henry Stimson, who devised the doctrine as the official stance of the American administration denying to grant recognition to the puppet state of Manchukuo, which was created by Japan as a result of its acquisition of territory by China. Non-recognition was historically also linked to certain conditions that were devised by the so called great powers: "The emergence of independent South American States resulted in the formulation of two important principles or norms relating to non-recognition. First, Britain, on the initiative of its Foreign Secretary, George Canning, made it clear to Brazil and Mexico that it viewed the abolition of the slave trade as a pre-condition for recognition. Secondly, the South American States themselves adopted the principle of *uti possidetis*, in terms of which colonial borders were to be honoured by the newly independent States in order to avoid territorial disputes. Any violation of this principle was to be sanctioned by non-recognition of the territory obtained by conquest."⁷ In addition to the principle of *uti possidetis* as the territorial status-quo

¹ Dugard,

² "Oppenheim's International Law", Volume I, Peace, Ninth Edition, Edited by Sir Robert Jennings and Sir Arthur Watts, p. 130

³ Oppenheim... p.128

⁴ Crawford, J. "The Creation of States in International Law", Oxford University Press, 2006

⁵ Walter, Ch. "The Kosovo Advisory Opinion: What It Says and What It Does Not Say", in "Self-Determination and Secession in International Law", edited by Christian Walter, Anje Von Ungern-Sternberg, and Kavus Abushov, Oxford, OUP, 2014

⁶ Dugard, Recognition and the United Nations", p.52

⁷ Dugard, p.25

for decolonizing nations, statesmen put a great emphasis on the importance of humanitarian considerations and the abolition of slavery. In addition to Canning, “[i]n 1840 Lord Palmerston made it clear to Texas that Britain expected her to denounce the slave trade as a pre-condition for recognition and in 1908 Britain refused to recognize the transfer of the territory of the Independent State of the Congo to Belgium until it was satisfied that the latter was fulfilling its treaty obligations with respect to the treatment of natives.”¹ Looking at the Criteria devised by the European Community on the Recognition of States in Former Yugoslavia and the Soviet Union, their essential demand was protection of human rights and minority rights, or the respect for the Helsinki Final Act. It was clear that the seceding states of communist federations had to improve their performances on human rights portfolios and enrich them by demonstrating in practice the concern and commitment to protect the rights of the non-marginalized communities. One could claim that this was a political demand for at least two reasons: first, it would help the former communist regimes create a new legacy of freedom and equal rights for all; and second, by ensuring such equal treatment, the new entities would demonstrate respect for the principle of internal self-determination, whose dysfunctionality is most often a reason for emerging claims of independence and statehood.

Recognition as an institution has existed for a long time. According to Menon, “Its earliest use appeared to be in the Middle Ages when a political entity, in order to become an independent member of the family of Christian nations required *papal recognition*.”² According to Fabry, “To ascertain the precise historic origin of complex international practices is notoriously difficult.”³ He is very mindful of attempting to give an exact date of the origin of the institution of recognition as a principle in international law, for, he explains, “major disruptive events do happen, but international change is typically cumulative and institutional,”⁴ and “more often than not it consists of incremental and protracted institutionalization of new ways of doing things and gradual abandonment of old ones.”⁵ Going back to the origin of recognition, Fabry underlines that “It could emerge as a full-fledged and discrete practice only once European countries came to regard themselves as forming a larger association of formally like entities and once positive law of this association gained a distinct foothold over natural law as its defining institution.”⁶ Oppenheim seems to attempt to simplify his explanation of the international system of States and by doing so, to illustrate why recognition becomes such a controversial matter in international politics: “[T]he international community is composed primarily of states. Any changes in the composition of the international community are of immediate concern to existing states, whether those changes involve members of that community (usually states) or the authorities (usually governments) through which they act.”⁷ This rapport lays down the foundations for the controversy over the question of recognition and its relationship to notions of sovereignty and statehood, the two pillars of international law.

Constitutive and Declaratory Theories of Recognition

The legal theory of recognition today is still divided between two competing schools of thought, namely the constitutive and the declarative doctrines. Dugard admits that “there is an unresolved debate among legal scholars as to whether a political community that meets these requirements⁸ automatically qualifies as a “State” or whether, in addition, it requires recognition by other States to endow it with international legal personality.”⁹ The constitutive theory derives from the nineteenth century doctrines of positivism, particularly the writings of Hegel, who is considered among the most influential proponents of the legal doctrine of positivism. Hegel believed that the State is the absolute sovereign in the international sphere, and therefore, States engage in legal relations in accordance with their will, and thus recognition becomes a precondition for engagement. Thus, the will of the nation was the central focus of his legal thinking. Positivists believed that “consent is the

¹ Dugard, p.26

² P. K. Menon, “The Law of Recognition in International Law - Basic Principles”, The Edwin Mellen Press, Lewiston/Queenston/Lampeter,

³ Fabry, M. “Recognizing States – International Society and the Establishment of New States Since 1776”, Oxford University Press, 2010, p. 23

⁴ Fabry, p. 23

⁵ Ibid, p.23

⁶ Ibid, p.23

⁷ Oppenheim... p.128

⁸ Dugard lists the Montevideo Convention criteria as the principal conditions for statehood, i.e. a permanent population, a defined territory, a government and the capacity to enter into relations with other States.

⁹ Dugard, J. “Recognition and the United Nations”, Cambridge, Grotius Publications Limited, 1987, p. 7

foundation of the international order of rights and duties”¹ and “the act of recognition is seen as an expression of consent to observe the rules of international law in a relationship”.² Chen calls the relation between positivism and constitutive theory as “the extension of the positivist doctrine in the field of recognition.”³

In Lauterpacht’s view, who is recognized in legal theory as one of the proponents of the constitutive doctrine, “[T]here is, in law, no substance in the assertion that a community is a State unless we attach to the fact of statehood rights and competencies, within the internal or international sphere, which international law is ready to recognize. It seems irrelevant to predicate that a community exists as a State unless such existence is treated as implying legal consequences.”⁴ Lauterpacht thus underlines the importance for a State to become an international person and obtain international subjectivity, with rights and obligations in the international community of States, as fundamentally important for entities to be able to enter in treaty relations with other States. Furthermore, Lauterpacht maintains that such mutual recognition, which is constitutive in nature, is based on a treaty and is ‘binding by virtue of the fundamental right *pacta sunt servanda*’. Similarly, Anzilotti claims that “since the juridical norms of international law are created by means of an agreement, the subject of the international juridical order commences the moment the first agreement is concluded. Recognition is considered as none other than the conclusion of a pact based upon the rule *pacta sunt servanda*.”⁵

In Dugard’s view, the declaratory school “claims that an entity becomes a State on meeting the requirements of statehood and [that] recognition by other States simply acknowledges (declares) as a fact something which has hitherto been uncertain,”⁶ while “[T]he constitutive school, on the other hand, argues that recognition creates (constitutes) the State.”⁷

Crawford submits that “in every legal system some organ must be competent to determine with certainty the subjects of the system. In the present international system that can only be done by the States, acting individually or collectively. Since they act in the matter as organs of the system, their determinations must have definite legal effects.”⁸

According to the declaratory theory, States do not need to seek recognition in order to be admitted to the international community. The mere fact that they are independent and can perform their duties and fulfill their obligations, beginning with a stable government, makes their existence a fact. According to Menon, “Recognition is not constitutive but declaratory; it accepts but does not create. The theory stipulates that recognition has no legal effect on the creation of a State.”⁹ This doctrine was supported by the proponents of the natural law school of thought, who believed that the principles of law are an inherent part of nature and exist regardless of whether a government recognizes or enforces them. According to Chen, the declaratory theory finds a ‘natural alliance’ with the naturalist school of law: “For to argue that a State can become a subject on international law without the assent of the existing States, it is necessary to assume the existence of an objective system of law to which the new State owes its being. The existence of such a system of law is the basic condition for the validity of the declaratory theory.”¹⁰ The declaratory theory of recognition, according to Lauterpacht, is rather simple, because according to this doctrine, “[A] State exists as a subject of international law – i.e. as a subject of international rights and duties – as soon as it ‘exists’ as a fact, i.e. as soon as it fulfills the conditions of statehood as laid down in international law.”¹¹ The declaratory theory is based on the proposition that “The formation of a new State is... a matter of fact, and not of law,”¹² because it contends that ‘statehood is a legal status independent of recognition.’¹³ Crawford defines declaratory recognition as “a political act, which is, in principle, independent of the existence of the new State as a subject of international law.”¹⁴

¹ Menon, p.8

² Ibid.

