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Jewish Fundamentalism and Extremism - The Case of Gush Emunim

Čedomir Božić

Abstract: This paper explores the complex landscape of religious fundamentalism and extremism within Israeli society, with a particular focus on the Religious Zionist faction known as Gush Emunim. It delves into the group's formation, ideology, and actions, specifically examining their underground branch, the *Makhteret*, responsible for executing acts of symbolic terrorism in Israel. The study aims to shed light on the motivations, religious assurances, and perceived threats that compel these religious groups to resort to violence. By analyzing the broader societal and religious divides within Israel, including the significant cleavages between secular and non-secular Jews, the research offers a nuanced view of how religious identity, political ambition, and the pursuit of biblical lands contribute to fundamentalist and extremist behavior. The ultimate goal of such movements, as highlighted, is the expansion of Israeli territory to its biblical borders and the rebuilding of the Temple in Jerusalem, seen as essential for the Messiah's arrival. This paper contributes to the understanding of religious extremism's impacts on Israeli politics, society, and interfaith relations, emphasizing the role of religious conviction in driving some of the most profound conflicts in the region.

Keywords: Makhteret, Jewish Underground, Religious Zionists, Israel, fundamentalism, extremism

Introduction

Religious assuredness can wake people to unimaginable things. One who is drunk by religious pise may be up to the greatest things possible, but also the worst of them. Religion truly has the capacity to be a weapon of mobilization and unification of people. Still, throughout history, it has been used in specific circumstances to be a source of legitimacy for militant religious groups for their actions, which they understand as a reaction to threats from the outside (modern and globalized) world to their community. Whether the threat is political, economic, or cultural, a violent response is what religion demands of them, or rather, that is their perception. Religious groups that adopt this worldview through acts of terrorism in an attempt to change the political environment combine *terror* - to intimidate and send a message to opponents and *religion* - to attract followers (PBS, 2002). Since the middle of the 20th century, the Middle East has been a place of permanent conflict, primarily between Jews and Palestinians (but also Arabs in general). These conflicts take various forms, and one of the forms is acts of fundamental extremism. Israel is a deeply divided society and, as such, represents fertile ground for conflict. In addition to the division between Jews and Muslims, it is important to mention that Jewish society itself is divided into several entities. Roughly, the division is between the secular and the non-secular, who clash over the role of religion in their state, but this can be extended to four large groups: *Haredi* - ultra-orthodox Jews who do not recognize the existence of the state of Israel, because it was created by man, not by God's hand, and the term itself signifies *one who trembles under the word of God*; *Dati* – religious orthodox Jews; *Masorti* – traditional (not necessarily theistic); and *Hiloni* - the largest group that includes secular citizens (PEW, 2016).

Consequently, numerous acts of terrorism have been committed during the last decades, and the actors and targets are diverse. This paper looks at the religiously inspired acts of terrorism committed by religious Jews. Those acts could be aimed both toward the Jews themselves, but also toward the Palestinians, and it is the acts of terrorism toward another ethnoreligious community that are the basis of this work. Specifically, the focus is on the *Gush Emunim* (Block of the Faithful) movement, more precisely, the *Makhteret* (Underground) that emerged from that group and has committed multiple attacks against Muslims in Israel. Their goal, as well as the goal of other Jewish fundamentalists, is the expansion of the state of Israel to the biblical borders and the restoration of the Temple in Jerusalem, which they consider a prerequisite for the coming of the Messiah and salvation. Therefore, they take matters into their own hands and are directed towards creating the

conditions necessary for the day of the savior's arrival. From their point of view, power (force) secures the right, and divine legitimacy stands behind them. The restoration of the temple implies the demolition of the third holy place of Islam, while the unification of the biblical territories would imply the expulsion of the Palestinians. The following text will discuss the ways in which the Underworld of Gush Emunim strives to achieve these goals.

Theoretical Framework

In order to understand individual acts of religious fundamentalism which include terrorism, it is necessary to briefly mark what terrorism means and how it fits into the theological tradition of the world's oldest living[1] monotheistic religion. A comprehensive, but narrow definition of terrorism for the needs of this paper can be borrowed from Richard English (2016), who defines terrorism as "the use of force against civilians for a political purpose with the aim of creating terror or fear among the directly threatened group and the general public" (p.5). Such a definition focuses on the act itself and emergent characteristics of terrorism and does not go into the perception of the justice of a political or rational goal. What distinguishes fundamentalist terrorism from other forms of terrorism is that they do not want dialogue with the West, they want to reject Western and modern influences, and they do not consider themselves to be in conflict because they have a religious justification for their actions (Post, 1988). A great framework for the study of fundamentalism and extremism can be found in the work of Almond, Appleby, and Sivan, and the psychological side of this medal is presented by Mark Juergensmeyer in his numerous works.

The aforementioned trio investigates, first of all, the context and conditions of the emergence of fundamentalist movements and their influence on religion, culture, and politics. In order to describe these movements, they assign them the term "strong religion" because they are militant movements that are clearly antagonistic to secularization (Almond et al., 2003, pp. 17-18). Therefore, these movements can be said to be fundamentally against the secularization and marginalization of religion. They do not arise in a vacuum but are shaped by a certain long-term context (structure), certain coincidences or chances that are more or less (un)predictable,

1 Research shows that Zoroastrianism is the oldest religion, but it has no followers today (at least not a significant number).

and choices made by the leaders themselves, further influencing the direction and intensity of development (Almond et al., 2003). The very context of creation shapes the conditions of creation. It includes the centrality of religious leadership, then the state of secularization and religion that is suppressed and which fights against such a state, then civil society, the level of education, globalized communication, social structure, ethnic-religious factors, economic development, international and the internal environment, as well as other factors that shaped the conditions within which a fundamentalist movement was born (Almond et. al., 2003). All of this together affects the adoption of a worldview as a world of war, which is not a simple process, but a series of steps that lead to the symbolic empowerment of individuals who adopt that worldview. First of all, the attitude is adopted that *the world has gone awry*. This is often caused by real problems that people struggle against politically and culturally. However, fewer take a step forward towards a culture of violence and come to the position of *the foreclosure of ordinary options*, that is, that goals cannot be achieved by ordinary means. For that minority, religion offers precisely the possibility of *satanizing* the opponent and *cosmic war* as an absolute conflict between good and evil. Thus (religiously) empowered individuals to *perform symbolic* acts of power that include terrorism as a means of fighting against absolute evil (Juergensmeyer, 2017).

Fundamentalism is a "type of conservative religious movement characterized by the advocacy of strict conformity to sacred texts (Henry Munson, 2024)." All fundamentalist movements, which we can place under the broad term of the old monotheistic "Abrahamic" faith (Judaism, Christianity, and Islam), have certain ideological and organizational characteristics. *Ideological* ones include:

1) Ideological component of Reactivity to the Marginalization of Religion;

2) Selectivity, which is reflected in the selective interpretation of sources, taking elements from modernity that correspond to them and paying attention to special goals;

3) Moral dualism (Manichaenism), which represents a worldview about the division into light and darkness, which is polluted and should be protected from;

4) Absolutism and Inerrancy of divine sources (the Torah, the Talmud, the Halakah origin are divine and true and accurate in all particulars); and

5) Millennialism and Messianism, the idea that ultimate good will defeat evil with the help of a messiah (Almond et al., 2003).

Organizational characteristics define a movement that has:

1) Elect, Chosen Membership, described as "the remnant" or "last outpost" who are on the right (divine) track;

2) Sharp Boundaries between the saved and the sinful – separation can be established on various levels – from dress code, lifestyle, etc. A great example here can be Haredi (ultraorthodox Jews who live near synagogues, wear a white shirt with a black jacket and pants, *Kippah* is a must, etc.;

3) Authoritarian Organization that has no bureaucracy but a superior charismatic leader who outshines regular members and blinds their perspective; and

4) Behavioral Requirements in every sphere of life (dress code, eating, ideas...) (Almond et. al., 2003).

Another thing one must consider when researching fundamentalist movements is their perception of the force they are fighting, essentially their enemies. Perception of the enemy is an important characteristic of these movements, and it can threaten the movement directly or indirectly, in a less noticeable way. Depending on that, the enemy can be primary or secondary. No matter of enemy type, it is being demonized in order to deal with him more easily. When the victim is deprived of the status of a human being, it is easier to kill him. Satanization is easier when people feel oppressed or suffer violence (Juergensmeyer, 2017). The main enemies are, first of all, the religious establishment, which they perceive as corrupt, then the secular state and civil society, which introduce modernity which is a danger to their community and values, and other factors against which they can be directed are religious or ethnonational competition and imperialism and neo-colonialism (Almond et. al., 2003). The alternative framework of fundamentalist movements denies them an organizational and hierarchical structure. Actors of religious terrorism act through *social networks* rather than through organizations, in a special counterculture that strengthens the righteousness of their path, social cohesion, and faith (Pedahzur & Perliger, 2009). However, despite the fact that some authors identify the form of the organization differently, they agree that the groups see the conflict between the forces of good and evil as inevitable and that this is especially pronounced in the minority that has a high identification with the values of the community (Pedahzur & Perliger, 2009). They also emphasize the central role of the leader, being based on close member ties and the sense of crisis as a very important factor that pushes people to violence (Pedahzur & Perliger, 2009).

Throughout their history, the Jews have lived in turbulent periods full of conflict and often marginalization by another, dominant, or threatening group. The consequence of living under conflict was the development of "competitive victimhood," i.e., the tendency to interpret the suffering of one's own group as far greater than that of the rival (Halabi el. al, 2020). Thus, the feeling of victimhood can be used as a psychological mechanism to justify violence, which is even more intensified if the danger to their community is real (as in the case of Israeli Jews). The scriptures themselves are permeated with violence, and one often hears that the Old Testament God is a God of war and violence. Proponents of that thesis can refer to "an eye for an eye, a tooth for a tooth" as proof of that claim, although many argue that it cannot be interpreted literally and that, for example, it refers rather to a financial sanction than injuries (Kalimi & Haas, 2006, p. 2). Burns claims that Jewish tradition calls for the minimization of violence that it is permitted only to prevent the occurrence of evil and that minimal violence must be used to achieve goals (Burns, 1996). In addition, Judaism, like any other religion, deals with violence and war and theologically (dis)justifies certain cases. Those principles are known as *jus ad bellum* or rules before the war, and they are accompanied by another set of conditions that concern the moral limitations of warfare itself - rules in war or *jus in bello* (Juergensmeyer, 2020). Judaism allows for several types of justifiable war: *binding – milhemet hova* (defensive, although self-defense does not count as war and those where God ordered the fight) and *permissible – milhemet reshut* (when it seems wise for the state to do so) although some add *preventive* as a separate category (BBC, 2009; Juergensmeyer, 2017; Solomon, 2005). The decision on whether there are conditions for a just war is made by the *Sanhedrin* (council of elders) or the prophet in the case of a permissible war and in the case of a binding one by the government guided by Halakha. As it does not exist today, those with the authority to interpret halakha – the rabbis – decide, which is especially important for the Gush Emunim (Juergensmeyer, 2017). Both war and peace come from God. In this way, individual responsibility is erased. It is important to note that when violence is carried out, one must act according to certain norms: it is conducted only by true believers who do not have a recently conceived family or other obligation that binds them, and the force used must be directed towards the maximum speedy resolution of the conflict, peace must be offered to the opposite side, and even if he is refused, the children and women will be spared or captured (Solomon, 2005). Although they are religious fundamentalists, this does not seem to apply to extreme religious groups that commit terrorism. This is another indication of the selective interpretation of sacred sources.

Gush Emunim and *Makhteret*

Jewish terrorism in Israel is directed both within the group and against external enemies. It appeared for the first time after the establishment of the state and was aimed at Jewish targets, and since 1980 and the appearance of the Underground, it has been directed more vigorously at the Palestinians (Gal-or, 2004). Gush Emunim represents one of a series of examples of Jewish fundamentalism that claimed many lives and fits into the theoretical matrix that is being presented. The importance of this example can be seen from the fact that between 1978 and 2008, 90% of terrorist acts were committed by national-religious Jews, among whom a large proportion of followers of Block of faithful in their settlements (Aran & Hassner, 2013). In addition, the relevance of this movement is illustrated by the fact that they managed to develop strong political mechanisms to influence the Israeli government, which includes a significant number of seats in the Knesset.[2] The main influence on Israel's politics can be seen in the creation and expansion of Jewish settlements along the West Bank, i.e. Judea and Samaria (Perliger, 2016). The movement first emerged as a non-violent, messianic, ultra-national orthodox movement, and then the *Makhteret* (underground) that undertook terrorist acts was separated from it. This shows that religious traditions are not immutable, but although they are partially restrictive, they are nevertheless adaptable, and they leave room for (religious) leaders to interpret the sources selectively. The main acts by which *Makhteret* is recognizable are: 1) Planting bombs on the cars of Palestinian mayors; 2) Attack on students of the Islamic Faculty in Hebron; and two planned but unexecuted acts: 3) Intention to blow up the Dome of the Rock; and 4) Intention to plant bombs on buses in Jerusalem.

Gush Emunim has its roots in the ideas of two rabbis, father and son, Isaac Kook and Zvi Yehudah Kook. Isaac was the chief Ashkenazi rabbi in this area under the British protectorate and saw the secular Zionists as God's instrument of redemption, as a sign of the restoration of the homeland of Israel and the beginning of the messianic era (Rabbi Snitkoff, 2022). This attitude towards secular authorities distinguishes religious Zionists and ultra-orthodox Jews – a view of the circumstances that led to the formation of the Jewish kingdom in Israel – some take an active role in salvation. In contrast, others consider it better to wait for the messiah passively.

2 In 2024 one group with same political worldview of Religious Zionism makes second most important party in Israeli government. They hold important ministries and have a major influence on prime minister Benjamin Netanyahu.

Thus, for example, religious Zionists perceive the formation of the State of Israel and the victory in the Six-Day War in 1967, perhaps most important due to the occupation of the territories of Judea and Samaria, as stages of the redemption process (Perliger, 2016). Kook Sr. was the head of the *Merkaz ha-Rav* school (yeshiva), which his son succeeded. Kook Jr. incorporated into his father's teaching the idea of the necessity of fulfilling the biblical borders and the unification of Eretz Yisrael into the State of Israel and thus formed his ideo-theology about the borders and annexation of the mentioned territories (Sprinzak, 1987).

The Gush Emunim emerged only after the Yom Kippur War when they felt the need for political organization. The movement was officially born in 1974 in the territory of the annexed West Bank in a settlement that was taken from the Arabs under the slogan "Land of Israel, for the people of Israel, according to the Torah of Israel" (Sprinzak, 1987; Rabbi Snitkoff, 2022). Initially, the movement was close to the authorities because the expansion of settlements West of the Jordan River suited both, but democracy was seen only as a step towards a Halakhan theocracy. The Gush has been seen as a "settlement movement" that aims to settle territories to which the Palestinians have no rights (Sprinzak, 1987, p. 203). Kook the elder's idea that the settlement should be peaceful, is not current with the new settlements that aspire to Jewish sovereignty over Eretz Israel (Solomon, 2005). Supporting the new ideology that sees all Palestinians as *Amalekites* comes with the emergence of new leaders.

First of all, the ideologue of the appearance of the Underground in 1979 within Gush Emunim is Yehuda Etzion, who, along with Ben Shoshan, is the main and responsible for planning the first terrorist actions (Friedman, 1986). Alongside them, a leader with military experience was needed, which was found in Commander Menachem Livni, a veteran of the Israeli army (Aran & Hassner, 2013). The Underground is emerging as a fundamentalist movement that believes that the messiah will come in our time and that something needs to be done here and now (Post, 1988). The key event for its origin was the negotiations at Camp David when they saw the concessions made by the Israeli government as a betrayal of Jewish ideals. Etzion formed his "theology of active redemption," through which he continued the views of Ben Dov, who believed that one should not wait for a miracle but act now and come up with the idea of blowing up the Dome of the Rock in order to initiate the metamorphosis of Israel (Sprinzak, 1987, pp. 203-207). However, despite their planning, the action was never carried out because they could not get the rabbi's approval to carry out such an act (Sprinzak, 1987). This disappointed Etzion

and Shoshan, who did not play a more important role in further actions. Other authors point out that, paradoxically, another terrorist (Palestinian) act saved the Dome. The unfortunate event concerns the murder of six yeshiva students in 1980 as they were leaving the synagogue in Hebron. The movement reacted to this with the first terrorist act, whose mastermind was Livni. After the commemoration of the dead students, they planned to retaliate by placing bombs under the cars of the Palestinian mayors, in order to cripple them and thereby humiliate the Muslims in this area. Their action was partially successful. Not all bombs were activated, and they even blinded a Jewish soldier who was injured while deactivating one of the bombs (Friedman, 1986).

The next misdeed was committed in 1983, again as a vengeance for the murder of a yeshiva student: actors entered the Islamic Faculty in Hebron and killed three and wounded 33 people. Authorities arrested 25 persons responsible for the attack (Norman, 2021). Intoxicated by this act, young Shaul Nir wanted more. He believed that the Palestinians must be driven from the holy land that God intended for the Jews. He convinced the rabbis to bless the new operation. It was planned to blow up five buses with Arab passengers. However, this did not happen because the Shin Bet discovered this plot and, in 1984, arrested Gush Emunim members, several military personnel, and rabbis (who were acquitted), and the organization was officially declared a terrorist (Sprinzak, 1987; Norman, 2021). Individuals, mostly well-educated from the middle class, which is the profile of members of the underworld, affiliates of Gush Emunim continued to carry out *Price Tag* attacks in the West Bank area in an attempt to provoke the Arabs into a response and thereby hope that the Israeli army would step in and forcefully unify the biblical territories (Aran & Hassner, 2013).[3] People from the settlements have supported both terrorist and *Price Tag* attacks because they perceive them as defending their community against the demonized Palestinians.

Concluding Remarks

In Makhteret, all the elements identified by theorists of fundamental movements are depicted. First of all, they represent a response to the secularism and modernism embodied in the State of Israel, which has failed the goal of unifying the territories of Eretz Israel. All five ideological and four organizational characteristics are

3 Price Tag marks attacks of vandalism and hatred crimes against the Palestinians (Gurski, 2020).

also present: they are a militant response to the defense of religion, they selectively interpret the sources and pay attention only to a certain problem, their world is divided into good and evil, and their ideo-theology is infallible, and the messiah will come and defeat good and evil. They will initiate it. They are the righteous remnant and are differentiated from the sinners in an organization that puts leaders first and demands certain behavior from its members. Their main enemy is the Arabs, but also the religious establishment that is corruptly close to the State of Israel. The conditions of emergence are also present. Long-term factors shaped their perception – a life filled with conflicts under ethno-religious competition in a secular state. Short-term factors or chances occurred – Camp David, but also reactions to the murder of yeshiva students. Leaders made key choices – planned attacks/actions. It is important to make a connection with the stages of empowerment: primarily, because of Camp David, they realized that everything had gone awry and that they could not use regular options (such as democratic solutions) against a satanized enemy who had nothing to seek in the Holy Land. Consequently, they had to take some acts that would show that they were ready to all, acts that would demonstrate power.

It was critical for them to have the rabbi's approval of their actions, as they saw their authority as religious interpreters as crucial. The question arises: if they pay so much attention to religion, why do they not find in it mechanisms to establish peace through non-violent means? The answer to that is precisely the characteristic of fundamental movements to interpret sources selectively. Such acts will not end anytime soon, nor will the conflict in this area – precisely and paradoxically because of religion. What they should do is move the cosmic war out of reality and into the realm of ideas and find in the biblical writings instructions for the cessation of bloodshed such as (Juergensmeyer, 2020):

> And he shall judge among many people, and rebuke strong nations afar off; and they shall beat their swords into plowshares, ad their spears into pruninghooks: nation shall not lift up a sword against nation, neither shall they learn war anymore. But they shall sit every man under his vine and under his fig tree; and none shall make them afraid: for the mouth of the Lord of hosts hath spoken it. All the nations may walk in the name of their gods, but we will walk in the name of the Lord our God for ever and ever (Micah, 4:2-5).

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The Responsibility to Protect and Non-State Actors: Addressing Terrorism and Sovereignty Challenges in Venezuela

Claris M. Diaz

Abstract

The Responsibility to Protect (R2P) was created to address the global failure to prevent atrocities such as genocide, war crimes, and ethnic cleansing. However, with the rise of non-state actors like terrorist organizations, the framework faces new challenges. This article explores the complications that non-state actors present to R2P's implementation. It argues that while R2P was initially state-centered, non-state actors often transcend borders and evade international norms, complicating efforts to hold them accountable. Through a case study of Venezuela, this research highlights how terrorism, transnational criminal networks, and other non-state groups complicate the application of R2P. For R2P to remain relevant in today's global landscape, it must evolve. This evolution involves redefining sovereignty to account for non-state influence, strengthening international accountability mechanisms, and fostering regional cooperation to address the root causes of terrorism. Ultimately, the framework must adapt to modern threats to protect vulnerable populations effectively.

Keywords: Responsibility to Protect, non-state actor, terrorism, state-sponsored terrorism, state sovereignty

Introduction

All of the crimes against humanity, the mass atrocities, not to mention the genocides that continued after the Second World War, indicated to the international community that drastic changes in the framework of intervention were needed. From this realization, the Responsibility to Protect (R2P) was created. Despite state sovereignty, the international community still had a responsibility, a duty, to protect those from atrocities whose state leadership could or would not. In 2001, the International Commission on Intervention and State Sovereignty developed R2P, and the United Nations General Assembly adopted it in 2005. The Responsibility to Protect asserts that the global community has a responsibility to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity (United Nations, 2005). However, with the rise of non-state actors and their continuing threats, the practical application of R2P has become increasingly important and, unfortunately, further complicated. Though they transcendence borders, non-state actors can still commit genocide, war crimes, ethnic cleansing, and crimes against humanity. This being said, examining R2P's continued relevance and success in dealing with threats from non-state actors by reviewing the implementation process is necessary. Identifying the likely obstacles to implementation and developing solutions to circumvent these obstacles may abet the successful implementation of R2P in cases of crimes against humanity committed by non-state actors moving forward.

At heart, the Responsibility to Protect concerns state actors and their obligations towards the people within their borders. The notion of R2P rose from the ashes of the world community's inability to prevent atrocities in Rwanda and the Balkans in the 1990s (ICISS, 2001). How R2P has been implemented could be characterized by a series of interventions, some with better outcomes than others. For example, many cite NATO's 2011 intervention in Libya as successful, using R2P to avert impending genocides. Yet, the post-intervention situation and the ensuing instability and continued conflict have further underscored the challenges and the unintended ramifications of military activity under the R2P heading (Bellamy, 2011). Now, the effects of global conflict on human security have changed in nature as the types of global conflict have evolved, necessitating an analysis of how the R2P framework also needs to evolve. The proliferation of threats from non-state actors has wholly altered the international arena and the ability to maintain an adequate level of security. Threats have become increasingly cross-border, complicating any policies or framework based on state sovereignty. Approaches viewing the state as the main

subject are increasingly inadequate in finding the best method for implementing R2P in the context of non-state actors.

In contrast to states, non-state actors transcend borders and receive various levels of support from states and other non-state actors. International norms and laws simply do not apply to non-state actors as they do to states. This makes it even more challenging to determine if R2P would be effective in cases involving non-state terrorism, for example (Kaldor, 2013). Terrorism is analyzed through the lens of the broader security agenda, with NATO describing it as "A persistent global issue that knows no border, nationality or religion" (NATO, 2023). The disparities between state and non-state actors present difficulties for equal alignment with the pillars of R2P. Other examples of non-state entities include rebel groups, militias, and transnational criminal organizations. After the "War on Terror" was proclaimed in 2001, terrorism was put at the forefront of the world's security agenda, particularly in the United States. Terrorist groups such as Boko Haram, Al-Qaeda, and ISIS have demonstrated that despite their widespread distribution, they were still able to coordinate large-scale operations and commit atrocities at the international level (The Global Coalition to Defeat ISIS, 2021). Working from cell to cell was not an obstacle to achieving their goals. Terrorists can cause regional instability and conduct gross human rights violations in many parts of the world (Cronin, 2009). In addition, unlike R2P, terrorism has evolved. To abet their methods for terror, groups utilize information warfare and fifth-generation warfare. Technological advancement and globalization have advanced these group's means of destruction (Hoffman, 2006). The challenge of implementing an R2P solution for them and other non-state actors involves many factors. For example, the transnational nature of terrorism means that responses must involve several bodies and states. Another barrier to dealing with terrorism through R2P is the difference in resources and legitimacy between state and non-state actors. Unfortunately, this is only half of the problem. As mentioned earlier, non-state actors are often not bound by international norms and are adept at finding holes in state and international systems (Collier & Hoeffler, 2004). Finally, terrorism is closely linked to various political, economic, and social factors. Therefore, addressing it and the crimes or atrocities committed requires multifaceted support over the long term that goes far beyond what R2P can do (Piazza, 2008).

The influence of non-state actors is intricate. They can exploit the weaknesses of state governments, create parallel governance structures, and win local support by providing services that the state fails to supply. This has been seen in regions like

the Sahel, where Boko Haram and Al-Qaeda in the Islamic Maghreb have stepped in for the state to fulfill governance roles that nobody else would take on (Piazza, 2008). With these dynamics in mind, a much more holistic approach is needed. This approach needs to address not just the security threats posed by terrorist groups but also the governance and development of these groups. With all the different factors involved, implementing R2P to non-state actors such as terrorists seems improbable. When R2P is used against non-state actors, its central principles and methods must be reconsidered. The Responsibility to Protect can theoretically achieve its goal of preserving populations from mass atrocities committed by state governments. Still, it must operate under a new framework to protect victims from the crimes committed by non-state actors (Welsh, 2013). In this regard, we must broaden our understanding of sovereignty and responsibility. The international community should extend the responsibility of protecting human beings to regional actors, redress non-state threats, and acknowledge a certain level of regional sovereignty. Even with a broader understanding of responsibility, when non-state actors are concerned, the problem of accountability is particularly difficult. Due to their very nature, non-state actors are able to slip past, or rather circumvent, accountability with any international or regional judicial body such as the International Criminal Court. Loopholes in the legal framework hinder any practical implementation of R2P in cases where a non-state actor is committing a mass atrocity. There is a need for diverse and innovative legal methods to address non-state actors. The implementation of measures such as targeted sanctions, international arrest warrants, and the use of technology to monitor and record violations of human rights carried out by non-state actors would certainly improve the system of accountability under the Responsibility to Protect framework.

By looking at case studies of non-state actors and terrorism contexts, much can be learned about how to change the framework for the effective implementation of R2P. For example, experts in international legislation can analyze the conflict in Syria, which involves multiple non-state groups. Despite the intervention by the international community, this severe humanitarian crisis persists with complex, competitive dynamics between the regional and internationally recognized actors (Marthinsen, 2018). Experts can formulate various hypothetical frameworks based on the international community's failures. Other cases that can be studied are the conflicts in Iraq and Afghanistan. In these cases, terrorist organizations are present in states that are already fraught with instability and, therefore, exercise their authority (Jackson & Dexter, 2014). There is no state government to hold responsible. Where the international community has applied R2P to terrorism,

garnering multi-country support, there has been a mixed response. For instance, the combined efforts of many countries have yielded substantial results, such as moving ISIS out of its major base in Mosul (Spencer & Geroux, 2021). Still, whether R2P works in these contexts is often about finding a balance between immediate military rescue operations and longer-term strategies for relieving terrorist motivations or social grievances and promoting sustainable peace (Thakur, 2017). In addition, there are several ethical questions and legal challenges presented by the application of R2P in combating terrorism. Sovereign states must balance how they are connected with countries outside their borders. The international community has a duty to monitor or even intervene in this matter because this point becomes exceptionally complex when dealing with non-governmental actors who operate inside state borders. International law holds that domestic affairs are outside the reach of outside players. A prime example of this complication is the Venezuelan government's complicity with and support of terrorist and organized crime groups within their borders.

Case Study: Venezuela

Venezuela's authoritarian government is known for repression and acts of violence targeted at civilians. President Maduro's government has both committed and covered up human rights abuses such as torture, extrajudicial killings, and abuses against indigenous populations (Welle, 2022). Despite this, the international community has not applied for R2P (Tokatlian et al., 2014). However, feeding into the violence and crimes committed against Venezuelan nationals is the presence of terrorists and organized crime groups that the government supports. With the addition of aiding and abetting the crimes of these non-state actors, the international community may eventually come to a consensus to apply R2P. However, as previously discussed, when a state allows terrorist groups free reign within its borders, it hinders any efforts to implement R2P.

How exactly are the criminal organizations in Venezuela linked to terrorism? Venezuela's criminal networks allegedly have connections with overseas terrorist organizations blacklisted by the United States (Brown et al., 2022). Terrorist and organized crime groups receive government protection, assistance with the transportation of goods, the supply of firearms and fraudulent documents, and connections to corrupt authorities on the domestic and federal level with unprecedented ease (Europol, 2017; SECI Center Anti-Terrorism Task Force, 2004). Various methods are employed to financially support these groups, with drug smuggling serving

as the predominant avenue for such illicit transactions. For example, there is the cooperative effort of government and terrorist groups in the illegal trade of heroin, resulting in substantial financial gains for the latter in exchange for whatever group activity can provide strategic gains for the former (SECI Center Anti-Terrorism Task Force, 2004). In 2010, the United States Department of Justice reported that 29 out of 63 drug trafficking organizations headed by government officials had links to terrorist groups. Examples of these groups are the Revolutionary Armed Forces of Columbia (FARC) links to the Taliban and Hezbollah links to al-Qaeda (National Security Council, 2011). The presence of connections to Hezbollah is a growing concern in the United States (Bureau Of Counterterrorism, 2022).

To put the amount of support that the Venezuelan government gives to terrorist organizations into context, it is necessary to understand the levels or classifications of state-sponsored terrorism. A government fostering a permissive environment for terrorist groups by doing nothing to stop group activity, e.g., training and group organization or providing a base for strategic planning on their country's soil, can also be seen as state-sponsored terrorism. There is a spectrum of support, from having ad hoc or established partnerships to tacit agreement. A state can provide weapons for finances or act as bystanders to terrorist activity, permitting groups to use their territory and citizen's resources (Byman, 2020). The Maduro dictatorship employed terrorist organizations as a means to consolidate its hold on political authority. Groups that were financed during this regime were the "Revolutionary Armed Forces of Colombia (FARC-D), the Colombian-origin National Liberation Army (ELN), and Hezbollah sympathizers" (Bureau of Counterterrorism, 2020). In addition, Maduro facilitated a permissive atmosphere to enable these factions to assume authority over certain boundaries, regulate the distribution of food among the populace, displace indigenous communities, and facilitate the transportation of illicit substances and other valuable resources. The National Liberation Army (ELN) had a significant presence in Venezuela, encompassing approximately half of the country's states. The robust presence of the ELN led to a notable upsurge in terrorist activities, characterized by several instances of clashes between the ELN, the Venezuelan military, and other armed factions (Bureau of Counterterrorism, 2020). Despite the rise in terrorist activity, the Maduro dictatorship maintained unchanged legislation to address terrorism and failed to provide support for litigation related to acts of terrorism.

It is essential to understand these nuances for more effective policy-making and the legitimacy of applying R2P in Venezuela, combatting both the state's crimes against its people and its support for terrorism and organized crime. With concrete definitions of the different levels of state-sponsored terrorism, legislation regarding the grounds for the international community to intervene, superseding state sovereignty, can be made. According to Byman (2020), creating a list with a spectrum of the type and amount of support given, ranging from passive support (turning a blind eye to terrorist activity) to active support (financing, arms supply) of terrorist groups, is necessary. This list would help establish a new framework for implementing R2P in the context of non-state actors. The creation and official publication of the spectrum of terrorist support can indicate at what level the international community is obliged to apply R2P over state sovereignty. With this measurement tool, there would be set policies that address state infractions with corresponding penalties and improve the system of accountability under the R2P framework.

Discussion

Even with the redefined framework, there will always be controversy around using R2P as a tool to prevent and respond to terrorism. Mass atrocities can indeed force an intervention, but the legal and ethical implications are still complex (Stahn, 2007). Critics will claim that even humanitarian military interventions cloaked in terms of R2P can worsen the very problems they are trying to solve (Hehir, 2013). Libya has frequently been put forward as an example of how well-intentioned interventions justified on R2P grounds created continued instability. In addition, even when R2P justifies military intervention, the civilian casualties and displacement can outweigh any humanitarian benefits. For example, airstrikes against terrorist targets often cause collateral damage, which wrecks water supplies or electric power plants; this only exacerbates an already impoverished situation for local people (Hehir, 2013). As has been widely acknowledged, when conducting humanitarian intervention, the actions taken should always be proportional to the actual necessity of the intervention itself. The deciding factor should always be if an action adheres to international humanitarian law. Despite examples such as the intervention in Libya, where intervention left a power vacuum, it is still widely felt that doing nothing and taking no action to intervene is the greater of two evils. Inaction could lead to more significant human loss and destruction of lives, properties, and

livelihoods (Evans, 2009). At these crossroads, discernment and knowledge of how to best apply R2P in the context of non-state actors is crucial.