³ Chen, p.18

⁴ Lauterpacht, p.39

⁵ Anzilotti, quoted by Chen, p.18

⁶ Dugard, p.7

⁷ Ibid.

⁸ Crawford, p.20

⁹ Menon, p.22

¹⁰ Chen, p.19

¹¹ Lauterpacht, p.41

¹² Oppenheim

¹³ Crawford, p.4

¹⁴ Crawford, p.22

The International Law Association's Committee on Recognition/Non-Recognition, refers to Antonio Cassese's definition of the constitutive doctrine, according to which, "[T]he Constitutive Theory's main idea is that the recognition *creates* the personality of a State. A *prima facie* objection to this notion might be that it is unfair, as it gives previously existing States the right to act as gatekeepers of the International Community and to deprive newer entities of entry into 'the family of nations'¹. Furthermore, it seems to be inconsistent with the principle of sovereign equality of States." With regards to the declaratory doctrine, the Committee refers to Crawford's definition of declaratory recognition as a political act that is not a necessary component of statehood.

One could rightfully argue that the contrasting position between the constitutive and declaratory theories derive from the effectiveness of an independent State. Namely, authors agree that, in line with the Montevideo Convention, a State is a State regardless of recognition, and in this respect, the declarative theory seems to be satisfactory. However, the primary interest of States is to engage in the international order, to establish diplomatic relations and be party to international trade, as a basic element for economic welfare. Such engagement is only possible through acquiring international subjectivity, as the exercise of its rights as a State would be questionable. As Chen concludes, "[P]ersonality under such disability would be devoid of meaning."²

John Fischer Williams outlines a distinction of, what he calls, 'two species of recognition' – recognition *de jure* and recognition *de facto*: "Recognition *de facto* is plain enough. It is the acceptance of such facts as that a State exists..."³ This definition seems to correspond with the declaratory theory's view according to which a State is recognized by the mere fact of its declaration as a person in international law. "But recognition *de jure* is a very different thing,"⁴ Williams admits as if to indicate on the controversy and endless debate that the principle of recognition produces in relations between States and in the international order. The difficulty according to Williams derives from the fact that extending recognition to a State or to those who govern it must be driven upon what he calls 'some legal standard', thus openly questioning the right to claim judicial position by any member of the Family of Nations. Similarly, Oppenheim explains that the distinction between *de jure* and *de facto* recognition "is in essence that the former is the fullest kind of recognition while the latter is a lesser degree of recognition, taking account on a provisional basis of present realities."⁵

According to Kelsen, recognition is comprised of two distinct acts: a political and a legal act: "[p]olitical recognition of a state or a government is an act which lies within the arbitrary decision of the recognizing state" and "can be brought about either by a unilateral declaration of the recognizing state, or by a bilateral transaction."⁶ This kind of expression of willingness does not constitute any legal obligation, Kelsen says, and concludes that, "[T]he political act of recognition, since it has no legal effect whatsoever, is not constitutive for the legal existence of the recognized state,"⁷ and thus the political act of recognition is declaratory. The legal act of recognition, Kelsen explains, is still a rather confusing matter in international law: "[I]t is the same] when the question arises whether or not in a concrete case the fact "state in the sense of international law" exists, whether or not a certain community fulfills the required conditions of being a subject of international law, i.e. of having in its relations with other states the rights and obligations stipulated by general international law; this implies equal rights and obligations stipulated by general international law; this implies equal rights and duties of these states towards the community in question."⁸ This establishment, Kelsen concludes, according to which a state in the sense of international law exists, represents what he termed as "the legal act of recognition,"⁹ and would be analogue to the constitutive doctrine of State recognition.

Briggs seems to be rather critical of the constitutive doctrine. While acknowledging the fact that the "act of recognition is a 'legal' act in [the dual] sense of being required of existing states by international law and of legally creating a new subject

¹ Cassese, Antonio, *International Law*, Oxford: OUP, 2001, as cited in International Law Association's Committee's on Recognition/Non-Recognition First Report, Sofia, 2012, p.3

² Chen, 16

³ Williams, 781

⁴ *Ibid.*

⁵ Oppenheim, 155

⁶ See Kelsen, H. "Recognition in International Law: Theoretical Observations", *The American Journal of International Law*, Vol.35, No.4 (Oct. 1941), pp.605-617, available at <http://jstor.org/stable/2192561>

⁷ *Ibid.*, p.605

⁸ *Ibid.*, p.607

⁹ *Ibid.*

of international law,"¹ he recalls that "no rules of international law prescribe or proscribe the creation of such a new state;"² thus "states have no legal origin", he concludes. In his critique to the constitutive doctrine, Briggs further claims that "[A]dherents of the constitutive theory of recognition are logically forced to regard the new state as without rights or obligations under international law until recognized;"³ and explains that "[N]ascent states, however indeterminate their status politically or legally, do not exist in a vacuum. Legal and political relations of varying intensity with neighboring or more distant states are of an immediate or inevitable necessity and practice even prior to recognition,"⁴

*"Thus, on May 9, 1922, the American Commissioner in Albania was instructed to protest to the governmental authorities of the unrecognized Albanian state against their action in depriving American citizens of Albanian origin of their American passports and forcing them to take Albanian passports. Although the printed correspondence describing the American protest and the Albanian engagement to recognize all United States passports contains no reference to international law, the evidence suggests that, despite non-recognition of Albania by the United States, international law was regarded by both states as regulating their relations and as establishing both the delictual responsibility and the contractual capacity of the unrecognized state."*⁵

According to Caplan, the distinction between the two doctrines, in fact has broad significance how one views the function of recognition may have implications for states' policies: "Declaratory theorists maintain that the role of recognition is simply to acknowledge the fact that a territorial entity has satisfied the criteria for statehood; recognition itself cannot and does not create state."⁶ Caplan agrees that the constitutive doctrine acknowledges a political role for recognition, even though it is not the absolute precondition for the creation of States: "[N]or did non-recognition of Macedonia from 1991 to 1993 mean that the former Yugoslav republic enjoyed no rights associated with statehood."⁷

In modern state practice, however, it seems that neither of the two major doctrines satisfactorily explains State conduct. No decision to recognize a state has been explained or justified in terms of either one of the legal theories. No statesman has ever spoken of theoretical considerations in making the decision. The recognition of the Republic of Philippines by the United States on July 4, 1946, for instance, was done through a bilateral treaty, called the Treaty of General Relations, signed at Manila, which stipulates that, "The United States of America further agrees to recognize, and does hereby recognize, the independence of the Republic of the Philippines as a separate self-governing nation..."⁸ The United States President Henry Truman recognized Israel immediately after it had declared its independence on 14 May 1948. No reference to theoretical considerations was made, to the contrary. The decision was made based on political evaluations, following the findings of the committee appointed by President Truman to study the Palestinian issue and the unsuccessful attempts of the United Nations Special Commission on Palestine to achieve, throughout 1947, a settlement based on its recommendation for a partition of Palestine into a Jewish and Arab state. The recognition of Israel by President Truman was even in contradiction to the views of the United States Department of State, which had recommended the creation of a trusteeship under the auspices of the United Nations with limits on Jewish immigration and the creation of a Jewish and an Arab province, but not states.⁹ The statement of President Truman contains merely two typed sentences, with corrections in handwriting, but is a proof of a *de facto* granting of recognition by the United States to an independent entity.¹⁰ The United States extended recognition to Macedonia under its constitutional name in 2004, in efforts to prevent a plebiscitary vote that threatened to carve the country up along ethnic lines, while the recognition of Kosovo in 2008 followed immediately after the Kosovo Parliament adopted the declaration on independence. Again, no reference to legal doctrine or theoretical approaches was made. This leads to the conclusion that recognition today is a matter of political evaluation. The example of Macedonia shows that it can often be used by the great powers as a mechanism to induce newly emerging