Seeing as how regional organizations can play a role in preventing or stopping mass atrocity, utilizing their power and influence in the region can support the implementation of R2P in cases of terrorism. For example, the African Union and the European Union have successfully helped to avoid and resolve violence. There certainly haven't been any crimes against humanity, mass atrocities, genocide, or war crimes committed in the European Union. Examples of how regional players could be the ones to implement R2P include the African Union's operations against Al-Shabaab in the Sahel area, where they were able to intervene in terrorist activities. Regional organizations like the African Union may not have the same manpower or resources as their wealthier counterparts, such as the European Union, so the international community should support their effectiveness. Supplying them with the necessary resources, sending experts to work in the field, and providing on-ground management support will make their implementation of R2P to combat non-state terrorism more successful. In general, these regional organizations know their people better than those outside the region, better understanding their area's cultural issues, levels of poverty, existing turmoil, and political injustice. This specialized knowledge truly makes them the best organizational body to deal with the situation (Collier, 2007). Apart from leveraging regional organizations and a multidimensional strategy, the function of international institutions—the United Nations in particular—can be enhanced to support coordinated and coherent responses to non-state terrorism. This covers initiatives to increase the United Nations Office on Counter-terrorism's capacity and better systems of international collaboration and intelligence-sharing among nations (United Nations Office of Counter-Terrorism & Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States, 2021). Throughout all of this, it is crucial to ensure that any humanitarian actions also align with the state's best interests. This should involve ensuring transitional justice procedures have the necessary support and vital post-conflict rebuilding initiatives to balance the damage caused by any military operations (Paris, 2004). These initiatives can include infrastructure and capacity building, community building, education, and food aid. A stronger community is more likely to foster long-lasting peace efforts. With strengthened local institutions and a developed economy, the social fabric can be remade to render extremist ideology unattractive, limiting the spread of terror groups. For example, community-based approaches to combat violent extremism have been developed

in a variety of settings internationally and regionally. They have proved to be a potentially effective means of addressing radicalization while promoting trust between people and public administrators (Collier, 2007). With all of these set into place, the implementation of R2P has a higher success rate.

Conclusion

Though the Responsibility to Protect is aimed at state actors, it was created to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. Due to the rise of threats from non-state actors in twenty-first-century conflicts, the Responsibility to Protect, established in 2005, needs to evolve to meet the needs and address the new threats to human security of 2024. The current R2P framework truly needs to consider the continually changing nature of terrorism, acknowledging the fact that being a non-state actor makes continuous evolution easier. Just like any issue or threat, the roots and inner workings of a terrorist organization need to be understood on the political, psychological, and sociocultural levels. It is as simple as not all groups being the same; therefore, there is no catch-all implementation of the Responsibility to Protect for terrorist groups. Moreover, ethics and legality must be the priority so that any humanitarian action guarantees no moral or legal boundary is exceeded. Whether applied to state or non-state actors, the Responsibility to Protect can sufficiently stop genocide, war crimes, ethnic cleansing, and crimes against humanity with a framework that changes alongside the evolution of actors and conflict.

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Motivation Across Terrorism: Ideological, Strategic and Tactical Objectives of Terrorist Attacks

Ebru Ibish, Seval Bahtiyar

Abstract

In the modern world, terrorism is manifested as the biggest security threat faced by the international community, and terrorist acts cause the loss of hundreds of thousands of lives, displaced millions of civilians, and devastating destruction of property and infrastructure. This problem dominates national and international discourses about peace and security, with individual countries, as well as the global community, taking extensive measures to suppress it. It is evident that dealing with terrorism remains a big challenge, mostly because of how it is legally defined. Unlike genocide, war crimes, crimes against humanity, and mass crimes, terrorism is not considered an international crime under international law. The lack of inclusion of terrorism in international law mainly arises from the lack of consensus on what constitutes terrorism. In an effort to determine the essence and basic structural features of the modern form of terrorism, this paper first analyzes the definition of the term and the forms of manifestation of terrorism. By identifying its characteristics and objectives, the paper proceeds in a critical assessment of the modalities of interstate cooperation in criminal matters and offers several recommendations on how to overcome the so far neutral position in the treatment of terrorism as an international crime. The results of the "war against terrorism" so far, as well as the consequences of the exceptional application of repression and the support of the principle of non-negotiation with terrorists, are such that they require a critical review. It is vital today that terrorism be treated as an international crime and incorporated under the jurisdiction of the ICC. This paper highlights the weaknesses of the effectiveness of the international system in the fight against transnational terrorism. The purpose of the paper is to serve as a recommendation for finding means and methods for preventing the occurrence of the crime of terrorism and its suppression at the international level.

Keywords: Terrorism, security, crime, international crime, international law, prevention.

Introduction

Crime is a serious concept; this problem is as old as the state is. Some criminological theories claim that there is no modern country without crime (Ibish, 2018).

Since the beginning of written history, terrorism has been present in one form or another in many societies. The distinction between its various manifestations refers to the methods, means, and weapons used. As the means of inflicting significant harm on society improve and become more accessible, the harmful impact of terrorism increases daily.

Contemporary terrorist groups are characterized by the international composition of their members, the transnational dimension of their operations, and their reliance on financial support from more than one state. Such groups necessarily rely on public sympathy and support from certain countries that allow them to maximize their harmful capabilities. They also rely on easy access to the global financial system for money laundering purposes and the lack of international cooperation in criminal matters between states, including the lack of cooperation in law enforcement, intelligence, extradition of suspects, and other prosecutorial/investigative activities (Cherif Bassiouni, 2001). In its common use, the term "international terrorism" implies the exclusion of the activities of state actors and even of insurgent and revolutionary groups. Rather, it applies to small, ideologically motivated groups whose terror-violence strategies are designed to propagate a political message, destabilize a regime, inflict social harm as political retribution, and provoke overreactive state responses that are likely to create a political crisis (Dinstein, 1989).

In the absence of a general definition, terrorism can be interpreted in various ways. Basically, the definition of the term terrorism (in its most generic sense) sums up the use of illegal violence with an emphasis on assassinations, kidnapping, assault, and arson - in order to terrorize, i.e., to inspire fear. The essence of terrorism is not the occurrence of illegal violence per se but the resort to violence as a means to the goals that the terrorist is trying to achieve or promote. The terrorist is a promoter of fear, and fear is the key that unlocks the door to an otherwise inaccessible goal (Dinstein, 1989). One of the main issues in the control of terrorism is the lack of consensus on the meaning of the term. Primarily, terrorism must be recognized as a crime that involves violence and intimidation to achieve a specific goal. Acts of terrorism must be differentiated from political crimes, which are not antisocial and are related to the internal affairs of a particular state. Certain acts are considered terrorism because they have an impact not only on the order of states but also on society in general.

Characteristics and Manifestations of Terrorism

The state is a product of social development. Legal regulations of the state ensure the functioning of the institutions; in this context, it's very important to emphasize the relationship of the state with the law. In that case, the incriminations provided against the state are the most elementary form of crime (Ibish & Miovska, 2020). Hence, it is important to emphasize that the incriminations provided in connection with terrorism within the framework of criminal laws are also of crucial importance. It is obvious that one of the basic characteristics of terrorism is its absence of connection with any rules of warfare and codes of conduct. Accordingly, the terrorist act is a clear and obvious crime because it does not respect the rule of law, and its suppression must be acted upon quickly and strictly through appropriate institutions. When the international community fails to adequately address terrorism through judicial institutions and instead relies on ad hoc treatment of terrorists by national actors, there is no deterrent effect due to the lack of judicial sanction and the lack of an effective mechanism of the world community to prevent terrorism on a global level.

To successfully oppose and deter terrorism, it is necessary to apply certain basic principles such as (Lawless, 2008):

1. firm, unwavering opposition to terrorists;

2. maintaining the rule of law;

3. failure to fulfill the demands of the terrorists;

4. no deals or concessions;

5. bringing the terrorists to justice; and

6. never allow terrorists to "hijack" morality or the political agenda.

These principles appear to be self-evident at first glance, but their acceptance and translation into effective international law enforcement is lacking.

Therefore, it is important to emphasize the four main elements of terrorism: the purpose of the activity is always, or as a rule, of a political nature, whether it is the overthrowing of a regime, a current president, the secession of a certain territory or part thereof; use of violence or threat of use of violence; the victims are usually innocent citizens or state officials; absence of a direct connection between the terrorist and the victim - that is, the attack is not aimed at the victim or victims personally, but the terrorist act is intended to send a message to the wider community (state, society, etc.) (Trifunović, 2007).

According to Cassese (Cassese A. , 2006), the parameters of a generally agreed definition of terrorism in peacetime can be extrapolated from the various regional and international agreements that exist regarding terrorism, namely: (1) behavior that is criminal; (2) transnational in nature; (3) behavior affecting both civilian victims and civil servants; (4) behavior that is aimed at the goals of spreading terror among the civilian population or forcing a government or international organization to behave in a certain way; (5) behavior that spreads fear or anxiety among the civilian population or targets important entities or individuals; (6) behavior that has a political, ideological or religious motivation.

Terrorism is a strategy of violence designed to instill terror in a segment of society to achieve an outcome of power, propagate a cause, or inflict harm for vengeful political ends. The state actors resort to that strategy, either against their own population or against the population of another country. It is also used by non-state actors, such as insurgents or revolutionary groups operating within their own country or in another country. Terrorism is also used by ideologically motivated groups or individuals operating within or outside their country of origin (nationality), whose methods may vary depending on their beliefs, goals, and means. One of the difficulties in arriving at a definition of terrorism is its variable nature - it can be identified with a bomb planted by a single terrorist activist, through to an elaborate terrorist campaign aimed at fundamental political changes in a state or reframing the state borders (Warbrick, 2004).

State and non-state actors perpetrating acts of terrorism may differ, among other things, based on their participants, objectives, methods, and means at their disposal. But all these actors resort to a strategy of terror - violence, and to achieve an outcome - a position of power. The amount or level of violence used by the actors in each category will typically depend on their access to the means to inspire terror and whether they produce consequences conducive to the achievement of the desired position of power.

State terrorism is different from state-sponsored terrorism. In the second case, the real perpetrators of terrorist acts are non-state actors who act with the open or covert support of the state. The first type is carried out by state actors and is usually characterized by extensive, widespread, or systematic use of violence in violation of international humanitarian law and human rights. This includes genocide, crimes against humanity, war crimes, and torture. The objectives of the states involved in such terrorism may include the subjugation of foreign or domestic populations or the continuation of the regime in the face of domestic opposition.

Sometimes, regimes like the Nazis in Germany, the USSR under Lenin and Stalin, and the Khmer Rouge in Cambodia engaged in systematic violence that inspired terror against a section of the civilian population solely because of racial or political views. In these extreme cases, the ultimate goal of terror - violence is the complete elimination of that social or political group.

Non-state actor terrorism can be differentiated based on the number of groups' adherents, their goals, and their capabilities. They are classified into two groups (Cherif Bassiouni, 2002): insurgent and revolutionary groups and ideologically motivated groups. Rebel and revolutionary groups are larger groups that are at war with a particular regime and whose goal is to overthrow the regime. Unlike the regimes they fight with, insurgent and revolutionary groups do not have conventional military and police forces but instead consist of volunteer fighters who lack the military training and capabilities of their regime force opponents. Accordingly, anti-regime forces cannot face regime forces on the same military level and must, therefore, resort to unlawful means of violence, including targeting civilians and public and private property in violation of international humanitarian law and domestic criminal law.

Objectives of Terrorist Attacks

When it comes to the objectives of terrorist attacks, it is crucial to underscore the multifaceted nature of these goals. As Krzysztof Liedel and Paulina Piasecka assert, 'the objective of terrorists is to instill fear and use it to exert control over those witnessing a terrorist act' (Liedel K., 2008). By delving into the definition of terrorism and the criteria for terrorist crimes, we can see that this particular characteristic is pivotal for distinguishing terrorism from other forms of criminal behavior. This implies that a terrorist act is not a simple occurrence but a unique and structured event that unfolds in distinct stages, each with its own set of objectives, underscoring the need for specialized knowledge in this area.

Ideological Objectives

If terrorism is a manifestation of rational, purposeful behavior, many analysts suggest that some justification can be given for its use. Almost all terrorist organizations offer some ideological or moral justification for violence, although the rationale given may be vaguer than the true revealing of their intentions. However, that "normative context," as Weisband and Rogully call it (Weisband, 1976), provides

the organization's members with personal justification for their violent acts and, by extension, determines the organization's "legitimacy potential," or its potential to attract mass support.

Ideologically motivated groups tend to have fewer members/adherents and lack the ability to effect regime change, but their terror-violence techniques can destabilize the regime and inflict harm on members of society to achieve politically connected, often vengeful goals. For example, by revealing the regime's weaknesses, thereby causing terror in society by exposing its vulnerability, such terrorist groups place the regime in a situation where it is likely to overreact or commit illegal acts, thereby delegitimizing itself. In turn, such terrorist groups gain a greater claim to legitimacy and generate greater support among domestic and foreign populations. Ideologically motivated groups engage in strategies of terror-violence to achieve a desired political result, propagate a political message, punish a society with which they perceive themselves to be in conflict or war, and obtain political concessions in exchange for or waiver of the harm they can inflict. (e.g., a bomb threat) or to retrieve individuals that the regime has detained (e.g., exchanging hostages for detainees) (Cherif Bassiouni, 2002). These ideologically motivated terrorist groups select specific targets in order to reinforce collective fear and demonstrate vulnerability and the inability to offer society adequate protection.

When it comes to cases of terrorist attacks, here the most well-known examples are *Aum Shinrikyo and the Tokyo Subway Sarin Attack from 1995*; the ideological objective was Apocalyptic Beliefs and Cult Expansion. The second one is *Al-Qaeda and the September 11 Attacks from 2001*. The terrorist attack of 11 September has had atrocious reflections not only at the human, psychological, and political levels. It also has shattering consequences for international law. It is subverting some important legal categories, thereby imposing an urgent need to rethink them, on the one hand, and to lay emphasis on general principles on the other (Cassese A. , 2001).

As an ideological element here, it could be mentioned Global Jihad and Anti-Americanism, and the third typical example is ISIS and the Paris Attacks from 2015, where the ideological objective was the Establishment of a Caliphate and Sectarian Division.

Strategic Objectives

Within the terrorism literature, six general medium-range objectives can be discerned. They are (Waugh, 1983):

(1) organizational objectives,

(2) publicity objectives,

(3) punishment objectives,

(4) provocation objectives,

(5) disruption objectives, and

(6) instrumental objectives.

Organizational Objectives. Terrorist violence has several functions within terrorist organizations themselves. In-group violence ensures discipline within the organization by discouraging dissent, defection, and leniency. Outgroup violence builds membership morale through the experience of cooperative operations, the feelings of elitism generated by strict discipline and sacrifice, and the shared excitement of dangerous and clandestine activities.

Publicity Objectives. Publicity is one of the main reasons for the existence of international terrorism, but it also appears as the main goal (beyond the organizational one) of all forms of terrorism. From this perspective, terrorism is a communication process designed to intimidate or terrorize target groups of individuals and groups, to change their behavior, and simultaneously elicit popular sympathy and support from domestic and/or foreign audiences.

Punishment Objectives. Terrorist organizations may aim to punish individual government officials and/or citizens (foreign and domestic) for failing to comply with or not supporting terrorist demands. Imposing terrorist sanctions against persons who will not recognize the authority and legitimacy of the terrorist organization is a demonstration of the strength of the terrorist organization. At the same time, these actions highlight the failure of the current authorities - the powerlessness and inability to maintain civil order and provide basic public security.

Provocation Objectives. A large part of the task of gaining popularity and support for terrorist movements consists in the attempts to provoke an exaggerated reaction to their activities by the ruling regime. Repressive counterterrorism operations, especially when they affect the personal interests and freedoms of seemingly innocent people, can undermine any regime, domestic and/or foreign.

Disruption Objectives. Terrorist organizations may aim for varying degrees of social, economic, and political disruption, ranging from brief disruptions of the regime or societal function to the complete collapse of the social, economic, and

political structures of the targeted society. Disruption can be achieved through direct or indirect terrorist actions. Bombings, arson, shootings, kidnappings, and other acts of violence can directly affect the will of the public or the government's ability to function normally. If counter-terrorist operations are mixed with the routine activities of the public, the same effect can be realized indirectly. Either way, the disruption could polarize popular sympathies.

Instrumental Objectives. Definitions of political terrorism often state that victims are chosen mainly for their symbolism rather than their instrumental value. This is mostly true because terrorist organizations most often carry out their attacks against positioned targets rather than targets of "military" value. However, military, police, and government agents can have both symbolic and instrumental value. As a collective, they are the government, but also, as individuals, they represent the government. By attacking such targets, terrorists can demoralize the authorities and demonstrate the power of the organization and its potential to become a large-scale military movement.

If we consider the strategic objectives of the previously mentioned terrorist attacks, we will single out the following:

The Political and Social Influence of *Aum Shinrikyo and the Tokyo Subway Sarin Attack from 1995:* The group aimed to instill fear in the Japanese government and society, attempting to undermine public confidence in the state's ability to protect its citizens. By perpetrating such a violent act, they sought to position themselves as a powerful alternative to the established order.

The impact of the *September 11 attacks* served to radicalize individuals and attract recruits to extremist ideologies and organizations. The attacks aimed to provoke the United States into military responses that could be framed as oppression by certain Muslim communities, thereby galvanizing support for groups like al-Qaeda.