¹ Briggs, H.W. "Recognition of States: Some Reflections on Doctrine and Practice", *The American Journal of International Law*, Vol.43, No.1 (Jan. 1949), pp. 113-121, available at <http://jstor.org/stable/2193138>, p.114

² *Ibid.*, p.115

³ *Ibid.*, p.117

⁴ *Ibid.*

⁵ *Ibid.*, p.118, referring to the U.S. Foreign Relations, 1922, Vol. I, p.559

⁶ Caplan, p.56

⁷ Caplan, p.79-80

⁸ Department of State, *Treaties and Other International Acts Series*, No.1568

⁹ For more on the history of the Arab-Israeli conflict, the policy of the United States, the chronology of events that preceded recognition, the act of recognition, see: http://www.trumanlibrary.org/whistlestop/study_collections/israel/large/index.php

¹⁰ <http://www.trumanlibrary.org/photos/israel.jpg>

states to behave properly and commit themselves to stability and prosperity. In various historic periods, such mechanisms acquired different shapes, from religious tolerance in medieval times to protection of minorities in twentieth century: "All of the successor states of the Ottoman Empire, beginning with Greece in 1832 and ending with Albania in 1913, had to accept provisions for civic and political equality for religious minorities as a condition for international recognition. The peace settlements following First World War included extensive provisions for the protection of minorities."¹

The above evidence naturally leads towards the unavoidable conclusion that, "[N]either theory of recognition satisfactorily explains modern practice."² Moreover, "[T]he consideration of the theory of recognition in international law has traditionally taken place in terms of conflict between the constitutive and the declaratory doctrines,"³ particularly when the political arguments which seem to prevail in the drafting of States' policies on recognition are considered. When politics prevail, it seems, legal theories go askew. In a similar fashion Brownlie draws a conclusion that

*"In the case of 'recognition', theory has not only failed to enhance the subject but has created a **tertium quid** which stands, like a bank of fog on a still day, between the observer and the contours of the ground which call for investigation. With rare exceptions the theories on recognition have not only failed to improve the quality of thought but have deflected lawyers from the application of the ordinary methods of legal analysis."*⁴

The corollary of the modern State practice seems to imply that, in spite of the positions of the constitutive and declaratory theories, governments neither align with the first, nor with the latter theory exclusively. While scholars attempt to construct theoretical frameworks to explain patterns of recognition in international law, statesmen are almost inherently driven by political realities, individual evaluation of criteria for statehood and whether those are met to some objective level, and ultimately by the contextual framework which precedes a decision to recognize, history being the prevalent criteria to study.

HOW TO RECOGNIZE A STATE?

'To recognize a political community as a State is to declare that it fulfils the conditions of statehood as required by international law' (Lauterpacht). These conditions of statehood have been listed in the 1933 Montevideo Convention. But today, not all political entities that claim their right to Statehood or meet such conditions are recognized as States. Questions such as: 'what entity is entitled to recognition?'; 'what authority decides upon recognition?'; 'why certain entities are denied the right to recognition?' are just a few dilemmas arising from the debate. The Kurds in the Middle East are still struggling for their right to self-determination and their own homeland. Nagorno Karabakh (Azerbaijan), Abkhazia and South Ossetia (Georgia), Northern Cyprus (Cyprus) or Transnistria (Moldova), are few on a longer list of entities that have not been recognized, yet function as independent States.

The increase in the number of States witnessed in the aftermath of World War II, particularly with the collapse of communism, points to the huge transformation of the international system as a result of the major historical changes or events that took place and had as their corollary the emergence of new States. Warfare, collapse of empires, peaceful secessions, ending colonial rule, or belligerence, all eventually resulted with the creation of new entities. Every single plea on independence and statehood rested on the rather slippery right to self-determination. Were the so called statehood criteria sufficient? What would be the attitude of States that had themselves sought recognition and acknowledgment at different times in history? The independence of the United States and the recognition process⁵ proves that such decisions have never been easy, or simple.

Recognition is in fact, about enabling a state to function in the international system. Independence, whether by secession, insurgence, belligerence or other means, demonstrates the will of the people of a given entity to live on their own, practice their own sovereignty, and decide freely of matters related to them or their country. And it is precisely the will of the people what does not always seem measurable or explicable through the legislative norms or scholarship. The 1933 Convention on Rights and Duties of States (Montevideo Convention), clearly lists four conditions that entities should meet in order to

¹ Krasner, S.D. "Sovereignty", 2001, Foreign Policy, No. 122 (Jan. – Feb. 2001), pp.20-22+24+26+28-29

² Crawford, J. p.5

³ Lauterpacht, 1947, p.38

⁴ Brownlie (1982) 53 BY 197, 197

⁵ See Fabry, Mikulas, 'Recognizing States: International Society and the Establishment of New States Since 1776'; Oxford, University Press, p26-41

be recognized as States. But, if a political community is not recognized a State, then how can it demonstrate its ability to enter into relations with other states, under the present arrangements of international order? What then is the relationship between recognition and popular sovereignty?

UNITED NATIONS AND RECOGNITION

The act of admission in the Organization of United Nations is rightly considered to be the practical mechanism of extending international recognition to [new] states. The United Nations is where the doctrine remains silent and the procedure takes over, while the political institutions of the United Nations¹ are those that have the authority to decide upon the admission of new members in the world organization.

The United Nations were established in the aftermath of the Second World War in an effort by the countries to prevent the recurrence of such tragedies and massive loss of human lives. It was founded with the objective of securing international peace and security and with the aim to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,”² and in order to achieve these goals, “to practice tolerance and live together in peace with one another as good neighbors, and to unite [our] strength to maintain international peace and security...”³

Membership in the United Nations is regulated in Article 3 of the Charter. This article draws a clear distinction between “the original Members” and states admitted to the Organization. According to Article 3 paragraph 1, “The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with article 110.”⁴

Furthermore, Article 4 describes the procedure for the admission of new Members:

Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendations of the Security Council.⁵

Membership in the United Nations is further classified as an “an important question” for which the General Assembly shall decide by a two-thirds majority of the members present and voting.⁶

The Charter does in no part speak of “recognition” of new States. Instead, it uses the term “admission”, which indicates that the organization does not deal with the evaluation of the fulfillment of the Montevideo criteria, “subject, *inter alia*, to the condition that the applicant be a state.”⁷ This distinction in terms, however, does leave open the question of whether a state could be a state and admitted to the United Nations, and still not be fully recognized by the other members of the international community at a bilateral level. At the same time, it is not totally clear in terms of procedure at what point and based on what criteria the Security Council would recommend to the General Assembly to admit a new member to the organization. Typically, it should look at the fulfillment of the Montevideo Criteria; however the practical cases seem to indicate that this has not been a universal criterion applied with regards to admission. During the first decade of the United Nations, although most of the original members had been recognized as states, there were six states, including India, which at the time of admission had not been fully independent:

¹ These are the organs of the United Nations as defined in Article 7 of the United Nations Charter: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

² Preamble to the United Nations Charter

³ Ibid.

⁴ United Nations Charter, Chapter II – Membership, Article 3 Paragraph 1

⁵ United Nations Charter, Chapter II – Membership, Article 4, Paragraphs 1, 2

⁶ United Nations Charter, Chapter IV – The General Assembly, Voting, Article 18, Paragraph 2

⁷ R. Cohen, “The Concept of Statehood in United Nations Practice”, University of Pennsylvania Law Review, Vol.109, No. 8 (Jun., 1961), pp.1127-1171

*"Although India did not become fully independent until 15 August 1947, she had been an original and active member of the League of Nations and it would have been anomalous to exclude her from the United Nations. Similarly, the Philippines did not become fully independent until 4 July 1946, but in the light of her war record and promised independence, it would have been impolitic to refuse her original membership. Syria and Lebanon had both been Mandates under the league of Nations and, although their independence had been declared and generally accepted, final arrangements with the mandatory power, France, had yet to be completed in 1945. The admission of these States to original membership in the United Nations did not therefore seriously undermine the requirement of statehood contained in Article 3 of the Charter."*¹

At the same time, Article 4 paragraph 1 provides that membership to the United Nations is granted to 'peace-loving' states as well as states able to carry out the obligations of the Charter. The question remains, however, what objective criteria do member-states use to evaluate that states are in possession of such capabilities, and moreover, that they are peace-loving states? In its advisory opinion of 1948 on Conditions of Admission of a State to Membership in the United Nations, the International Court of Justice refers to the Security Council Rules of Procedure for an interpretation of the establishment of the criteria of a 'peace – loving' nation: "The Security Council shall decide whether in its judgment the applicant is a peace – loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership."² The Court finds, furthermore, that "Article 4 does not forbid the taking into account of any factor which it is possible reasonable and in good faith to connect with the conditions laid down in that Article. The taking into account of such factors is implied in the very wide and very elastic nature of the prescribed conditions; no relevant political factor – that is to say, none connected with the conditions of admission – is excluded."³ The Court in its Opinion acknowledges what it calls the 'elastic' nature of the prescribed conditions and indicates that the interpretation of such conditions is not immune to political interpretation.

Dugard is therefore right to conclude that "the questions whether the applicant is a peace-loving State and whether it is able and willing to carry out the obligations contained in the Charter depends on the discretion of the Security Council and the General Assembly; and the history of the United Nations, particularly during the first decade of its existence, points to the broad interpretations that may be placed upon these conditions by States politically determined to block the admission of applicants judged to favour an alien ideology or to support a rival bloc."⁴ Furthermore, Dugard recognizes that the judicial organ of the United Nations, i.e. the International Court of Justice can do little "to curb the excesses of political decisions exercised through an arbitrary veto."⁵ Indeed, in its 1948 Advisory Opinion, the Court held that "a Member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, is not juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of the said Article."⁶

While the political realities after the Second World War were such that the statehood criteria could be bypassed and a country could become an original member of the United Nations even without having met the formal requirements, the question remains how to respond to demands for statehood in an ever changing world and what should be the role of the United Nations Organization and the application of the United Nations Charter? The quest for political balance and no impairment of the international system seems to have been and remains the corollary of all times, while political bargaining between the great powers, the original members or the members of the Security Council is an ongoing activity even today. Brown is right to conclude then, that "[I]n spite of the comments and theories of the writers on the subject of recognition the simple truth is that it is governed by no rules whatever. In the absence of a supranational state exercising supreme authority the act of recognition is political in nature and the prerogative of an independent sovereign state."⁷

¹ J. Dugard, "Recognition and the United Nations.", Hersch Lauterpacht memorial Lectures, Cambridge, Grotius Publications Limited, 1987, p. 53 - 54

² 1948 I.C.J. Reports, 63

³ Ibid.

⁴ Ibid., p. 55 - 56

⁵ Ibid.

⁶ 1948 I.C.J. Report, 65

⁷ Ph. Marshall Brown, "The Recognition of Israel", the American Journal of International Law, Vol. 42, No. 3 (Jul., 1948), pp. 620 - 627

While at the time of the original membership, the United Nations could also agree to bring Ukraine and Byelorussia as members of the United Nations even though they were formally constituent units of the Soviet Union,¹ the prevailing dilemma remains how to reconcile demands for statehood more than a half a century after the founding of the United Nations? The ICJ Advisory Opinion of 1948 did not favor the plea of the Soviet Union to include all sixteen constituent republics individually and hence held that: "a Member of the Organization, cannot, while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, subject its affirmative vote to the addition condition that other States be admitted to membership in the United Nations together with that State."² The Charter, originally drafted to secure lasting international peace and security, seems to have not anticipated, and therefore could not address fully the situations of putative emergence of new states that were the result of the end of the Cold War and the breaking up of socialist fashion federations. The Charter did not anticipate such a situation and hence, it fails to address completely the question of statehood – the conceiving but also the dismemberment of an entity.

At the dawn of the United Nations era, there were also ideas and attempts to address the putative emergence of new states through a collective organ of the international community, rather than leave it in the sphere of discretionary policies of individual states. At the Dumbarton Oaks Conference in 1945, Norway had even suggested that the United Nations is vested an exclusive authority by member states to grant recognition to new States, however that proposal gained little support.³ It follows from here that Lauterpacht was right to assert that, "To recognize a political community as a State is to declare that it fulfills the conditions of statehood as required by international law. If these conditions are present, the existing States are under the duty to grant recognition. In the absence of an international organ competent to ascertain and authoritatively to declare the presence of requirements of full international personality, States already established fulfill that function in their capacity as organs of international law."⁴

Rosalyn Cohen submitted in 1961 with regards to admission in the United Nations that, "the political organs of the United Nations have completely ignored juridical criteria when they have been called upon to assess statehood, and that they have granted or withheld recognition of statehood solely on political grounds which have borne little relation to community interests."⁵

The quest to designate an international authority that would be vested with the power to grant international recognition to newly emerged states did not cease in time. On the contrary, the idea was seen by scholars as a way to de-politicize recognition and by transferring it into the collective responsibility of an international organization, also assume that recognizing a state would be an unbiased and objective process: "[M]any jurists who examine the vacillations of State practice on the law of recognition express the hope that some international agency will emerge to collectivize the recognition of States and thereby remove the arbitrary nature of the individual State's decision. However, although they acknowledge the United Nations as a potential 'international recognizer', they hesitate to accept that its standard admission procedure is in itself capable of fulfilling this role, and instead suggest the adoption of special procedures for this purpose."⁶ Unfortunately, it seems that political interests prevail when admission of new states to the United Nations is concerned and this makes the legal conditions secondary, if not irrelevant. This makes recognition a political rather than a legal principle in international law.

Since the idea of a designated collective international organization authorized to extend recognition gained little support among the members of the international community, the policy of granting individual recognitions by members of the

¹ Ibid., p. 53 -54, here Dugard explains the compromised solutions achieved at the Yalta and the San Francisco Conferences between the United States and the Soviet Union. The Soviets insisted that all sixteen constituent units of the Federation be admitted individually, to which quest the United States President Roosevelt had responded with the demand for all 48 American states to be admitted individually to the United Nations.

² 1948 I.C.J. Report, 65

³ See the United Nations Conference on International Organization, Amendments and Observations on the Dumbarton Oaks Proposals (Norway), 4 May 1945, available at: http://archive.org/stream/documentsoftheun008818mbp/documentsoftheun008818mbp_djvu.txt

⁴ Lauterpacht,

⁵ R. Cohen, "The Concept of Statehood in United Nations Practice", University of Pennsylvania Law Review, Vol. 109, No. 8 (Jun., 1961), pp.1127 -1171

⁶ Dugard, p.41

international organizations became a pretty much adopted model of dealing with the newly emerged entities. The case of Kosovo's recognition by the member states of the European Union is a typical example of this approach.

According to Dugard, "scholarly opinion on the question of the relationship between admission to the United Nations and the recognition of States is sharply divided and ranges from outright hostility to the very idea of collective recognition by the United Nations to the claim that admission is a modern form of recognition."¹ The founding principles of the United Nations were the prevention of new wars, the maintenance of international peace and security, the practice of tolerance and living together with one another as good neighbors, and the economic and social well-being as declared in the United Nations Charter. It follows from here that with regards to admission of new states, the United Nations should be guided by these noble principles and the commitment to world peace and mutual respect and understanding. The reluctance to extend admission to states that formally have met the criteria for statehood as prescribed by the Montevideo Declaration and the postponement of a decision without further due could easily impair the prospects for more peace and good neighborly relations.

CONCLUSION:

The recognition of Macedonia and Kosovo is an imperative for the European Union's enlargement and foreign policies. It is a mechanism that will contribute to lasting peace and security and basic postulates of international law and relations among nations. The longer the postponement, the greater the risk of the Union become a sponsor of lasting instability and frozen conflicts on its own soil. Therefore it is not in the interest of the community to maintain a status-quo position but on the contrary, it must become a stimulating tool to produce a more proactive policy of bringing these new countries to its community, thus ending unresolved disputes on the territory of geographical Europe.