ISIS is executing a sophisticated global strategy that involves simultaneous efforts in Iraq and Syria, the Middle East and North Africa, and the wider world (Gambhir, 2015). The Paris attacks were a pivotal event conducted by ISIS that highlighted the organization's strategic objectives. One of ISIS's strategic objectives was to establish itself as a preeminent global jihadist organization and to inspire followers worldwide through acts of terrorism.

Tactical Objectives

The logistical advantages that terrorists pursue in order to sustain or escalate their campaigns of violence and ultimately realize their long-term goals often generate confusion about their ideological and strategic goals. The hostage incidents, i.e., kidnappings and sieges, have generally been carried out for the purposes of securing ransom money or otherwise, releasing political prisoners, publishing or broadcasting terrorist propaganda messages, and/or guaranteeing a safe passage or political asylum.

Armed attacks, robberies, and incursions, on the other hand, are often used to procure materials: weapons, ammunition, explosives, money, medical supplies, and food. In some cases, armed attacks have been used to rescue imprisoned or detained terrorists and create diversions.

Purely destructive acts (assassinations, mutilations, bombings, and arson) that constitute violence that is not accompanied by specific demands or the provision of funds needed by the terrorist organization may be more directly related to the terrorists' intermediate or strategic goals, such as organizational, punishment and disruption objectives.

If we take a look at the cases that we already mentioned, the ideological and strategic side of the objectives of Aum Shinrikyo and the Tokyo Subway Sarin Attack from 1995, the September 11 attacks, and the ISIS attacks from 2015 there is a third important part where we had to emphasize the tactical objectives.

Tactical objectives of:

Al-Qaeda's September 11 Attacks were inflicting maximum casualties, provoking military response, and instilling fear.

ISIS attacks were spreading fear, disrupting societal norms, and inciting religious conflict.

Terrorism as an International Crime

Defining terrorism has historically been problematic, with definitions significantly varying from one country to another. Terrorism essentially denotes offenses committed to coerce, intimidate, or terrorize civilian populations or governments for ideological, religious, and political motives (Rizk, 2017). In the Convention for the Suppression of the Financing of Terrorism, terrorism is defined as: "Any other act

intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population. or to compel a government or an international organization to do or abstain from doing any act (Cohen, 2012).

The transnational element is evident in the crime of terrorism. Terrorism is not only a domestic phenomenon but is a crime that affects the international community as a whole and affects it in the same way as other international crimes. Most terrorist groups have networks that extend beyond their country of origin and carry out attacks across national borders. Just as states cooperate in suppressing and punishing the perpetrators of genocide, crimes against humanity, war crimes, and crimes of aggression, in the same way, they should cooperate to deter and punish the perpetrators of the crime of terrorism.

The scale with which acts of terrorism occur indicates that no state has the capacity to punish the crimes. Crimes of terrorism would be more effectively punished if the international community acted as a whole through an internationally agreed legal framework and not just on the basis of national law (Trifunović, 2021).

Despite the problems with adopting an internationally accepted definition of terrorism, there are numerous international agreements that deal with and prohibit terrorist activities in certain circumstances (Londras, 2010):

1. UN Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963);
2. UN Convention on the Suppression of Unlawful Seizure of Aircraft (1970);
3. UN Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviations (1971);
4. UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973);
5. UN International Convention on the Physical Protection of Nuclear Material (1980);
6. UN Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988);
7. UN Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988);

8. UN Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988);
9. UN Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991);
10. International Convention for the Suppression of Terrorist Bombings (1997);
11. International Convention for the Suppression of the Financing of Terrorism (1999);
12. International Convention for the Suppression of Acts of Nuclear Terrorism (2005).

The conclusion and ratification of these treaties reflect the fact that the difficulty in international law is not that terrorism should be legally prohibited, but on the contrary, states should adopt a general - universal definition of what terrorism is. Thus, instead of defining terrorism in certain situations and for certain types of criminal activities, it is necessary to precisely formulate the crime of terrorism in international frameworks, generally accepted and incorporated by international agreements.

Undoubtedly, one of the most important documents in the field of the fight against terrorism at the international level is the Global Strategy for the fight against terrorism of the UN (A/RES/60/288) as a unique global instrument for improving national, regional and international efforts to fight terrorism. Through its adoption by consensus in 2006, all UN member states agreed for the first time on a common strategic and operational approach to the fight against terrorism.

The strategy not only sends a clear message that terrorism is unacceptable in all its forms and manifestations but also resolves to take practical steps, individually and collectively, to prevent and combat terrorism. Those practical steps include a wide range of measures ranging from strengthening state capacities to counter terrorist threats to improving the UN's systemic coordination of counter-terrorism activities. The UN global strategy to combat terrorism in the form of a resolution and an attached Action Plan (A/RES/60/288) is composed of 4 pillars, namely:

a. specifying the conditions suitable for the spread of terrorism,
b. measures to prevent and fight against terrorism,
c. measures for building the capacities of the states to prevent and fight against terrorism and strengthening the role of the United Nations Organization system in that regard,

d. measures to ensure respect for human rights for all and the rule of law as a fundamental basis for the fight against terrorism (The United Nations Global Counter Terrorism Strategy, 2006).

The UN General Assembly reviews the global strategy to fight terrorism every two years, which makes this document "alive" and aligned with the anti-terrorism priorities of member states. Cooperation at the international level inevitably introduces changes in domestic legislation, such as changes in investigative measures, monitoring of security risks, wiretapping, etc.

Attempts to include terrorism as a crime to be dealt with by the International Criminal Court have so far been unsuccessful and proposals to add it to the court's statute have been rejected for the following reasons: lack of a clear and universally accepted definition of what constitutes terrorism; the idea that terrorism does not cause crimes of greatest concern to the international community; the desire to avoid overloading the ICC and the need for a gravity threshold; inclusion would impede the acceptance of the Rome Statute; there is a solid basis for terrorism to be dealt with at the international level through international agreements; and because terrorism is such a politically sensitive term, if the ICC were to deal with terrorism cases, it would be forced to enter the political sphere and thus damage its own legitimacy and credibility as an impartial judicial institution (Official Records of the Rome Conference, UN Diplomatic Conference of Plenipotentiaries on the Establishment of an Int'l Criminal Court, 3d plen. mtg. at 172, 173, 180 UN Doc. A/CONF.183/13).

Conclusions and Recommendations

The incidence of terrorism all over the world is simply staggering. Although many of these acts are ostensibly confined within the borders of a single state, their ramifications (for example, when a prominent statesman is assassinated) can be global. Terrorist acts have interstate influence, i.e. cross-border dimensions, because some terrorists are foreign nationals and have a base of operations in another country or are asylum seekers. It is quite logical that terrorist acts that have an international element should be considered the most disturbing, although precisely identifying that element is no easy feat.

No matter how imprecisely defined, international terrorism threatens the entire fabric of the international community. When tensions are high, the balance of peace and war can be disturbed by acts of terrorism and appropriate countermeasures deemed necessary by the victim state. International terrorism poses a major threat to humanity, first, because it is often supported by well-organized movements and ideology, and second because the availability of unconventional weapons of mass destruction increases the capacity of international terrorists to obtain nuclear weapons or biological agents and hold the whole world as a hostage.

A major obstacle in the efforts to combat international terrorism is that too many countries exhibit a double standard in their approach to the problem. While they are not directly concerned by acts of terrorism that affect their own interests (or those of their close allies), they have a noticeable degree of indifference to the plight of others. In summary, it seems that the international community does not have a highly expressed political will to take joint action against terrorists around the world.

Domestic anti-terrorist regimes must be complemented by the existence of an international judicial institution that can prosecute terrorists as criminals who act contrary to established universal values and norms of behavior and thus represent enemies of all humanity. Success in the fight against terrorism largely depends on the continuation and continuous strengthening of international cooperation, which is mandatory according to international agreements. Where states do not respect their international obligations, terrorists are motivated to act and are not deterred from continuing to violate international law.

Terrorism should be treated as an international crime and incorporated under the jurisdiction of the ICC because it meets the criteria for an internationally criminalized offense such as war crimes, crimes against humanity, and genocide. Terrorism is increasingly becoming a "fact of life" in the 21st century, hence the need for international cooperation in solving the problem. For international cooperation to function, a common definition of terrorism is imperative. Although there may be some challenges, expanding the ICC's jurisdiction to include terrorism crimes increases the potential to deter terrorism and ensure justice for victims.

Accordingly, it is imperative that the international community identify terrorism as an international crime, reach a consensus on a simple but inclusive definition of terrorism, and give the necessary jurisdiction to the International Criminal Court to try those accused of committing acts of terrorism. In the absence of an

international judicial institution to which alleged terrorists can be extradited, states are generally unwilling or unable to act and use the absence of a definition of terrorism as a means of evading their obligations under international law.

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Constructivism and Euro-Atlantic Integration Perspectives: The Case of Montenegro's Accession to NATO and the EU

Gabriel Enrique Sanchez Ramirez

Abstract

This article analyses the process of Montenegro's integration into NATO and the European Union (EU) from a constructivist perspective. Constructivism, in the field of International Relations, describes that international actors are not only guided by material interests, such as security and power but are also influenced by the norms, values, and identities they share. From this approach, the identity of a state is not fixed but is constructed and transformed through interaction with other actors and the adoption of new norms. Montenegro, in seeking to align itself with Western institutions, not only pursues strategic benefits but also seeks to redefine its national identity as a democratic and modern state.

A key concept in this context is normative socialization, which refers to the process by which a state internalizes the norms and principles of an international community. Through normative socialization, Montenegro has adopted reforms that reflect Euro-Atlantic values, such as democratic governance, strengthening the rule of law, and civilian control over the armed forces. However, this process has not been without challenges. Nevertheless, Montenegro has used integration to project a new pro-Western identity and consolidate its internal stability. The article concludes that the case of Montenegro illustrates how international organizations can act as agents of socialization, influencing the identity and political transformation of a candidate state in its accession process.

Keywords: Western Balkans, Constructivism, Balkan Stability, Euro-Atlantic Integration, Montenegro, NATO, Montenegro-European Union Accession, Normative Socialization.

Introduction

The process of Montenegro's integration into Euro-Atlantic structures, particularly its accession to the North Atlantic Treaty Organization (NATO) in 2017 and its continued efforts to join the European Union (EU), has been widely discussed in the academic literature. However, much of the existing research tends to focus on the geopolitical and security dimensions, underestimating the impact that integration has on the country's identity transformation and its internal governance. Despite the fact that some authors approach integration from a materialistic approach, focusing on power and strategic advantages, there are few studies that analyze how this process has reshaped Montenegro's national identity.

Therefore, this article seeks to fill this gap by offering a constructivist analysis of Montenegro's integration process, highlighting how NATO membership and its path toward the EU represent not only a strategic alignment but also an effort to redefine its identity as a democratic state aligned with European values. Using the constructivist approach of Alexander Wendt, a renowned American political scientist for his contributions to Constructivism, we analyze how the integration process has been instrumental in the reconfiguration of national identity and the transformation of its internal political structures. This approach allows us to address not only Montenegro's political motivations but also the challenges and contradictions that have arisen on the way to the consolidation of its pro-European identity.

It will also describe the socialization process manifested in the adoption of political and judicial reforms required by the EU and NATO, which seek to strengthen the rule of law, promote good governance, and establish effective civilian control over security institutions. This process not only responds to the need to meet the technical requirements for accession but also to an effort to build a national identity based on the principles of democracy and regional stability. However, the road to integration has not been free of internal challenges and tensions, particularly in relation to the perception of these changes by the population and the government's capacity to implement deep reforms in a sustainable manner.

As a hypothesis, this paper takes into consideration the process of Montenegro's integration into NATO and its path towards accession to the European Union, which have served not only as a strategy of geopolitical alignment but also as a mechanism of identity transformation, using normative socialization to consolidate its pro-Western identity and reform its internal governance structure.

As a possible research question, it is described: how has the process of Montenegro's integration into NATO and its path towards the EU influenced the transformation of its national identity and the consolidation of its governance structures?

With regard to the division of this article, it is structured in three chapters: The first chapter describes the background of Montenegro as a nation state and the theory of Constructivism. The second chapter describes the process of Montenegro's integration into NATO, highlighting the security considerations as well as the consequences. Finally, the third chapter focuses on the description of the evolution of the integration process of this nation into the EU, also taking into consideration political and constructivist considerations.

Historical Background and Euro-Atlantic Vision of Montenegro

Montenegro (Crna Gora, Tsrna Gora, Tsernagora) is a country located in the Western Balkan region, a candidate member of the European Union (EU) as well as a member state of the North Atlantic Treaty Organization (NATO) since 2017 (Poláčková & van Duin, 2013).

Its original name, "Crna Gora", is first mentioned in the Charter of King Milutin (of the Nemanjić dynasty) in 1296. It is believed that such a name comes from the dense forests that covered Mount Lovćen and its surroundings, which were so dark that onlookers had the impression of a "black" mountain. Starting from its modern history, after the Second World War in 1945, Montenegro improved its legal and state status and became one of the Six Equal Republics that made up the Yugoslav Federation (European Commission, 2024).

After the turbulent period of Yugoslavia's disintegration, Montenegro remained a joint state with Serbia, and these two republics formed the State Union of Serbia and Montenegro. Subsequently, on May 21, 2006, the majority of Montenegrin citizens voted in favor of Montenegrin independence in a referendum. This day was proclaimed as "Independence Day," and since then, Montenegro has been an internationally recognized independent state. The United Nations (UN) admitted Montenegro as Member State Number 192 on July 27, 2006 (Meeting Coverage and Press Release of the United Nations, 2006).

Today, after 18 years of independence (until 2024), Montenegro has two strategic objectives in its foreign policy that are considered to be of national interest: Euro-Atlantic and European integration. The first one materialized with its accession

to NATO on June 5, 2017, when this nation became a full member of the Alliance. The Second objective consists of Montenegro's accession to the EU as a member state, following the example of other states that were part of Yugoslavia, such as the Republic of Croatia and the Republic of Slovenia.

Constructivism in International Relations

Constructivism was introduced by Nicholas Onuf in his work "*Making: Rules and Rule in Social Theory and International Relations*" (1989). However, the term was popularized by the article "*Anarchy is What States Make of it*" (1992) and later by the book "*A Social Theory of International Politics*" (1999) by the American political scientist Alexander Wendt, considered by many as one of the main and pioneering works of Constructivism in International Relations (Sanchez, p.118).

In recent academic literature, it has become common to describe international politics as "*socially constructed*". Drawing on a variety of social theories, such as critical theory, postmodernism, and feminist theory, among others, scholars of international politics have accepted the basic tenets of "*Constructivism*": (1) that the structures of human association are determined primarily by shared ideas rather than material forces, and (2) that the identities and interests of purposeful actors are constructed from these shared ideas rather than being given by nature. For Wendt (1999), the first of these principles represents an "idealist" approach to social life, and by emphasizing the sharing of ideas, it is also "social" in a way in which the opposite view of "materialism." However, social science focuses on biology, technology, and the environment is not. In this reasoning, the second principle is a "*holistic*" or "*structuralist*" approach, as it refers to the emergent powers of social structures. In contrast, individualism is restricted: all social structures are reduced to individuals. Therefore, constructivism is a form of "structural idealism". True, they recognize the social structure, but the social structure has a common formation.

Following this same line of ideas, Constructivism in International Relations implies: (1) human relations, also international relations, consist especially of thoughts and ideas, and not of forces or material conditions; (2) intersubjective beliefs (ideas, concepts, assumptions, among others) constitute the central ideological element for the constructivist approach; (3) this common belief composes and expresses people's interests and identities, the way they conceive their relations; (4) constructivists emphasize the way in which these relations are formed and expressed. That is, the social world is an intersubjective domain that, as such, possesses meanings for the people who shape it and live in it (Finnemore & Sikkink, 2001, pp. 392-393).

In other words, in constructivism, the elements studied are social constructions. These social constructions can be ideas, identities, interests, among others. From this point of view, conceptions of oneself and of other actors play a central role: identities. Constructivist authors assume that actors do not have a univocal identity but that they receive different identities depending on who defines them: in Wendt's words, *"the military power of the United States has a different meaning for Cuba than for Canada"* (Wendt, 1992, p. 25).

However, the most important identity version is the one that the actor defines for himself. Among other things, self-definition is constituted by constitutive norms (formal and informal norms that define membership in a group), social goals (goals shared by group members), relational comparisons (defining group identity through what it is not) and cognitive models (understanding and positions on political and material conditions and interests that are shaped by a particular identity) (Reality shock, n/d).

From a constructivist perspective, Montenegro's quest to join NATO and the European Union (EU) can be seen as a way of redefining its identity as a stable state aligned with the West. The decision to join the Military Alliance and seek membership in the European community bloc reflects a profound shift in Montenegro's identity, oriented towards a Euro-Atlantic approach that prioritizes security, democracy, and economic prosperity. In this process, normative socialization becomes a central factor, where the country not only formally adopts the norms and principles established by these institutions but also reshapes its national identity to align with Western values of governance and cooperation.