¹ Dugard, p.43

The Accuracy, Balance and Verification of News, in Independent Press, During the Electoral Campaign 2009 in Albania

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Abstract

The narrative of news should relay in some important elements such as accuracy, the right attribution, equilibration and verification. All of these elements are main components of Ethical Media Code of Albania. This code is at the same time the professional guide of journalists. Hence, the research question of this paper is: does the printed press reflect the electoral campaign based on the responsibilities it has in order to inform the audience? Does the printed press transmit accurate, balanced and verifiable news? Today with the development of technology, the number of people who can release news has increased. Everybody without the urgent need of being journalist has the opportunity to public information that generally is considerate as news. Therefore, such a development as far as having positive influence can have its negative effect. The open internet space for everyone increases the number of events that become news without any verification standard that is required in the Ethical Code. During these circumstances, to analyze the role of professional journalist becomes more important. A professional journalist should always be well informed and aware that his job is totally related with ethical components of writing news such as: verification, accuracy and balance. This paper is based on Ethical Code and on the theory of Social Responsibility of Media. This theory explains that people has the right to do their own choices, therefore media has the obligation to present them all the needed information so they can select what they want and what they need. Thanks to this selection, electorate can make rational choices and become more knowledgeable. These two theories show the proper way the news should be released in the press and should reflect the electoral campaign events. The hypotheses of this study which will be verified after analyze is; the content of news of the independent print media during the coverage of electoral campaign produce and reproduce inaccurate, unbalanced news which are difficult to verify. The methodology used is content analyses, which serves as a proper methodology in social sciences to understand the content of communication.

Keywords: accuracy, balance, verification, media ethic, electoral campaign

Introduction

The market is not an element that can operate alone to ensure the social communication. According to historical context, the second half of XX century is the best evidence in support of the argument because in absence of government regulation, the bussines world did not worry about public service. That the media fulfills its functions to ensure the correct services for the public, the laws are necessary, but there are not enough. This comes as a result of consequences that can come from the misrealisation of the functions in the proper way from media which are not punished from the law. Printed media does not depend on a law that strongly defines the norms, differently from other institutions that operate in a democratic society. In this frame is important that the medias to fulfill their functions, should be aware for their responsibilities in relation to the services they offer. For this serves the self-regulation, the base for which are the ethics code. Ethics code rely on principle instruction with the purpose to guarantee the independence of the profession and service toward the public interest through public way of functions, rights, and obligations of journalist during the jornalistic coverage of the electoral campaign.

Data and Method

In this paper is used the qualitative analyses of content which compared to quantitative analyses of data, permits more interpretation of the text. Kohlbacher(2007) to emphasize some main points of the qualitative analyzes relies on Mayring by explaining that the analyze must based on systematic rules, which means that the material must be studied step by step and this analyzes should led towards categories which can be interpreted. To complete the study are used as primarily source the independent newspapers such as "Panorama", "Koha Jonë", "Tema" and "Gazeta Shqiptare", from which are taken datas, facts during the period of study. By emphasizing that these newspapers create diversity because they depend to different structures and not similiar mediatic groups.

The selected theories are the Ethics Code and the Theory of Social Responsibility which is a modification of Liberal theory taken in the context and condition of the twentieth century with the impact of communication revolution that it had in the society. It can be summed up as below:

"...the position of power and monopoly of media enforces the media to be socially responsible, to look all the sides and to make a correct presentation and the public should have sufficient information in order to decide;and if the media does not take such responsibility, can be necessary for some public agencies to force it to do."(Siebert et al. 1956; 3). The theory of Social Responsibility relies on the principle that by the time it is impossible for all to own a medium property to express the thoughts, opinions, their points of view. It remains the duty of existing mediums to create opportunities that all possible point of views to be presented and discussed.

The importance of ethics in media

Media ethic has raised a lot of attention. For some journalists it is considered very important because it contains necessary principles codes and exactly for this reason they must be respected. Another part of journalists think that ethic is a good subject to be studied from academics and professors, but in the conditions they work, it remains an element that is not taken into consideration. The time they have in disposal, the impossibility to find information continually, the obstacles from the owners, the newspaper's culture where they work, the market, the salary etc are elements that make it harder. Randall says that:

"The power of those who control the newspapers undoubtedly comes from their economic power and in some countries, from the influence they have on rare sources of press and publishings. But very often they do not need to use their power on particular journalists, it is sufficient that their values are totally absorbed from the dominated culture of jomalism in one or some kind of newspapers" (Randall, 2003:20).

Randall's argument opens a new perspective which attracts the attention in the study of ethic. He speaks about a culture of ethics which comes from considering the media as a cooperation. He thinks that the journalist often has an approach which is developed inside the cooperation and in the advantage of the cooperation itself by avoiding that what is left out. In the case of journalism and in other professions outside the cooperation is everyone who is not inside her, the audience. But in this case the worst thing is that the audience remains out not with the wish of the jomalist but with its uncounsciousness.

Other elements of such importance are the values that the journalist has. The Illuminist philosophic approach used the objectivity of the journalist to find the truth, by considering as a mechanism that makes possible the division of the fact from the opinion, as a process to collect the information and as a way that does not accept an intervention from no other person for that is reported. Wilkins and Patterson say that "Culture, an individual of mission and a feeling of individual and organisative point of views is not taken into consideration if we want to have objective news" (2009:29). This means that the objectivity must come from that what we are accustomed to see as good and right, the fact must be read beyond our best subjectivity that is born as a product of culture, which we are part of.

Meanwhile the iluminist point of view over the truth consider the objectivity as a thing that can be reached, the pragmatist challenged this point of view. They chose the theory that: "the truth depend on the way of investigation and from the person that searches it" (Wilkins, Patterson, 2009:30). Further more they did not accept that there is only one way of truth investigation-the scientific research of her discovery. Taking from Ajnshtain the relative theory, prgmatisists argued that the truth like the material is relative.

By not considering the truth like something universal, was created the possibility to conquer the objectivity because it is difficult to tell a truth that is relative, from an objective and impartial reporter. The pragmatist critiue focuses on the role of the journalist in the preparation of the news and on his social-economical status. Even though many professionals do not give the proper importance to ethics, most of them are interested because of some factors. The rising level of that what the public demands comes as result of the intensity of taking the information from different sources all the time. Consequently, a kind of pressure exists not directly but it is manifested through giving up from that media that does not complete the quality standards demanded from the public toward media. Media increasing level of commercialization can often be a reason for not to show the information correctly, but also can make the media more sensitive toward the public opinion. The technology is an important factor that can be studied in both sides positive and negative. The positive aspect is related to the democratization of media, but this method has also the negative aspect which eliminates the filter process because the journalist directly refers to the audience or leaves space for the manipulation of the information through the usage of incorrect images. Because of the technology development, the internet is playing an important role but the risk is still present in its positive characteristics, particularly in the possibility that everyone has for access. This is concretely reflected in democratic access that everyone has to upload information that cannot be correct, verified and can make different other features that are not included in journalism rules and principles. When Bertrand explains the radical democracy of Habermas he says that it "seeks honest filters, journalist that can be trusted, that are competent and reasonable." (2007:8). Before this situation of these factors, the legal sides can treat only a part of the problems, the government intervention to solve them is not the correct one, the best possible strategy is the ethic code usage as a base of self-regulation. An interesting approach of ethic is that of David Randall. According to him, we should not see ethic as a behavior codation. According to him, we should see ethic as a codification of behavior or request to behave in a way that is not possible to be real but "...as a definition not only of principle but of good practices of journalists" (2003:120). Ethic is a protective mechanism, because it is the best way a journalist to complete his job because of being the safest way and permits to have a positive reputation. When Randall speaks about ethic, he considers the relation between the reader and the press who should contain this way where "All events or articles that the newspaper contains come as a result of decisions free of every political, commercial and not commercial influence" (2003:120). Randall does further with the argument on ethic in the journalist field by emphasizing not the philosophic aspect of thinking on ethic, but the ethic in the journalist report and owner, by seeing necessary the regulation of the connection between ownership and doing journalism.

Ethic in relation to journalist elements

A good reporter should have some main qualities, the first one is "... the sincere obedience for the obligation that has toward population to approach as much as possible to the truth" (Raportimi dhe Shkrimi i Lajmeve, 1991:34). Other qualities are related to the respect for the management of difficulties that appear during the process of their work and the knowledge in relation to the news by involving information for those who cause this news and its consequences. The news must be an unheard fact and to have interest for all in the sense to influence or play an important role in the public life. The news does not exist alone but in relation to other factors that serve to orientate about what we want to know and orientate us to know the value of the news. Despite the subject, development, rareness, source, number of people that have knowledge on the news, we have other elements that don't have a direct relation to the event but which influence the value of the news such as the collection of information in relation to the reader and context which is seen as "the whole circumstances in a particular area where the newspaper circulates, which are related with the subject and development and helps us to define the level of rareness" (Randall, 2003:35). The news reporting should rely on some elements that are the accuracy, the exact attribute, balance, verification etc which we can add some other ethic values such as the preparation of writings that are capable of responding to the critiques, insistence that serves as an orientation for journalists to take the necessary data, application of moral norms in relation to people. In this case, the impartiality is not directed only to tell two side of history but the inclusion of all other sides for a better formation. The preoccupations of public opinion should not be in the second case, to be substituted from "the battle" for power. Wilkins and Patterson quote the critic of media who says that:

"The concentrated journalism on the political conflicts is responsible in relation to removal of people from politics, a thing that is reflected on the decreasing number of voters and the tension which is created among the political actors" (2009:207)

By staying on the same line Jamieson suggested that: *"instead of emphasizing the event, conflict, the race between political actors it is necessary the focus over the issue and political perspective"* (just there). The community feeling relies on the thesis that journalists should see themselves as citizens and not only as employees of profitable organizations in which they work, by asking themselves all the time about the social goods that are profited from their writings.

3.2 The historical perspective in Albania

After the explanation of the history of ethic in the world and the development of studies in this field, I will give a presentation of ethic in the Albanian journalist field. Political changes in Albania were reflected in the field of media where the press during the first post-communist period was the most important media to process and transmit ideas. The born of this new press, despite other innovation that it brought, emerged the treatment of new problems such as the issues related to ethics and professionalism in journalism. The concepts of ethic or the ethic code were not part of media's field in the fifty years period of communism because according to Bertrand (2007) the deontology can exist only in democracy. The change of political system reflected a period of transition that would be reflected in printed press because the period of democracy was characterized from clash between those who represented the past of communism and other who represented the new system, but without relying on a system of values. The political antagonism between the old force of politics and the new ones, the distant relation with the past publicist in early XX century will make impossible the respecting of ethic and professional principles in printed press. To create the right frame of this sub-issue should be mentioned the difficult period of 1997-1998. The years 1997-1998 are the most difficult years in the historical perspective of Albania after the change of the political system, which would influence logically in the professionalism of the Albanian media where the system of information was deformed. This period is characterized by total avoidance of ethic usage and from the other side the professionalism is difficult to be reached because of the installation of Official Committee of Censure.

The law of 1997 is the legal arena in which is supported the printed press, which is supported in the notion of freedom by relying in two sentences: The press is free. The freedom of press is protected by law. The professionals of the field, journalists, parliamentary commission of media, different actors found necessary approval of a more detailed law and not so general, but despite this there are not any changes. In this context that the media to complete its functions should be oriented toward self-regulation, concretely toward Ethic Code, which was created for the first time in 1996. Ten years after the approval, The Albanian Institute of Albania decided to make a review of code by creating also a self-regulation mechanism that will control the execution of code. The Ethic Code (2006) had the support of four journalist organizations that operate in Albania. With all improvements during these years, ethical offences are still present in printed press. The ethic is not the main priority of actors that operate in this field.

The titles of writings in relation to content

Titles are important because they serve as helpers for reader to be oriented. Russ explains that: *"All kinds of titles are absorbed more than the texts. Who unfolds the newspapers, in the end has read twice more titles that article"* (2010: 168). Through analyze can distinguish these approaches in the usage of title. Often they use sensational titles, which we identify like that in relation to the content of the writing. The writing with the title *"Kadare: 'I expect elections with European standards'"* (Panorama 8.06.2009, pg.6) accompanied with a title where is evident the comment that Kadare does for the electoral situation, in content of the writing is the interview of Kadare taken from media "Koha Vision" which focuses on the problems of Kosovo. Only two questions are related with the electoral campaign in Albania and the interview is in both pages 6 and 7 of the newspaper. Present are also some incorrect titles that reflect the partiality of the newspaper for example: *"The incident in Durres, PS electoral office is burned"* (Gazeta Shqiptare, 03.06.2009, pg.2) meanwhile the article says that some unidentified people tried to burn the electoral office of Socialist Party. The usage of similar titles by referring to the speech of political actors dominates in this period like *"Rama: Enveristi Berisha is ransoming Albania"* (Tema, 11.06.2009, p.3), *"Berisha: Edi Rama, a second Enver"* (Gazeta Shqiptare, 05.06.2009, p. 6)

4.1 Accuracy, balance and verification

The Etic Code provides that: *"The journalists have the right to take informations, to publish it and criticize it. The information must be upaccurate, balanced up and verified"* (2006:4). So the accuracy is one of the most important elements which serves as a base to build the writings in the field of journalism, but that cannot operate alone. Often to reach the accuracy we should use the verification which is the esence and the difference of journalism from other disciplines. The usage of these elements from the journalist is done in function of the search of the truth which can be defined as:

"The journalistic truth is something more than accuracy. It is a process of selection that is developed with the time from the interaction between the public, the person who does the news and the journalist. This primary principle of journalism –the search of the the truth without any interest-is what differs from every part of communication." (Kovach and Rosenstiel, 2009:55)

If we refer to the search of the truth we can say that it is a research very difficult, as a result of involved factors in this process where the truth can be deleted from the politician, cannot be supported by the owner, publisher etc but also from the factor time which influences on them continuously in relation to the organizational necessity for news. By taking into consideration there factor (that cannot be the only one) we see that a role more dominant are playing the sources as much as the journalists by referring the wide usage of citations, which are often based on accuses, against accuses, debates that pass the boundaries of ethic and obviously dominate the pages of newspaper.

It is not enough only the usage of citations, attributes even if they are done in the correct way. In writings from the electoral tour that the politicians organize, which take a huge space (and here we mainly refer to Rama, Berisha and Meta) it is not possible to include the interventions of journalists with questions, but the writing include what the politicians want to say. In most cases, the politicians have other interests from the interests that have journalist for their work so it is necessary that to do journalism, it mustn't returned into a journalism of statements.

To attribute the writing to a source does not mean that the journalist is telling the truth to the public. This form of doing journalism can be seen mostly as an elimination of responsibility from the journalist who uses a certain politician that has said something but is insufficient to understand if this is true or not. The taken information by having as a source the main leaders is balanced by using the political counterparts. Very often before such situations, take part other writings (rarely answers inside the same writing) from them who are accused for the event, different issues or personal accuses that have no relation with their duty as politicians. It must be emphasized that more that the problems that have interest on public opinion are included problems that are not important in public life such as the Serbian motives of the song "Stand up" chosen from the Socialist Party during the campaign and the answer that Rama gives to Berisha: *"Stand up not for Saliun. Our song is not for Saliun that stands still because the "horse" of the power is attached in the family's branch"* (Salliu.F, Koha Jone, 06.06.2009, pg.4)

The used method in relation to balance does not substitute the verification and investigative journalism. The duty of the journalist is not simply to add to the information some interpretations or analyzes, but mostly to verify the credibility of the news and in a second step to list it in a way that people to understand how it is. By referring to the analyze of content of selected newspapers, it is noticeable that the saving of balance between two main political actors Berisha and Rama (but also Meta is a figure that is important) is present. In this case we do not refer the balance in its maximal percentage because there are cases when a large number can contain more or less information depending on main developments so we cannot speak about a strict measure of lines. Differently from other newspaper, at "Tema" newspaper obviously dominates Berisha. All the events, phenomena, problems of the elective process, identity card, the international evaluation in relation to corruption's scale, the case of two murders that happened during the electoral campaign etc are related with the figure of Berisha who turns into the main protagonist meanwhile Rama is mentioned only in a few cases. By referring to these writings the more is written and is criticized Berisha, the more this influences for Rama who turns into the protagonist even though not directly by being the other main option in this electoral campaign. So Rama even though does not have the same lines as Berisha, he positively dominates through a not direct strategy.

A large amount of the writings from the electoral campaign which are presented in selected newspapers, contain accuses, comparisons of the political counterpart with the figures of the past, who do not have a positive image. These characteristics turn in something impossible the process of verification –which contains the essence of journalism. According to the rules

of writing and reporting of news the verification rule is that what distinguishes the journalism from entertainment, propaganda, fictional or art.