Normative socialization, according to constructivism, implies that states internalize the norms, values, and institutions shared by an international community in order to be accepted as legitimate members. This process transforms not only the practices and behavior of states but also their internal identities and interests. Applied to the case of Montenegro, integration into NATO and the EU has been a mechanism to consolidate its identity as a democratic and stable country in the Balkan region, differentiating it from other nations with a Slavic past closer to Russia (Wendt, 1999, p. 170). The adoption of significant reforms in the defense and security sector, as well as the implementation of policies to strengthen the rule of law, reflect not only an attempt to meet the technical requirements for accession but also to project a new national identity that responds to the expectations of its future European partners (Gheciu, 2005, p. 988).

Montenegro's Strategic Leaning Towards Europe

By strategic inclination towards Europe, it is understood that Montenegro seeks to strengthen its relations and alliances with European countries and institutions. Since its independence in 2006, this nation has expressed an interest in integrating more closely with Europe, both politically and economically.

Thus, this article identifies two (2) factors that are part of Montenegro's Euro-Atlantic and integration aspirations: NATO membership and EU membership. Both factors can be considered as a key manifestation of this strategic inclination.

Montenegro became a member state of the Military Alliance in 2017 and has been a candidate for EU membership since 2010 and has made progress in the accession process, albeit at a variable pace. The foreign policy pivot towards Europe rather than the Balkans starts from the study of a number of political, economic, and social considerations, such as access to wider markets, investment opportunities, and cooperation in a wide range of areas, from economics to security.

NATO Integration: Advantages, Challenges and Opportunities

Montenegro joined NATO on June 5, 2017, when the instrument of accession to the Washington Treaty was formally deposited with the U.S. State Department. According to NATO, the Allies have committed to "*keep NATO's door open to Western Balkan partners aspiring to join the Alliance*." These countries must share their values and be willing and able to assume the responsibilities and obligations of membership, considering Euro-Atlantic integration "the strongest path to ensure security, long-term stability, *and sustainable development in the region*" (North Atlantic Treaty Organization, 2017).

The NATO Integration Process

The process of Montenegro's accession to the Military Alliance began with the establishment of the Membership Action Plan (MAP), which constituted a comprehensive advisory and support program tailored to the specific needs of aspiring countries seeking to join the military alliance. It is important to note that participation in the MAP, as an initial phase, does not imply an automatic commitment by the Alliance regarding the prospective membership of a country.

The beginning of Montenegro's first MAP cycle dates back to the autumn of 2010 when the country submitted its first Annual National Program. Through this

process, Montenegro identified critical challenges that required special attention, such as strengthening the rule of law, aligning security sector reforms with NATO standards, and combating corruption and organized crime (North Atlantic Treaty Organization, 2017). Additionally, Montenegro started contributing to foreign military operations through its armed forces. Specifically, the country deployed 40 soldiers, a three-member military medical team, and two officers under German command to Afghanistan in 2010. Montenegrin Peacekeeping Forces were also deployed to Liberia and Somalia (Dickson & Harding, 2024).

In this context, in December 2015, NATO Allies made the decision to invite Montenegro to initiate accession talks to join the Alliance. Nevertheless, the Allies also emphasized their expectation that Montenegro would continue working on its reforms, particularly in the area of the rule of law (North Atlantic Treaty Organization, 2017).

After a series of significant advancements, on June 5, 2017, Montenegro became the 29th member of NATO by submitting the instrument of ratification to the U.S. government, the depositary of the treaty (Government of Montenegro, 2024). During a ceremonial event, NATO Former Secretary General Jens Stoltenberg emphasized that the country's accession to the Alliance would contribute to international peace and security, while simultaneously sending a message that the Alliance's doors remain open to all aspiring states. This marked NATO's first enlargement since April 1, 2009, when the Republic of Albania and Croatia, both Balkan states, joined the Alliance. During the ceremony, Stoltenberg highlighted:

> "Today, Montenegro joins NATO with a seat at the table as an equal, with an equal voice in shaping our Alliance, and its independence guaranteed" (North Atlantic Treaty Organization, 2017).

Today, in Montenegro, reforms in the defense and security sectors remain fundamental aspects for the nation and a key factor in its cooperation with NATO. The Alliance and its member states possess substantial expertise in this area that Montenegro can leverage. Moreover, the Allies actively support the strengthening of democratic, institutional, and judicial reform processes in Montenegro. Additionally, the country participates in NATO's Building Integrity Program, which aims to enhance good governance in the defense and security sectors. This program seeks to raise awareness, promote best practices, and provide practical tools to improve integrity and reduce corruption risks through the strengthening of transparency and accountability.

Montenegro also collaborates with NATO in promoting the implementation of the United Nations Security Council Resolution 1325, adopted in 2000, which acknowledges the disproportionate impact of war and conflict on women and children. This resolution calls for the full and equal participation of women at all stages related to conflict prevention, reconstruction, and post-conflict security, focusing on four main pillars: participation, protection, prevention, and relief and recovery. In this context, Montenegro developed and implemented its first National Action Plan for UNSCR 1325 for the period 2017-2018, which focused on three key areas, defined nine operational objectives, and included 41 activities (Ministry of Defense of Montenegro, 2024).

Advantages of NATO Membership for Montenegro

A geopolitical analysis of the current context and the cooperative relationship between Montenegro and the Military Alliance highlights the significant role of this small Balkan nation, which, despite its relatively small size in terms of territory and population, holds notable geopolitical importance. Located in the Balkans region of Europe, Montenegro plays a strategic role in the regional context and has garnered international attention due to its geographical position and role in regional security. In this regard, NATO has played a crucial role in promoting stabilization in a region with a history of interethnic conflicts. Montenegro's accession to NATO aimed to further strengthen regional stability, in alignment with its objective of integration into the EU. For Montenegro, membership in both NATO and the EU represents fundamental pillars of political and social stability, as well as economic and commercial prosperity (Kochis, 2017).

Along the same lines, Perovic (2022) identifies security, political, and economic reasons as the three main categories supporting Montenegro's accession to the Military Alliance. Firstly, Montenegro's integration into the collective security system provides a long-term guarantee of its stability and security. Membership in the Alliance serves as a long-term safeguard for the country's sovereignty and territorial integrity, ensuring security for its citizens and the State. This foundation allows for the creation of a much stronger basis for achieving economic stability and increasing foreign investment, which, in the long run, could lead to positive economic effects such as increased investments, GDP growth, and the overall development of Montenegro's economy.

As previously described, it is important to note that Albania and Croatia are already NATO members, which underscores the strategic importance of the Balkan

region for the Alliance. Furthermore, Bosnia and Herzegovina are candidate countries for NATO membership, reflecting the Alliance's interest in strengthening its presence in this region. Consequently, Montenegro's entry into NATO not only seeks to contribute to security and stability in the Balkans, but also to strengthen regional cooperation and integration while promoting and consolidating democratic institutions, fostering reconciliation among ethnic groups, and encouraging economic prosperity in the region. This, in turn, would contribute to achieving the desired long-term stability in the Balkans.

Although Montenegro has a relatively small military, it has proven to be a valuable partner for the United States and NATO. Its troops participated in the International Security Assistance Force mission in Afghanistan from 2010 to 2014 and continue to support the Resolute Support operation by providing advisory and training support to Afghan security forces. Moreover, Montenegro donated 1,600 weapons and 250,000 rounds of ammunition to the Afghan National Army. In 2016, it hosted the *"Crna Gora"* civil emergency response exercise and has participated in the State Partnership Program with the Maine National Guard since 2006 (Kochis, 2017).

Geopolitically, Montenegro occupies a key position in the region. Together with Albania, Croatia, Slovenia, and Italy, it provides strategic control over the Adriatic Sea, a crucial factor for NATO. This position has served as a counterbalance to Russia's attempts to gain influence in the region. In fact, Moscow offered "*billions of dollars*" to establish military bases in Montenegro, but the government, under pressure from NATO, rejected these proposals (Iriarte, 2017).

Montenegro's accession to NATO is viewed as a significant political victory, especially considering the resistance from some opposition groups, allegedly supported by Russia. This membership not only strengthens national security but also marks a crucial step towards its integration into the EU (Iriarte, 2017).

Montenegro's NATO integration from a Constructivist perspective

As described by Alexander Wendt (1999), unlike other theories in International Relations, Constructivism stresses that international politics is socially constructed through the interaction between actors, meaning that states act in accordance with the norms they have internalized and the identities they seek to project. Following the same line of thought, Montenegro's integration into the Military Alliance can be interpreted as a process of constructive international socialization, where the country sought to align itself with the norms of security and democracy promoted

by the Alliance in order to consolidate its identity as a modern, pro-Western state (Saurugger, 2013, p.893-894).

The nation's integration cannot be fully understood without considering the context of its simultaneous aspiration for EU membership. NATO membership, from a constructivist perspective, became a key component of the pro-European identity that Montenegro sought to project. According to socialization theory, Montenegro's participation in the Alliance helped reinforce its image as a modern, democratic state committed to international cooperation.

Montenegro's Path towards the EU

Historical Background and Development of The Negotiations

Nowadays, European integration has become the most important objective of Montenegro's foreign policy. EU integration is also the most comprehensive and complex reform process the country has ever embarked on. It is a process that cuts across various social and political aspects, from security or human rights protection, to quality of life or economic standards. From 2010 to date, Montenegro is defined as a 'Candidate Country for EU membership'. (Delegation of the European Union to Montenegro, 2021).

The process of integration into the European bloc began in June 2006, when the Council of Europe, by recognizing Montenegro's independence, reaffirmed the country's pro-European vision. Thus, in September of the same year, a political dialogue was initiated at the ministerial level between the Government of Montenegro and the EU institutions. A year later, on 22 January 2007, the EU Council decided to approve a new European Partnership with Montenegro. The government's response was the adoption of an Action Plan to implement the European Partnership recommendations in May 2007. (Perovic, 2022).

Thus, the Stabilisation and Association Agreement (SAA) was signed by the Montenegrin state on 15 October 2007 and entered into force on 7 May 2010 following its ratification by EU member states. The agreement was ratified by the Montenegrin Parliament on 13 November. This was followed by a reduction in visa conditions for Montenegrin citizens in the Schengen area. Then, on 15 December 2008, Montenegro submitted its application for EU membership. In accordance with Article 49 of the EU Treaty, on 23 April 2009, the Member States invited the European Commission to submit its opinion on the application. (Perovic, 2022).

A year later in December 2010, Montenegro became a 'candidate country' for EU membership. At the Brussels summit, EU leaders confirmed that negotiations for Montenegro's accession to the EU bloc would begin on 29 June 2012. As a result, in the same year, the government approved in the Acquis Commuautaire, the Decision for the establishment of a Working Group for the preparation of negotiations on Montenegro's entry (Perovic, 2022).

Subsequently, the European Commission's strategy for the Western Balkans in 2018 mentioned 2025 as a possible year for the accession of new members to the EU bloc. Subsequently, the date was changed, and 2028 was set as an estimated date for allowing Montenegro to join the EU as the 28th state while negotiations between the EU and the authorities in Podgorica are ongoing. The EU accession procedure is based on the successful negotiation of 35 chapters, each focusing on different areas such as justice, freedom, security, and various sectors of the economy. These negotiations started on Chapters 23 (Justice and Fundamental Rights) and 24 (Justice, Freedom and Security) in Brussels (Perovic, 2022). Thus, by 2024, Montenegro has opened all chapters and provisionally closed them, but substantial work remains to be done.

The following four provides a chronological overview of the opening of the negotiation chapters between Montenegro and the EU in Montenegro's EU accession process. The chapters represent different areas of EU legislation and policies that the country must comply with in order to advance its integration. The table shows the years in which specific negotiation chapters were opened, reflecting the progress made by Montenegro on its path towards EU accession.

Table N.1 Opening of Negotiation Chapters between Montenegro and the EU

Years	**Open Chapters**
2013	5, 6, 20, 23, 24
2014	7, 10, 3, 31, 32, 18, 28, 29, 33
2015	16, 30, 9, 21, 14, 15
2016	1, 2, 3, 12, 13, 11, 19
2018	17, 27
2020	8
2023	25, 26

Note: This table was compiled by the author using the following bibliography: "Montenegro: Integration Processes as A Guarantee of Security" by Miloš Perović, 2022, p 97.

And "28th member by 2028. Montenegro's goal for European Union membership", by EUnews, 2024, https://www.eunews.it/en/2024/01/30/28th-member-by-2028-montenegros-goal-for-european-union-membership/

Current Status of Negotiations and Challenges on the Road to EU Accession

Montenegro's European Union (EU) accession negotiations formally began on 29 June 2012, and to date, all accession chapters have been opened, with three of them provisionally closed. Among the Western Balkan countries seeking EU membership, Montenegro has stood out for its progress in negotiations, benefiting from comparative political stability and the absence of disputes with its neighbors. This progress has led many analysts to consider it the most advanced candidate in the accession process despite its small population of just over 600,000, suggesting that its integration could be more manageable for the EU bloc (Bellamy, 2023).

For 2024, the negotiating context presents both opportunities and challenges. With the election of Milojko Spajic as Prime Minister in October 2023, there has been a renewed commitment to reform implementation and enhanced security cooperation. The Montenegrin government's vision is aligned with the desire of other countries in the region, such as Ukraine and Moldova, to accelerate their EU integration processes, which has created a favourable environment for progress in negotiations (Bechev, 2024). In addition, progress has been made in key areas such as strengthening judicial governance and police cooperation in the fight against transnational crime.

In the short term, the Montenegrin government's objective is to meet the benchmarks set by the EU in the area of rule of law and fundamental freedoms, with the goal of closing further negotiation chapters before October 2024, when the European Commission will issue its annual assessment of candidate countries. The EU-Montenegro Joint Consultative Committee (JCC), meeting in March 2024, reaffirmed the country's commitment to become the 28th member of the EU by 2028. The co-chairs of the meeting, Decebal-Ștefan Bădăluță, and Gordana Đurović, underlined the importance of meeting the benchmarks set for the rule of law, stressing the need for close cooperation between Montenegrin and EU institutions to advance the accession process (The European Economic and Social Committee, 2024).

However, Montenegro's accession to the EU is not without significant challenges. The European Commission has repeatedly pointed to the need for far-reaching reforms, especially in the judicial area and the fight against corruption, which are crucial components of chapters 23 and 24 of the negotiations. Institutional stability and the independence of the judiciary are key conditions that Montenegro must fulfill in order to make progress in its accession process. In January 2023, the

European Commissioner for Neighbourhood and Enlargement emphasized that rule-of-law areas must be prioritized if the country is to maintain its leading position among the region's candidates (Jiménez, 2024).

Montenegro's EU Integration as Seen Through the Lens of Constructivism

In the case of Montenegro, the EU integration process can be understood as an effort to build and project a national identity aligned with European standards of democracy, rule of law, and good governance. This perspective underlines that the accession process has not only been an act of technical compliance with EU requirements but also a way of redefining the country's identity and securing its recognition as a legitimate member of the European community (Islamov, 2022, p. 518).

In the case of Montenegro, EU integration has been seen as a normative socialization in which the country has adopted the reforms demanded by Brussels, not only to meet the technical criteria but also to consolidate its identity as a democratic country aligned with Western values (Checkel, 1999, p. 548). This process involves the adoption of political and institutional reforms that transform the internal structure of the country, bringing it into line with the European normative framework.

The accession process, which formally began in 2012, has seen the opening of all negotiation chapters, and to date, three of them have been provisionally closed. This progress reflects a systematic effort by Montenegro to internalize European standards and project itself as a model of stability in the Western Balkans, unlike its neighbors with more complex political disputes (Draskovic 2008, p. 115).

Similarly, it is necessary to describe that Montenegro's European integration has also had a significant impact on the transformation of its governance system. The adoption of negotiating chapters 23 and 24, focusing on the rule of law and fundamental freedoms, has been particularly important. These chapters call for reforms in the judicial system and effective measures to combat corruption, which is seen as a key component for the consolidation of a European identity based on justice and transparency (Gheciu, 2005, p. 986).

The reforms needed to meet EU requirements imply not only structural changes but also a process of redefining political identity. According to Djurovic and Lajh (2020), the construction of Montenegro's European identity has been largely based on its commitment to standards of good governance and the strengthening of democratic institutions (Djurovic & Lajh, 2020, p. 3). This process has served

not only to consolidate its position within the Balkans, but also to differentiate it from other countries in the region that have been slower to advance their European aspirations.

Conclusion

The process of Montenegro's integration into NATO and the European Union is a clear example of how normative socialization dynamics and constructivist influence can transform a state's identity. Through this process, Montenegro has sought to redefine its national identity, projecting itself as a democratic, modern country aligned with Euro-Atlantic values. However, the transformation has not only been a matter of normative adaptation but also of institutional and political reform, which has required sustained commitment on the part of the Montenegrin authorities.