The problem pre-scales because such writings are present in each number, their verification is impossible and not logic and if we refer to values they have as news we should consider that the news despite being an unheard news and not ordinary it should have interest, to influence, to be important for the public. The factors of the value of the news are influenced from some elements such as: event, its characteristics, rareness, development, source, how has happened before, how many people know about it. Are the news that complete the criteria that we explained, the writings where the leaders refer to each other as *shoeshine of bllok*, *mammoth of corruption*, *the yesterday Enverist*, *Enveristi who is taking Albania?*. I believe that the answer is rhetorical in this case. Referring to Randall (2003) over the criteria of evaluation of the influencing power, the events that he classifies in the end of the pyramid are supported by events-chatty when in reality has not happened anything by continuing with events that are said to happen. Such events are present in the writings of type Berisha asks Rama or Rama warns that no one will touch the votes.

4.2 The lack of accuracy in function of political partiality.

Through the developed analyze during this chapter the used language in printed press reflects the political partiality of newspapers. The accuses that the leaders direct to each other, are interpreted on the basis of political support for example: "*Elections, Berisha offends Ram: you have collected the dirtiness*" (Bushati. G, *Gazeta Shqiptare*, 10.06. 2009, p. 2). In the case when the left leader uses a language that is not ethical by referring to the majority with the naming that there is no troit in power that can abuse with the vote, this is broadcasted in this way:

"A strong declaration of the leader of PS, Edi Rama, yesterday in Mallakaster demonstrates that the opposite is determined to not permit the misunderstanding of only one vote with 28th of June" (Tema, 18.06.2009, pg. 7)

Such language will influence not only in the information taken but also at the media consummator because:

"The language of mediums is consumed a lot and influences a lot on the used language from those who consume the mediums... The negative supposed effects of mediums for the language of a nation take part on the debates for the conservation of the norms of Albanian language, but nearly in other languages too"(Rugova, 2009:6).

The used language shows partiality of newspapers. For the same event, for the murder of Zeka (the activist of Democratic Party) during the electoral campaign, are given different versions. "Tema" newspaper says that the murder had criminal precedents, and a day later publishes the writing that "the fighting" was not for political motives and a group of people with Artan Zeka (his age is 25) had rrah the author of the event together with his wife who had the violence marks on her face. In "Gazeta Shqiptare" the age of the victim was 32, the group who violated the author was made from 7-8 people and the saying of the woman of the author does not include the version that she was violated. The newspaper "Koha Jone" presents the event through the function that Zeka had as an activist of Democratic Party, was shot while having a coffee as a consequence of the fighting which started a day before, through insulting, violation according to the author. It is not difficult to see the diversity of the information for the same event.

Conclusions

Media broadcasts, produces information in relation to the informing functions. The evident problems during this paper is that often the articles are written by relying on unbalanced news. The newspaper "Koha Jone" is in favor of right forces, "Gazeta Shqiptare" is in favor of left forces, "Tema" against Berisha and "Panorama" is more balanced.

A large numbers of writings from the electoral campaign which are presented in selected newspaper contain accuses, comparisons of the political counterpart with figures of the past who do not have a positive image. These characteristics turn it in something impossible the process of verification which is the sense of journalism. The problems pre-scale because such writings are present in every number and their verification is impossible and not logic.

The focus in a dominant way on leaders of main political forces and the type of discourse they use, produces ethical violations because the printed media does not fulfill the functions that it should do. The content of news of the independent print media during the coverage of electoral campaign produce and reproduce inaccurate, unbalanced news which are difficult to verify.

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The Impact of Avoidable Mortality on the Life Expectancy in Bulgarian Population

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Abstract

Mortality due to avoidable causes of death is one of the most often used quality and efficiency indicators for the health care system and the policies of prevention of morbidity and mortality by causes of death due to behavioural or environmental factors. The objective of the article is to study the impact of avoidable mortality including amenable and preventable mortality on the life expectancy in Bulgaria during the period 2005-2012. The classification of avoidable mortality, proposed by the Office for National Statistics of the United Kingdom in 2011, is used. The methods of decomposing the change in two life expectancies by age and the change in two life expectancies by age according to the causes of death by E. Andreev and E. Arriaga are applied to measure the impact on the change in life expectancy. The main results of the study show that during the period 2005-2012 along with the decrease in the total mortality, also the avoidable mortality has dropped – from 34.72% to 29.12% of the mortality due to all causes of death. The avoidable causes' of death contribution to life expectancy increase is by 1.20 years and it is considerably greater than those of the other causes. Mortality due to amenable and preventable causes of death is also decreasing. Greater is the effect of the amenable causes of death on the life expectancy increase.

Keywords: life expectancy, avoidable mortality, amenable mortality, preventable mortality

Introduction

Avoidable mortality is a major public health concern (Wheller, L. *et al.*, 2007). The concept of avoidable mortality was introduced by Rutstein *et al.* in 1976 in order the healthcare system's quality and efficiency to be assessed and its weaknesses to be identified (Rutstein *et al.*, 1976).

In the last decades the classification related to avoidable causes of death is developed and complemented as a result of the development of science and medicine. Some of the most often used classifications are those proposed by Nolte and McKee (2003), Page *et al.* (2006), and Office for National Statistics (ONS), UK (2011).

According to the ONS definition, avoidable mortality designates deaths from particular conditions, at certain ages, as ones that should not occur in the presence of timely and effective health care or other appropriate interventions (ONS, 2011). Avoidable mortality includes amenable and preventable mortality. Amenable mortality according to Nolte & McKee (2003) is mortality by causes that could have been avoided by means of medicine and are subject to medical interventions. Page *et al.* (2006) define "preventable" mortality as death by causes that could be prevented through policies of prevention of death and morbidity by certain causes, including change of the individual behavior and such that could limit the adverse environmental effect.

Mortality from avoidable causes of death in Bulgaria has not been well enough studied yet. Small number of publications on the topic exists, where avoidable mortality is studied in view of making an assessment of the healthcare system's efficiency and quality and the prevention policies of morbidity and mortality by preventable deaths (M. Mourgova, 2016) and the differences by sex in the avoidable mortality among the old age population in Bulgaria (M. Mourgova, 2016).

In this article the impact of the avoidable, amenable and preventable mortality on the the change in life expectancy in Bulgaria during the period 2005-2012 is measured. Applying the method of life expectancy decomposition, the contribution of mortality by age due to those causes to the total change in the life expectancy is assessed.

Research method

In our study we used data of the World Health Organization by age and cause of death in Bulgaria according to the Tenth Revision of the International Classification of Diseases (ICD-10).

For the purpose of studying the mortality by avoidable, amenable and preventable causes of death, the classification proposed by the ONS (2011) is used.

To decompose the changes in life expectancy and the changes in life expectancy by causes of death, methods proposed independently one of the other by Andreev (1982) and Arriaga (1984, 1989) are applied.

Results and discussion

During the period 2005-2012 the life expectancy in Bulgaria was increased from 72. 52 to 74. 19 years or by 1. 67 years. The total increase is due to the increase in life expectancy at all ages, except only for the ages from 1 to 4 and from 15 to 19 (Fig. 1), where the mortality increased. The highest increase is observed in the age up to 1 year and in the ages between 65 and 80 years.

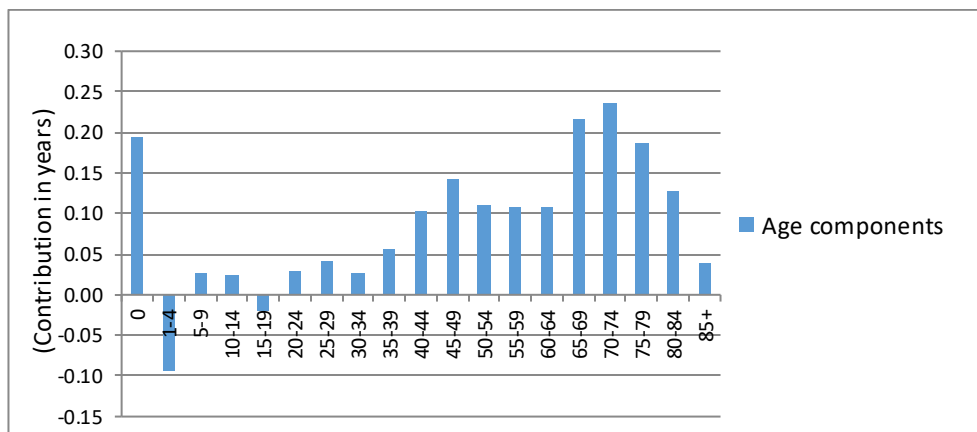


Fig. 1. Age-specific contribution of mortality to the change in life expectancy at birth in Bulgaria during the period 2005-2012

The proportion of avoidable causes of death in the total mortality decreased from 34. 72% in 2005 to 29. 12% in 2012 (Fig. 2). Mortality from the amenable deaths is higher than that of the preventable deaths (Fig. 3). During the period 2005-2012 the proportion of amenable deaths decreased from 24. 41% to 19. 25% , and that of preventable deaths decreased from 19. 67% to 15. 80% .