From a constructivist perspective, Montenegro's integration cannot be understood solely as a strategic or geopolitical move but as a process of identity transformation that has changed the internal and external perception of the country. As Montenegro has adopted the norms and principles promoted by NATO and the EU, it has consolidated its image as a reliable partner in the Balkan region, highlighting its commitment to the rule of law, stability, and democratic governance. This has allowed Montenegro to differentiate itself from other Balkan nations with more complicated paths to European integration.

Nevertheless, Montenegro's trajectory has not been without challenges. Internal resistance, the influence of external powers such as Russia, and difficulties in implementing deep reforms in areas such as fighting corruption and strengthening the judiciary have slowed Montenegro's path towards full EU membership. Despite these obstacles, the country has managed to make progress in most negotiation chapters, positioning itself as a leader in the region in terms of European integration.

Ultimately, the case of Montenegro demonstrates how normative socialization and constructivism can serve as tools for transforming the identity and political structure of a small state in a complex international environment. Its integration into NATO and its path towards the EU is not only a reflection of its strategic aspirations but also a manifestation of its desire to consolidate a pro-Western identity and secure its long-term stability in the Western Balkans.

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Money Laundering and Other Forms of Financial Crime

Kristina Milanovic

Abstract

Financial crime has had a huge growth in the last 30 years. It has a negative dynamic phenomenon that is present all over the world, while having an impact on all spheres in countries. All these points to the fact that financial crime is very unpredictable, with the main goal being to gain as much power or profit as possible based on the illegal methods and approaches that are being applied. Financial crime can be committed by companies, organized crime groups or individuals. Citizens, companies, government structures and, in extreme cases, entire national economies can be victims of this criminality. There are several reasons for the increase in financial crime, the first of which is the low prison sentences for the perpetrators, then the impossibility of proving the acts, but also their insufficient regulation of protection and control measures by the state. Bearing in mind the danger of this trend of growth of this type of crime, there is a clear need for states to stand in the way of the development of financial crime. In this paper a wide literature has been used relevant for the topic.

Keywords: financial crime, tax evasion, money laundering, organized crime, business

Defining the Term Money Laundering

Etymologically, the term money laundering means the legalization of capital acquired in a criminal way, that is, financial transactions for the purpose of concealing the true origin of money and other forms of capital on the market. Namely, the term "money laundering" comes from the ownership of chains of laundries by the mafia in the United States as early as the 1930s, when certain criminal groups earned large amounts of cash from extortion, prostitution, gambling or from selling alcohol (Ministry of Finance (2010) „Прирачник за спроведување на мерки и дејствија за спречување на перење на пари и финансирање на тероризам од страна на субјектите" - Skopje, p.14).

Money laundering is a serious problem in society as it endangers the financial system. This term includes activities aimed at legalizing money that has been acquired by committing criminal acts. Money laundering is a special type of organized crime, the purpose of which is to bring the money or property acquired in an illegal way into legal circulation, that is, to wash away their criminal origin and to join them to other funds in the system, which will make it impossible distinguishing between illegal and legally acquired wealth (Kambovski V. & Naumovski P. (2002) „Корупцијата-најголемо општествено зло и закана за правната држава" Vlabor –Skopje, p.53).

There are many definitions to define this term, but what is essential to define this term, that is to simplify it, is the conversion of ``black money'' into ``green money'', (Williams F, Транснационалниот организиран криминал и националната и меѓународна безбедност-глобална проценка, Безбедност бр.3/96 p.24) this definition does not include all the elements to accurately let's get closer to this problem. As a basic definition, this is the one that is more specifically defined in the Vienna Convention of the UN of 1988. The precise definition that is key to solving the problem more easily is that money laundering is "a process through which profits that are reasonably believed to originate from criminal activity are transported, converted or incorporated into legal financial flows, with the aim of concealing their origin, source, movement or ownership, enabling these funds to appear as legal, and persons involved in criminal activities to avoid legal consequences from such action."

Money laundering is a type of ``business'' that ranks third in the financial sector. Money launderers are interested in investments of dirty money, with which they achieve high profits not only within the borders of a country or domestic money or

international money, with which they make high profits and turn the money into legitimate money. This phenomenon is directly related to the activities of transnational criminal organizations, which are aimed at acquiring huge financial profits. States and financial institutions such as banks, brokerage houses, stock exchanges, investment funds and other financial institutions, are connected in the global mechanism of exchange that is increasingly out of the control of the states (Bošković, 2005).

When organized crime invests in legal businesses, it dominates the market and causes high prices, extortion, corruption, all in order to ensure not only legitimate but also maximum profit (Ashlatakovska B.T., ,,Економско казнено право`` -Авторизирани предавања , FON University –Skopje , p.88).

Criminal activity generates huge sums of money, which the individual or group must find a way to control these funds, without raising doubts about the legality of their origin. Criminals do this by disguising sources, changing the form and type of assets, or transferring them to environments where they will not attract attention (Bošković, M. (2009), "Pranje novca kao kriminološki i krivično-pravni problem", Novi Sad, p.13).

According to the Criminal Code of Republic of North Macedonia, in Article 273, the term money laundering means:

- putting into circulation, receiving, receiving, exchanging or dispersing money of greater value that was obtained by a criminal offense or which is known to have been obtained by a criminal offense.
- selling, giving away or letting in another type of turnover property or objects of greater value obtained by criminal offense, or buying, accepting as a pledge property or objects that are known to have been obtained by committing a criminal offense.

Money Laundering Techniques

The sources of income themselves dictate the money laundering techniques. If the income arises as a result of trafficking in drugs, weapons or people, it is clear that they are expressed in cash. Money laundering with the help of cash is part of the so-called traditional techniques. Despite the advances in technology, money laundering still dominates other techniques. Entities involved in money laundering are increasingly directing their funds to non-bank financial institutions (because banks take preventive measures in the fight against money laundering). Here we

have in mind offices, insurance companies and the like. In addition to the traditional, modern money laundering techniques are also found in practice. This practically includes all non-cash money laundering methods. The most significant can be mentioned: use of payment cards, loans, securities, insurance policies, etc. The use of credit in the function of money laundering practically represents a combination of traditional and modern techniques. In this case, the subject does not place the dirty money, but leaves it as collateral to get a loan. If the loan is approved, such an entity, in order to launder the money, will not return the loan. After the expiration of the term in which the loan was supposed to be returned, he activates the left security, that is, he brings the deposited illegal money into his financial flows. In that way, the entity that launders money acquires legal financial assets in the form of credit. Money laundering using securities is one of the newer techniques. Bearer shares that are transferred on the stock exchange from one subject to another, without identification, are particularly represented. Money launderers usually buy such securities from fake companies, that is, from the so-called shell companies, which they then sell on the formal or informal securities market.

Insurance companies with their products can also be targeted by money laundering entities. The most typical example is when the insurance policy is concluded for a significantly higher amount than the real value of the object. If the subject came to that object in an illegal way, he will try to find an insured case and collect from the overvalued insurance policy.

Stages of Money Laundering

The process of turning illegal money into legal money takes place through three stages. The process of money laundering differs from country to country, depending on its legal framework and the possibility of tax evasion. Although there is diversity in this process, the literature dominates the opinion that the process of money laundering consists of three basic stages, namely (Trajkovski, 2011),

1. placement;

2. concealment;

3. integration.

The first stage or placement represents the removal of funds that are directly related to the criminal activity, that is, the funds that are placed physically and the cash that has been acquired from criminal activity is being distributed. The placement represents the sale of dirty money and is considered one of the most important

stages in the money laundering process. This means buying goods or depositing the money in financial institutions with one goal, which is to separate illegal money from legal money. "Smurfing" operation is most often used, whereby the amount of money is divided into smaller amounts among individuals and companies, and then it is turned into legal money and transits in the next stage.

The second stage, concealing the money, means separating the illegal profits from their source by creating covert financial transactions in order to hide the trail and ensure anonymity (Ashlatakovska B.T. , ,,Економско казнено право`` -Авторизирани предавања , FON University –Skopje , p.88).

The transfer of money of illegal origin is done by electronic transfer. Considering that over 500,000 transfers worth over $1 trillion are made worldwide every day and that the majority of those transfers are legitimate, it is really difficult to determine whether such a transfer of funds constitutes money laundering or not (Bošković, 2005).

The third phase is integration, it represents ensuring the legitimacy of illegally acquired wealth. This phase is the last phase in the process if the previous ones are successful; it ensures the incorporation of the laundered money into the legal economy. So the goal of the integration is to return the laundered money to the owner who further uses it for his own needs. At this stage it is impossible to distinguish between the legal and illegal property.

These are the three stages of the money laundering process, they can appear separately or together as a single whole. Money laundering refers to the criminal activity of criminals or groups who launder the dirty money, acquired during the commission of a criminal offense, in order to lose any trace (Ashlatakovska B.T. , ,,Економско казнено право`` -Авторизирани предавања , FON University –Skopje , p.87). If illegal money turns into legal and passes the three stages, it is very difficult to prove and detect this criminality.

Figure 1

Placement	Concealment	Integration
Cash is used to buy valuable goods, property or investments	Resale of assets	Sales revenue appears as net

International Legal Framework for Combating Money Laundering

A fundamental problem in the fight against money laundering in international frameworks is the general globalization and opening of financial systems, markets and communications (Guihlem F. (2005). Prospering on crime , money laundering and financial crisis, Working paper no,9, p.2).

In order to suppress this negative phenomenon, the international community approaches normative regulation of the rights and obligations of individual countries, by adopting international legal acts that incriminate the activities of this criminal activity and which will narrow the possibility of a quick transfer of dirty money across world financial flows (Donato, M. 2004 Combating black money: Money laundering and terrorism finance, international cooperating and the G8 role).

The international basis for the incrimination of money laundering is the UN Vienna Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances from 1988. This convention contains a definition of this term which is also the basis for definitions in national legislation. It is the first document regarding the criminalization of money laundering and confiscation of criminal proceeds as one of the complex measures to prevent drug trafficking. The Strasburg Convention is also dedicated on the punishment of money laundering regardless of how the money was obtained. It also contains an obligation to the states and appropriate measures for the prevention and repression of this phenomenon (Ashlatakovska B.T. , ,,Економско казнено право`` -Авторизирани предавања , FON University –Skopje, p.91). Here we should also mention the 40 recommendations from the FATF and the Palermo Convention, which are the basic international documents.

The FATF is the top international institution that sets standards in the fight against money laundering and terrorist financing. The task of this group is to develop and encourage national and international policies to prevent money laundering. FATF sets standards by establishing recommendations, and the efficient implementation of FATF recommendations promotes the stability of national financial systems, progress (of member states) in the application of anti-money laundering measures and actions, analyzes money laundering techniques and determines prevention measures as their adequate response, encourages the application of established standards and more (http://www.fatf-gafi.org/publications/high-risk-and-other-monitored jurisdictions/documents/public-statement-june-2019.htm). To set the basic concepts (standards) that could have a wider application for the purposes of determining and developing national policies to deal with problems arising from

money laundering, the FATF first established Recommendations in 1990, which later in 1996, In 2003 and 2012, revised them, that is, modernized them and made them adequate to the current techniques of money laundering and terrorist financing. The effective implementation of the FATF Recommendations encourages the stability of national financial systems; financial institutions increase the resistance of involvement in money laundering schemes. money and terrorist financing, states meet mandatory international obligations by which they avoid unnecessary sanctions and avoid becoming a "paradise" for crime and other things. FATF also acts in another direction, that is, it monitors the progress of member states (but also those member states of regional bodies) in the implementation of established recommendations. In parallel and in continuity, the FATF, within the framework of the international cooperation review process, identifies the countries that have not implemented the recommendations of the FATF and produce the risk of money laundering and terrorist financing. Based on the results of the international cooperation review process, at each meeting the FATF publishes a Public Notice on countries that have strategic deficiencies in the anti-money laundering system (http://www.ufr.gov.mk/?q=node/34).

All of these international legal acts almost equally determine the characteristics of the criminal offense of money laundering, which consists of undertaking activities such as the transfer of property, concealment, possession, use, participation or use of property and association due to the commission, attempt and many other activities that are deliberately undertaken.

The Process of Money Laundering in The Republic of North Macedonia

In our country, this activity of criminal action is more and more expressed. There is a system of regulations that are harmonized with international acts, all with the aim of suppressing this form of crime. The Republic of North Macedonia, even if it is not a member of the European Union, has nevertheless ratified the conventions. which we emphasized above as one of the most important that have been ratified by almost all countries in the world.

The most important legal acts that can be singled out are:

- The Law on Prevention of Money Laundering and Other Proceeds of crime;
- Law on banks;
- Criminal Code.

The Law on Prevention of Money Laundering and Other Proceeds of Crime

This law regulates the measures, actions and procedures that entities and competent authorities and bodies take for the purpose of detecting and preventing money laundering, related criminal acts and terrorist financing (Code for Prevention of Money Laundering and Other Proceeds of Crime and Financing of Terrorism (Службен весник бр. 04/08, 57/10, 35/11, 44/2012 and 43/14). The Law on the Prevention of Money Laundering and Other Proceeds from a Criminal Offense and the Financing of Terrorism defines the entities that are responsible for taking measures and actions to prevent money laundering and the financing of terrorism is redefined, i.e. as new entities are internet casinos being introduced. As well as the obligations for entities related to identification are brought in line with the FATF standards related to the identification of the client, the authorizer and the beneficial owner. Regarding the measures and actions for detection and prevention of money laundering and financing of terrorism in accordance with the Law on Money Laundering, it is emphasized that related predicate crimes and financing of terrorism are defined by international standards - the recommendations for prevention of money laundering and financing of terrorism determined by the FATF (Code for Prevention of Money Laundering and Other Proceeds of Crime and Financing of Terrorism (Службен весник бр.. 04/08, 57/10, 35/11, 44/2012 and 43/14).

The National Strategy for Combating Money Laundering is a strategic document that establishes all the elements that will upgrade the system for preventing money laundering and terrorist financing in the Republic of Macedonia. The following should be highlighted as goals of the National Strategy: (Министерство за финансии (2005) „Национална стратегија за борба против перење на пари и финансирање на тероризам“, Скопје, pp. 21).

1. Harmonization of domestic legislation with international regulations, experience and standards for preventing money laundering and terrorist financing;
2. Preventing the use of the financial system for the purposes of money laundering and terrorist financing;
3. Improvement of the regulation and supervision over the implementation of the legislation;
4. Increasing the level of efficiency of the work of law enforcement agencies;
5. Creation of an efficient system of inter-institutional cooperation;
6. Strengthening the technical capacities of the Directorate for Prevention of Money Laundering.

The Phenomenology of Money Laundering

Phenomenology studies the external manifestations of criminality as a real phenomenon (Arnaudovski Lj. (2007) „Криминологија "2nd of August – Shtip, Skopje, p. 241).

According to the broader concept accepted by a larger group of authors, phenomenology is a "science of the manifestations of crime", which studies its external manifestations, describes the ways of its execution, elaborates the typology of perpetrators, etc. Another concept is the one according to which phenomenology is determined as "a special area of criminology, which studies the emergent forms, structure, structural changes and dynamics of criminality." (Milutinovich M. (1985) „ Криминологија "VI изданје, Савремена администрација, Belgrde, p.161).

Money laundering is not a new phenomenon - criminals have always tried to hide the proceeds of their criminal activity. Although for a long time this activity was considered a marginal problem, after the expansion of the drug trade, money laundering became an integral part of any serious criminal activity. The proceeds of crime, which are mainly in the form of cash, must be "cleaned" so that they can then be used again by criminals. Money laundering involves a series of financial operations (deposits, withdrawals, transfers, etc.) that ultimately result in dirty crime money becoming clean money that can be used for legitimate business activities. In fact, "cleaned" dirty money is "recycled" through legitimate businesses, and from there it enters the legitimate market and spreads throughout the economy (http://www.ufr.gov.mk/files/docs/KNIGA_mak.pdf).

The problem with the "dark figure" of money laundering is particularly serious, because more criminal behaviors that cause huge damage to social assets and goods are very difficult to detect, and their perpetrators are increasingly difficult to prosecute. The difficulty in detection can also be sought in certain political influences at the time of the execution of the crimes, because their perpetrators are placed in responsible positions as political persons and are in a certain way protected from criminal prosecution. This is also contributed to by the slow adoption or failure to adopt appropriate legal regulations on the established which would determine the origin of the property and the way of acquiring wealth in the state, when ordinary citizens barely survive. A significant circumstance for the high "dark number" of money laundering in terms of its timely detection is the "evasion in the performance of regular institutional controls", on the operation of enterprises,

institutions and other legal entities, and all this is due to close, political, friendship or family ties. However, fear among the competent persons who are in charge of implementing such controls also stands out as a problem, and there is also the fear of revanchist. As an important element for the "dark figure" of this criminality, there are various pressures that law enforcement agencies (the police, the public prosecutor's office and the court) suffer in the discovery process, starting from a variety of threats, as well as an example in their workplaces from political powerful and newly minted businessmen. This results in the discovery of peripheral criminality, what is allowed in the public through the media or some kind of request is made to the police or the public prosecutor. Such work usually satisfies the interest of the public, but the real crime remains undetected, which requires a longer period of time in the clarification of criminal activities, cooperation with several professional services and the involvement of expert and professional police personnel in the process of clarifying and documenting material evidence (http://eprints.ugd.edu.mk/20958/1/Organiziran.pdf).

Etymological Features of The Emergence of Money Laundering

Ethology determines the sources of criminality in society, penetrates into the factors that cause it and analyzes the personality of the delinquent.

There are general, individual and special factors that affect economic crime. As general factors, they arise from general, social, political, legal, social factors that are also determined in the structuring of society and its functioning. The particular ones are also determined in society, but at a lower level and the individual ones are tied to the personality of the perpetrator of the criminal offense for his physical, mental properties and intellectual abilities as well as the characteristics that determine his status in society. These are the factors that make the perpetrator's personality special, professional, resourceful, able to use his position to indulge his self-interested and hedonistic passions (Arnaudovski Lj. (2007) „Криминологија" 2nd of August – Shtip, Skopje).

The perpetrators of economic-financial crime are significantly different from the perpetrators of crimes from classic criminality due to the existence of certain properties that they possess in a certain period of time and are in a situation to carry out those criminal activities. Basically, they know the regulations that regulate the area of their professional work and direct criminal activity to the margins of permitted behavior, using certain legal loopholes, vagueness and frequent amendments and

additions to legal regulations. It is necessary to take into account that this type of crime is committed by people who, with their creativity and ability, and often with their authority, strive to conceal their criminal behavior as long as possible. In this way, the powers that they have and with the abuse of which they, in fact, cover up the criminal activity, help them to a great extent (Arnaudovski Lj. (2007) „Криминологија" 2nd of August – Shtip, Skopje).

The etymological side of money laundering is an important element that should be studied through the causal connection of the subjective side of the delinquent's personality with his criminal behavior. Simply put, the question arises "Would a person be a criminal if he were not in a state or situation that he could abuse to obtain an illegal property benefit for himself or for another". The causal relationship with this criminality, the external influences – the workplace, the position, the entrusted work based on the law, etc. of the perpetrator, on the one hand, with the characteristics of his personality and motives, on the other hand, are a very important element that should be studied through the criminal cases that have been conducted or are still in the process of discovery, clarification and proof before the law enforcement authorities in our country. Of course, an important element is the situation, the possibility of criminal behavior in causal connection with the perpetrator's motive and his criminal aspirations.

Prevention

The establishment of an effective anti-money laundering system implies the application of national and international measures and regular monitoring of their application, whereby it is necessary for each country to build and develop appropriate legislation, respecting international standards. International cooperation, the mutual exchange of data, the exchange of experiences in the field of prevention and detection of money laundering is the main factor for building and establishing an efficient and functional system. The rapid growth of markets allows money to travel quickly, making money laundering more and more complex. Furthermore, it is necessary to develop a regional assessment of money laundering threats (possible by integrating national assessments or forming work teams). One of the key steps in the fight against money laundering is adequate training of persons who should implement the prevention of money laundering. The separation of the perpetrators of criminal acts from illegally acquired property and property benefits, that is, the confiscation of criminal proceeds, also plays a significant role in the suppression

of this phenomenon. This measure is quite significant from the point of view of money laundering, considering that the concern of criminals about whether their criminal proceeds can be confiscated is a basic factor that motivates them to carry out this criminal activity. Therefore, the existence of an effective confiscation system is a necessary component of anti-money laundering measures in any country (Taseva S. (2003) „Перење пари", Skopje, p. 125, Data pons).

At the same time, it can be noted that the obligation to confiscate refers to instruments and objects or property whose value corresponds to these objects, to any criminal offense (Strasbourg Convention for Money Laundering, Detection, Seizure and Confiscation of Criminal Proceeds adopted by the Council of Europe in 1990).

The system for implementing the prevention of money laundering is composed of three pillars:

The first pillar consists of entities that have a legal obligation to take measures and actions to prevent money laundering and terrorist financing.

The second pillar is the Financial Intelligence Agency, which is an administrative authority for financial intelligence that acts as an intermediary between the subjects, on the one hand, and the investigative authorities, on the other.

The third pillar consists of the law enforcement authorities - the Public Prosecutor's Office (the department for organized crime and corruption), the Ministry of Internal Affairs (the department for organized crime and all organizational units for the suppression of organized crime) and the Ministry of Finance (the Financial Police Administration and the Customs Administration), but also cooperates with the public revenue administration, although it is not an authority that directly participates in the investigation of crime, but indirectly participates in a large number of cases for the identification of reported and undeclared or taxed income, money and property of suspected legal and natural persons.

The fight against money laundering is important because it prevents criminal money from entering economic systems.

Tax Evasion

Defining the Term - Tax Evasion

Historically speaking, the development of this crime "tax evasion" stems from the development of modern criminal legislation that regulated the general concept of tax evasion (Popovich I. (2012), Пореска утаја у нашем праву., p.6). In all social, that is, political systems, in the past and today, there was and is resistance to the payment of public revenues. Citizens should be aware that taxes are the most important form of public income and one of the most important means of redistribution of national income to different subjects and in different forms of consumption, at the same time taxes are becoming more and more important and in most countries they occupy over 40% of GDP, which means a huge share, and in some countries they amount to half of the Gross Domestic Product (Hristovska B. & Spasova T. Анализа на праведно одданочување, (2017), Analitica; Balkan Monitoring Public Finances p.3).

Violation of the constitutional principle, and avoidance of payment of established taxes and other similar prescribed duties by taxpayers, or deliberate violation of tax regulations, cause negative effects that can be a risk to the national economy and its growth, and also lead to in question and the implementation of a large number of state functions. The central place among economic crimes is occupied by the crime of tax evasion. Tax evasion is a basic fiscal crime that is criminalized as a crime in our legal system (https://www.pravdiko.mk/wp-content/uploads/2018/12/KRIVICHNOTO-DELO-DANOCHNO-ZATAJUVANE.pdf).

Tax evasion represents an organizational form of criminal activity in a country, that is, a type of fraud. We are talking about a criminal act that involves the presentation and non-declaration of property as well as the acquired income. In fact, tax evasion refers to opposition to the prescribed legal system of taxes in a country and the same applies to other contributions for which an appropriate obligation should be settled, normally determined accordingly by law. Therefore this form of financial, organized crime needs to be implemented with appropriate legal regulations, thus determining its criminal-legal protection, from which obligations for the payment of contributions and taxes are determined.

Article 279, paragraph 1 of the Criminal Code of Republic of North Macedonia, states that "Whoever, with the intention of avoiding full or partial payment of tax, contribution or any other duty to which he is obliged by law, gives false information about his income or about the income of the legal a person, objects or other

facts of influence for determining the amount of such obligations, or a person who, with the same intention, in the case of a mandatory report, does not declare income, that is, an object or other fact of influence for the determination of such obligations, and the amount of the obligation is greater value, will be punished with imprisonment from six months to five years and a fine (Article 279, paragraph 1 of the Criminal Code of the Republic of Macedonia). If the amount of the obligation from paragraph 1 is significant, the offender will be punished with imprisonment of at least four years and a fine (Article 279, paragraph 2 of the Criminal Code of the Republic of Macedonia). It is a criminal offense when someone intentionally avoids the full or partial payment of the tax, contribution or any other duty to which he is obliged by law, provides false information about his income or other facts of influence to determine the amount of such obligations or reports less or did not report income (http://www.kaunt.mk/Home/Page/21).

Characteristics and Method of Tax Evasion

The basic characteristic of this criminal offense is the realization of illegal property benefit by avoiding, concealing or otherwise preventing the payment of the obligations regulated by a specific law for a natural or legal person to the state. This is one of the ways in which subjects get money. the budget of the state is not complete, and the state suffers direct damage, and thus the citizens, both on a collective and individual level, as a result of several individuals who are perpetrators of this type of crime (Ashlatakovska B.T. , ,,Економско казнено право`` - Авторизирани предавања , FON University –Skopje , p.115).

According to the definition of this crime, its basic elements are the object of protection, the method of execution, prevention, the forms of guilt and the prescribed sanction. The basic features of this crime are of a complex nature, in terms of the incrimination – the blanket nature of the disposition and the objective condition of the incrimination, and in terms of the protection of the object of criminal protection – the alternatively prescribed methods of execution. The structure of this crime is distinguished by its complexity, conditioned by the blanket character of the disposition of the norm, that is, it is a delict with a blanket nature (http://karlicic.rs/osvrt-na-krivicno-delo-poreska-utaja.html).

The object of protection of this criminal offense provided for in our Criminal Code is the tax system itself.

A subject can be both a legal entity and a natural person, but the key is that only a person who appears as a taxpayer. Depending on the overall situation and

depending on the state of the specific criminal case, certain persons may be direct perpetrators, other persons may appear as helpers, accomplices, co-perpetrators or instigators (https://www.pravdiko.mk/koi-se-najchestite-danochni-izmami/).

The execution of this work can be done in two ways:

1. The first form is by avoiding, in whole or in part, the payment of tax, contribution or other duties by providing false data about income, objects or other factors that are of influence in determining tax obligations, which represent a form of tax fraud;

2. The second way is by not reporting income that is required to be reported, that is, an object or fact that has an impact on the determination of tax obligations (Ashlatakovska B.T. , ,,Економско казнено право`` -Авторизирани предавања , FON University –Skopje , p.115).

The main offense appears in these two forms as tax fraud and the second as non-reporting of facts relevant to taxation.

The objective condition for incrimination is determined by the fact that the amount of the obligation is of a higher value. Here we have in mind the obligation whose payment has been avoided during one year. If the offender avoids the payment of tax for several years, there may be a continued crime, provided that the avoided obligation exceeds the higher value every year. The qualified form of the basic offense as an objective condition of incrimination requires that the amount of the liability be significant (Kambovski V. and Tupanchevski N. (2011) ,,Казнено право –посебен дел``, 2nd of August – Shtip, Skopje, p. 370).

The subjective nature of the crime includes special intentions of the executor or another person to avoid full or partial payment of tax, contribution or other duties for which he is obliged by law (Kambovski V. and Tupanchevski N. (2011) ,,Казнено право –посебен дел``, 2nd of August – Shtip, Skopje, p. 370).

The legal nature of the act includes the intention as an element and that is the direct intention, because the legislator states that for the existence of this act the intention to avoid purposeful or partial payment of tax should be confirmed (Ashlatakovska B.T. , ,,Економско казнено право`` -Авторизирани предавања , FON University –Skopje , p.116).

The crime of tax evasion must have its consequences, like any other crime. Without the consequence, there is no socially, that is, socially dangerous part, and thus no criminal act. Tax evasion in different ways leaves negative effects and creates harmful consequences.

The most common consequences are:

- Reduction of budget revenues
- Impossibility of current performance of separate state functions
- Encouraging fellow citizens to commit such a crime
- Creating an unrealistic picture of citizens' incomes

In all modern countries, this crime is too present, it has great significance, especially when it is connected with the crime of money laundering, and that on a large scale. The consequences also occur at the state level, so the state is forced, for example, to introduce new taxes to cover the budget deficit and so on. Also, on a social level, the social standard of the population is being violated (https://www.pravdiko.mk/wp-content/uploads/2018/12/KRIVICHNOTO-DELO-DANOCHNO-ZATAJUVANE.pdf).

Therefore, that is why it starts from the fact that in our country, the awareness of the citizens equally, about the payment of the tax obligation, has not yet been sufficiently awakened. In the period after the independence, the number of those who committed tax evasion was quite small and insignificant, but on the contrary, already in the following years, the number of committed crimes has increased significantly, and had negative consequences on the entire society.

That is why even today it is necessary to establish a growing judicial practice, which will be of great importance for the reduction of this crime. The following should be actively involved in the fight against tax evasion: the Ministry of the Interior, the Courts as well as the Public Prosecutor's Offices, which will contribute to reducing this type of crime through prescribed measures and laws.

Finally, it is necessary to ensure all methods and ways in the fight against tax evasion. Particular attention should be paid in the presentation of this crime, where all state authorities and institutions should be involved, in order to reduce this negative phenomenon.

Preventive measures to be taken:

- Creating a competent, efficient, highly motivated tax administration
- Permanent support of the administration with modern equipment for detection and prevention of tax offenses
- Mutual cooperation between tax authorities and other state authorities

- Rigorous control of the implementation of the regulation in the field of payments, records and accounting
- Improvement of the general tax culture and tax morale of the population
- Reducing the tax burden within reasonable limits
- Neutralization of the factors that contribute to the formation of resistance to the payment of taxes.

It is characteristic that this type of crime particularly affects those countries that are in transition, because it is precisely the tax and its timely execution that is very important for the stabilization of such a country.

A separate form of evasion is international legal tax evasion. Protagonists of international evasion try to reduce their tax liability by moving capital to another country. The affected countries have two methods available to prevent international evasion: taking autonomous measures (domestic legislation) and conventional arrangements by concluding international agreements or inserting special clauses in bilateral agreements to prevent double taxation.

Analysis

Figure 1

Crimes against public finances, payment transactions and the economy	total	total known perpetrators	women	rejected application	discontinued investigation	stopped investigation	submitted indictment	total unknown perpetrators
Total	376	309	38	56	-	34	219	67
Money laundering	3	3	2	-	-	-	3	-
Tax evasion	109	109	13	11	-	28	70	-
Counterfeiting money	65	23	5	2	-	3	18	42
Other	116	111	21	-	-	-	90	5

Reported Adults According to That Crime, Type of Decision and Gender

Figure 2

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
596	543	620	472	493	510	310	344	419	376

Perpetrators of crime against public finances – from 2008-2017 (http://www.stat.gov.mk/)

Analysis of Money Laundering Threats

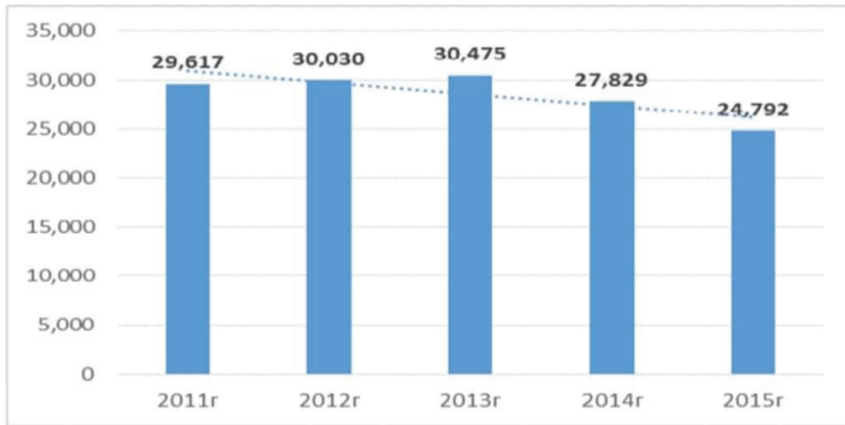
The Republic of North Macedonia is not a regional financial center. Although the majority of transactions are carried out through the banking sector, cash transactions represent a significant part of the total amount of transactions and they mostly take place outside the banking sector.

The Republic of North Macedonia is located in the central part of the Balkan Peninsula and is a crossroads of the east-west, i.e. north-south corridor, which enables an increased flow of people through the territory of the Republic of North Macedonia on the one hand, but also an increased flow of illegal goods through the territory of the Republic of North Macedonia. The fact that some of the neighboring states of the Republic of North Macedonia are source countries for certain illegal products, primarily drugs and excise goods, domestic and foreign criminal groups use the territory of the Republic of North Macedonia as a transit territory, but also as a final destination country for those illegal goods. The Republic of North Macedonia is a transit country for human trafficking and smuggling of migrants from areas with high migration to Western European countries.

The total number of registered crimes in the Republic of North Macedonia is decreasing.

Figure 3 display the total number of registered criminal acts in the Republic of North Macedonia in the period 2011-2015.

Figure 3



Total Number of Registered Criminal Acts in The Republic of North Macedonia in the Period 2011-2015

The number of registered crimes "money laundering and other proceeds of crime" ranges between 6-12 per year, which represents about 0.02% of the total number of registered crimes. This is primarily due to the fact that law enforcement agencies do not conduct sufficient parallel financial investigations with criminal investigations in order to fully shed light on criminal cases, providing both evidence of the predicate offense and solid and irrefutable evidence of existence of money laundering and other criminal proceeds.

The analysis determined a medium level of money laundering threat in the Republic of North Macedonia. Money laundering in the Republic of North Macedonia is often associated with economic crimes, such as: abuse of official position and authority and tax evasion. In addition to these crimes that generate the highest profits from crimes, the illegal drug trade and illegal migration are also included.