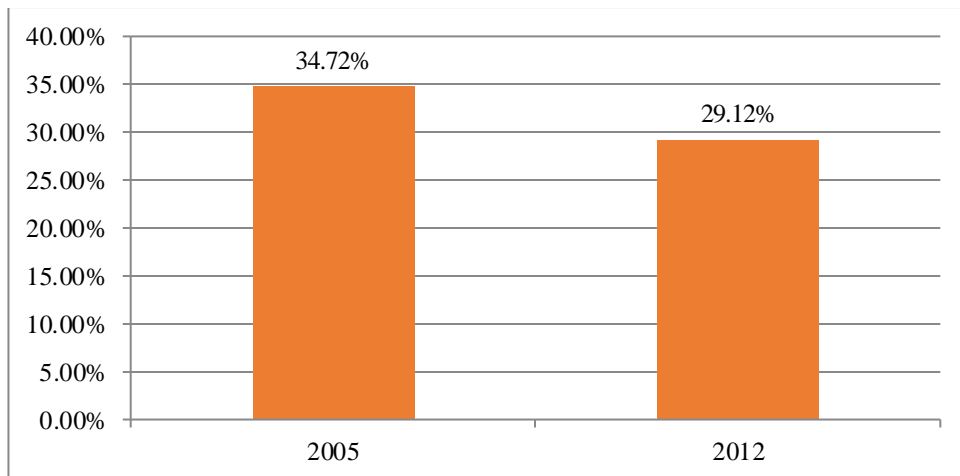


Fig. 2. Proportion of the avoidable causes of death to the total number of deaths in Bulgaria during the period 2005-2012

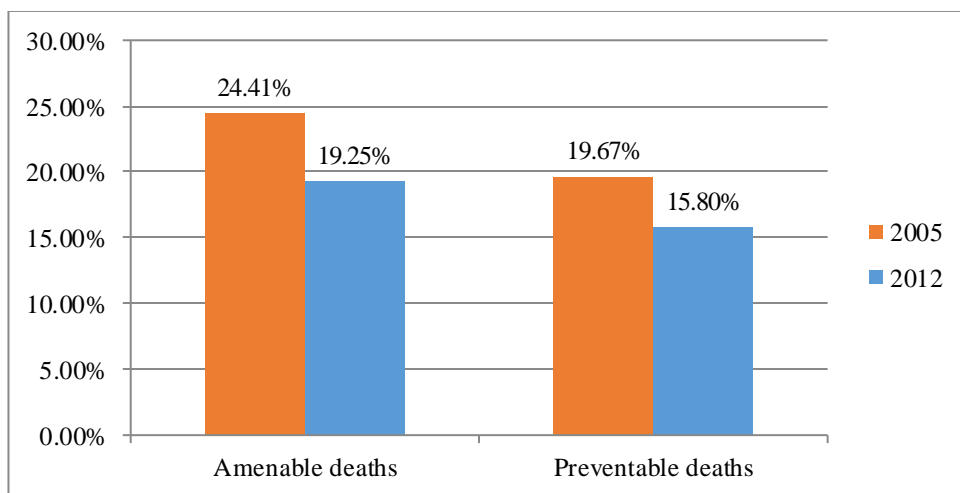


Fig. 3. Proportion of the amenable and preventable causes of death to the total number of deaths in Bulgaria during the period 2005-2012

The decomposition of life expectancies in Bulgaria by age and by avoidable and other causes of death is shown on Fig. 4. The total increase in the life expectancy of 1.67 years is due mainly to the decrease of the avoidable mortality. Its contribution to the total increase in life expectancy by those causes is 1.20 years, and by those of the other causes is 0.47 years.

The decrease in mortality by avoidable causes of death is observed at all ages, except for those of 15 and 19 years. The biggest contribution to the life expectancies has the decrease in the avoidable mortality at ages up to 1 year and the ages between 65 and 75 years. Substantial is also the contribution in the ages between 40 and 60. The mortality by other causes, which could not have been avoided, also contributed to the increase in the life expectancy. Most substantial is their contribution at the ages from 1 year, between 60 and 65 years and over 70 years. The contribution of the unavoidable causes of death at the ages between 1 and 4 years and between 65 and 69 years is negative, which is due to the increase in mortality by those causes.



Fig. 4. Age-specific contribution of avoidable and other causes of death to the change in life expectancy at birth in Bulgaria during the period 2005-2012

The decomposition of life expectancy changes due to amenable and preventable causes of death shows that the decrease in mortality by amenable causes of death has greater contribution to the increase in life expectancy - by 0.94 years (Fig. 5.). This contribution is greatest at the ages up to 1 year and between 65 and 75 years. Substantial also is the decrease in mortality by those causes at the ages between 40 and 60 years.

The decrease in mortality by preventable causes of death contributes to the increase in the life expectancy by 0.73 years. Their contribution is greatest at the ages between 65 and 75 years, 45 and 60 years, and up to 1 year, whereas the contribution at the ages between 15 and 19 years and between 60 and 64 years is negative.

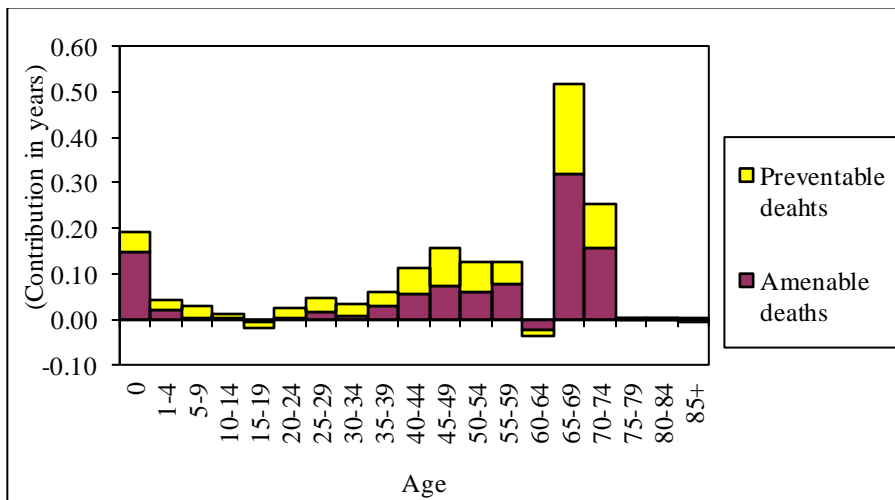


Fig. 5. Age-specific contribution of amenable and preventable causes of death to the change in life expectancy at birth in Bulgaria during the period 2005-2012

In conclusion, the results of the study show that with the increase of the total mortality in Bulgaria, also the mortality by avoidable causes of death decreases, and their contribution to the change in life expectancy increase is substantially greater compared to the other causes of death.

The greater effect of the amenable mortality on the life expectancy increase is an indicator of improvement in the quality and efficiency of the healthcare system. The decrease in mortality by preventable causes of death shows decrease also in the mortality by causes related to the individual behavior and the environmental effect.

Notwithstanding this positive trend, avoidable mortality in Bulgaria exceeds 29% of all causes of death. This relatively high proportion indicates the necessity of a policy of further decrease in mortality by those causes of death through improvement of the health services and prevention of morbidity and mortality by causes, which are related to behavioural factors, such as unhealthy nutrition, overweight, smoking, alcohol consumption and drugs (narcotic substances), and immunizations.

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