In the investigated period 2011 - 2015, a period after the implemented reforms in criminal substantive and criminal procedural law, with the execution of criminal acts in the field of economic crime, the total damage amounts to over 13.5 billion denars or about 220 million euros. The total number of crimes registered in the Republic of North Macedonia is decreasing, the number of crimes that most often generate income from crimes is constantly increasing (Проценка на закани од организиран и сериозен криминал 2015, МВР на РМ (http://www.mvr.gov.mk/Upload/Editor_Upload/publikacii%20pdf/SOCTA_v_2.swf).

Conclusion

Money laundering is a special type of organized crime, the purpose of which is to bring the money or property acquired illegally into legal circulation, that is, to wash away their criminal origins and join them with the rest of the funds in the system, which will make it impossible to distinguishing between illegal and legally acquired wealth. Money laundering is a serious problem in society as it threatens the financial system.

Money laundering and terrorist financing are related phenomena that are increasingly encountered in today's turbulent society. These activities compromise the stability, transparency and efficiency of the financial systems of both developed and developing countries. It is in the nature of the money laundering phenomenon to be shrouded in secrecy, which is an obstacle to performing any statistical analyzes on the extent of these problems.

The perpetrators of economic-financial crime are significantly different from the perpetrators of crimes from classic criminality and this is due to the existence of certain properties that they possess in a certain period of time and are in a situation to carry out those criminal activities. Basically, they know the regulations that regulate the area of their professional work and direct criminal activity to the margins of permitted behavior, using certain legal loopholes, vagueness and frequent amendments and additions to legal regulations. It is necessary to take into account that this type of crime is committed by people who, with their creativity and ability, and often with their authority, strive to conceal their criminal behavior as long as possible.

This paper also highlights tax evasion as a financial crime that is quite widespread. It is characteristic that this type of crime especially affects those countries that are in transition, because both the tax and its timely execution are very important for such a country. The most effective prevention of this crime is the separation of the perpetrators of criminal acts from the illegally acquired property and property benefits, that is, the confiscation of criminal proceeds. This measure is quite significant from the point of view of money laundering, considering that the concern of criminals that their criminal proceeds may be confiscated is a basic factor that motivates them to launder criminal profits.

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BALKAN JOURNALS

Women, Peace, and Security: An Assessment of UN Security Council Resolution 1325 Implementation Policies in Different Peacebuilding Contexts

Mariana González Mejía

Abstract

This article examines the impact of policies inspired by UNSCR 1325 on women's participation in peace and security processes in Bosnia and Herzegovina, Colombia, and the Philippines. Through a comparative analysis, the study identifies common challenges such as structural barriers, cultural resistance, and inconsistent policy implementation. Despite progress in formal inclusion, the practical influence of women remains limited. The findings highlight the need for stronger institutional support, sustained funding, and cultural change to fully realize the transformative potential of gender-inclusive peacebuilding.

Keywords: gender mainstreaming, gender-based violence, institutional challenges, post-conflict settings, women's empowerment.

Introduction

United Nations Security Council Resolution 1325 (UNSCR 1325), adopted in 2000, marks a pivotal moment in international security and peacebuilding efforts, emphasizing the disproportionate impact of conflict on women and the crucial role they play in conflict prevention, resolution and post-conflict reconstruction (UN Women, 2015). The resolution highlights four key pillars: prevention of conflict, protection of women's rights, participation of women in peace processes, and relief and recovery efforts that address gender-specific needs. These pillars establish a new framework for integrating a gender perspective into global security policies, advocating for the active involvement of women at all stages of peace processes and beyond (UNSCR 1325, 2000).

The implementation of UNSCR 1325 has varied across different geopolitical contexts, reflecting the unique socio-political landscapes, conflict histories, and institutional structures of each country. Despite widespread recognition of its principles, translating these commitments into tangible change on the ground has proven complex and uneven (Georgetown Institute for Women, Peace, and Security, n.d.). This study addresses the core question: What impact have policies inspired by UNSCR 1325 had on women's participation in peacebuilding processes, and how can those policies be more effective? To explore this, the article examines the experiences of Bosnia and Herzegovina, Colombia, and the Philippines—three countries that have adopted National Action Plans (NAPs) aligned with UNSCR 1325 to address gender issues within their distinct peacebuilding frameworks. The study aims to analyze the successes, challenges, and implications of these policies in reshaping security environments and enhancing women's roles in peace efforts.

Bosnia and Herzegovina's engagement with UNSCR 1325 must be understood against the backdrop of its brutal conflict from 1992 to 1995, which resulted in deep ethnic divisions and widespread human rights abuses, including systematic sexual violence against women (Björkdahl & Selimovic, 2019; OSCE, 2020). The Dayton Peace Agreement, which ended the war, established a complex political structure that has often impeded coherent governance and reform (Kapur, 2020). In the post-conflict period, Bosnia developed its first National Action Plan on UNSCR 1325 in 2010, focusing on integrating women into peace and security sectors, combating gender-based violence, and promoting gender equality in decision-making roles (ARS BiH, n.d.). These NAPs represent an effort to address the legacies of the war by incorporating women's voices into the rebuilding of state institutions.

Colombia's long-standing internal conflict, which lasted for more than five decades, involved various armed actors, including the Revolutionary Armed Forces of Colombia (FARC) (International Crisis Group, 2021). The conflict resulted in severe humanitarian consequences, including mass displacement, violence against civilians, and widespread human rights violations (Restrepo & Moser, 2021). In 2016, the Colombian government and the FARC signed a historic peace agreement, which included specific provisions addressing the needs and rights of women, largely influenced by UNSCR 1325 (Kroc Institute for International Peace Studies, 2023). Colombia's National Action Plans on UNSCR 1325 have played a crucial role in recognizing and formalizing the contributions of women to peace negotiations, transitional justice, and community-level peacebuilding. The NAPs emphasize the need to protect women from ongoing violence, promote their participation in leadership roles, and ensure that gender perspectives are integrated into post-conflict reconstruction efforts (UN Women Colombia, 2023).

The Philippines has experienced multiple armed conflicts, particularly in the southern region of Mindanao, where separatist movements and insurgencies have long destabilized the area (Magno & Bautista, 2022). The 2014 Comprehensive Agreement on the Bangsamoro between the government and the Moro Islamic Liberation Front (MILF) marked a significant milestone in the peace process, aiming to establish greater autonomy and address the longstanding grievances of the Muslim minority (PeaceGov, 2023). The Philippines was one of the first countries in the Asia-Pacific region to develop a National Action Plan on UNSCR 1325 in 2010. The Philippine NAPs focus on the protection of women in conflict-affected areas, their empowerment, and meaningful participation in peacekeeping and peacebuilding initiatives (Georgetown Institute for Women, Peace, and Security, n.d.).

The implementation of National Action Plans inspired by UNSCR 1325 in these three countries highlights both progress and ongoing barriers to achieving gender-inclusive peace. Each case illustrates the potential for UNSCR 1325 to drive significant policy changes aimed at enhancing women's roles in peace and security sectors.

Literature Review

Bosnia and Herzegovina

Bosnia and Herzegovina's experience with UNSCR 1325 is shaped by the post-war context and the Dayton Peace Agreement, which largely excluded women from formal peace negotiations (Björkdahl & Selimovic, 2019). Bosnia was one of the first countries in the Western Balkans to adopt a National Action Plan (NAP) in 2010. Efforts to integrate women into the defense and security sectors have included measures to enhance their representation in military and police forces, as documented by the Agency for Gender Equality of Bosnia and Herzegovina (ARS BiH).

Despite these initiatives, the literature identifies considerable obstacles to implementation. Institutional resistance, limited funding, and deeply rooted gender norms have significantly hindered progress (OSCE, 2020; Kapur, 2020). Evaluations by UN Women reveal that while policies exist, their application is inconsistent, with women's roles often relegated to symbolic participation rather than meaningful influence in decision-making. The OSCE has similarly reported that while awareness about gender issues has increased, the practical integration of a gender perspective remains uneven across various institutions, including the military and law enforcement. Furthermore, political instability and frequent changes in government leadership have created additional hurdles, disrupting the continuity and effectiveness of policy implementation (European Institute for Gender Equality, 2021).

A critical gap identified in the literature is the lack of long-term evaluations of the impact of UNSCR 1325 policies on women's security and participation in Bosnia. Most studies focus on immediate outputs rather than sustained outcomes, leaving a gap in understanding the true transformative potential of these policies over time (UN Women, 2021). Additionally, there is limited research on the specific barriers faced by women in rural and ethnically divided areas, which are often the most affected by the legacies of conflict (International Alert, 2021).

Colombia

Colombia's implementation of UNSCR 1325 is closely linked to its extensive history of internal armed conflict and the landmark peace agreement with the Revolutionary Armed Forces of Colombia (FARC). The inclusion of a gender subcommission during the peace negotiations marked a pioneering step, making Colombia one of the few countries to explicitly integrate gender considerations into formal peace

processes (Kroc Institute for International Peace Studies, 2023). The NAPs, first introduced in 2016, were designed to enhance the role of women in peacebuilding and address gender-specific impacts of the conflict (UN Women, 2022).

However, persistent challenges are highlighted throughout the literature. Reports by UN Women and the Colombian Ministry of Foreign Affairs stressed that despite formal recognition, the practical implementation of gender-responsive policies faces significant barriers, including ongoing violence against women and deeply entrenched patriarchal structures (Colombian Ministry of Foreign Affairs, 2023). Women's involvement in peace processes is frequently described as symbolic, with their contributions often minimized in formal settings. Additionally, the security environment in Colombia continues to pose severe risks, as armed groups and criminal organizations maintain control in many areas, undermining efforts to protect women's rights and ensure their active participation (International Crisis Group, 2021).

The literature also points to the lack of resources and coordination among governmental bodies as a main difficulty. A report by the Colombian Ministry of Foreign Affairs notes that funding for gender initiatives remains inadequate, and there is a clear need for stronger institutional frameworks to support the integration of women in peacebuilding efforts. The Georgetown Institute for Women, Peace, and Security (n.d.) emphasizes that while NAPs have set ambitious goals, their execution often falls short due to insufficient financial and institutional support. A significant gap in the literature is the evaluation of the effectiveness of these NAPs in rural and Afro-Colombian communities, where traditional gender roles are particularly entrenched and data on women's participation is sparse (UN Women Colombia, 2023).

Philippines

The Philippines is recognized as a leader in the Asia-Pacific region for its early adoption of a National Action Plan on UNSCR 1325 in 2010. The NAPs prioritize the protection, empowerment, and meaningful participation of women, particularly in conflict-affected areas like Mindanao, where decades of violence have deeply impacted communities (Georgetown Institute for Women, Peace, and Security, n.d.). Collaboration between the government and civil society organizations has been central to these efforts, with specific initiatives designed to promote women's roles in conflict resolution and peacekeeping (Asian Development Bank, 2020).

Nevertheless, the literature underscores a persistent gap between policy and practice. According to research from the Georgetown Institute for Women, Peace, and Security, while the NAPs establish a solid framework, the implementation is undermined by cultural norms, ongoing conflict dynamics, and limited institutional capacity. Studies by UNDP (2022) and Alano & Tigno (2023) highlight that traditional gender roles and resistance within local governance structures often impede the execution of gender-sensitive reforms, particularly in rural and conflict-affected regions.

A notable gap in the literature is the lack of studies that measure the long-term impact of these initiatives on women's empowerment in conflict zones. Most evaluations focus on short-term outputs, such as participation rates in workshops or training sessions, rather than long-term changes in women's roles and influence within their communities. The absence of comprehensive data on the sustained effects of NAPs on women's status in Mindanao and other conflict areas underscores the need for more robust monitoring and evaluation mechanisms to better capture the transformative potential of these initiatives (PeaceGov, 2023).

Methodology

This study has a qualitative case analysis approach to examine the impact of policies inspired by United Nations Security Council Resolution 1325 (UNSCR 1325) on transforming security structures and enhancing women's participation in peacebuilding processes in Bosnia and Herzegovina, Colombia, and the Philippines. A qualitative approach is particularly suitable for this research as it allows for an in-depth exploration of complex social phenomena, such as the intersection of gender, conflict, and peace. This approach focuses on understanding the contextual and dynamic aspects of how UNSCR 1325 has been implemented and adapted within different socio-political environments.

The study uses a multiple case study design, which facilitates comparative analysis across diverse contexts, highlighting both shared challenges and unique country-specific factors. The cases of Bosnia and Herzegovina, Colombia, and the Philippines were selected due to their distinctive conflict histories and the presence of established National Action Plans (NAPs) aligned with UNSCR 1325 in their social reconstruction processes after a conflict. Bosnia and Herzegovina offers insight into a post-conflict European setting marked by ethnic divisions, Colombia provides a perspective on integrating gender into ongoing peace negotiations in Latin

America, and the Philippines presents a case of a protracted conflict in the Asia-Pacific region with active civil society involvement.

Sources for this analysis were carefully selected based on their relevance, credibility, and direct relation to the topic. The primary sources include government reports, NAP documents, and evaluations from recognized international organizations such as the United Nations, OSCE, NATO, and UN Women. Secondary sources consist of academic articles, policy analyses, and reports from reputable non-governmental organizations that have actively monitored the implementation of UNSCR 1325 in the selected countries.

Despite the robust methodological approach, the study faces several limitations. First, the reliance on secondary data sources means that the analysis is contingent on the availability and quality of existing reports and studies, which may vary across countries. Some regions, particularly rural and conflict-affected areas, are underrepresented in the literature, leading to potential gaps in understanding the localized impact of these policies.

Another limitation of this study is the potential bias inherent in qualitative research methods, particularly in the interpretation of data from diverse socio-political contexts. The analysis relies heavily on the perspectives and interpretations of existing reports and documents, which may reflect the biases of the authors or organizations that produced them. Additionally, the study's focus on specific countries may limit the generalizability of the findings to other conflict-affected regions with different cultural, historical, or political backgrounds.

Language barriers also pose a challenge, as key documents and local perspectives might be inaccessible or inadequately translated, potentially leading to a skewed understanding of the implementation and effects of UNSCR 1325 in these countries. Lastly, the absence of direct engagement with local stakeholders, such as women's groups and community leaders, restricts the study's ability to capture nuanced, on-the-ground experiences and grassroots perspectives, which are crucial for a comprehensive assessment of the impact of these policies.

Results and Analysis

Women's Participation in Peace and Security Processes

Women's participation in peace and security processes, central to UNSCR 1325, faces entrenched barriers embedded in institutional, cultural, and security

dynamics. In Bosnia and Herzegovina, while National Action Plans (NAPs) aim to enhance women's roles in security sectors, these efforts often lack depth and genuine impact. The country's post-war governance structure, characterized by complex ethnic divisions and a fragmented political landscape, leads to significant inconsistencies in policy implementation (ARS BiH, n.d.; European Institute for Gender Equality [EIGE], 2021). This fragmentation inhibits a unified strategy for integrating women into decision-making roles, confining their contributions primarily to lower administrative levels. According to the OSCE (2020) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women, 2021), institutional resistance and the perpetuation of male-dominated hierarchies hinder progress; for instance, gender sensitivity training programs are often implemented in a perfunctory manner, treated as mere formalities rather than as transformative tools. This reflects a superficial institutional commitment to addressing deeper cultural and structural power imbalances that exclude women from meaningful participation.

In Colombia, the inclusion of women in the peace negotiations with the FARC was a significant step forward, but it also exposed the limitations imposed by prevailing power dynamics. The establishment of a gender subcommission during the negotiations was pioneering; however, its influence was often marginalized due to entrenched patriarchal norms that permeated the negotiation process (Cancillería de Colombia, 2023; Kroc Institute for International Peace Studies, 2023). Analysis of negotiation transcripts and interviews with participants reveal that women's contributions were frequently sidelined or reframed by dominant male negotiators, resulting in diluted gender provisions in the final agreement. Furthermore, the implementation of these provisions has been uneven, especially in rural and conflict-affected regions where armed actors continue to exert control (International Crisis Group, 2021; UN Women Colombia, 2023). Key gender-related commitments, such as land rights for women and protections against gender-based violence, remain largely unfulfilled due to weak state presence, ongoing violence, and a lack of enforcement mechanisms (UN Women, 2022; OSCE, 2020). This highlights the gap between the formal inclusion of women and the actual empowerment necessary to influence peacebuilding processes.

The Philippines, despite being one of the first Asian countries to adopt a NAP, presents a context where women's involvement in conflict-affected areas like Mindanao remains constrained by deep-seated cultural norms. While women are visibly active in peace negotiations and local mediation efforts, their ability to effect substantive

change is curtailed by the persistence of patriarchal structures that continue to prioritize male authority (Asian Development Bank, 2020; Georgetown Institute for Women, Peace, and Security, n.d.). Studies, including those by International Alert (2021) and the United Nations Development Programme (UNDP, 2022), show that although women are often present, their roles are typically confined to supportive or advisory positions, lacking the authority to shape key decisions. Training programs aimed at enhancing women's leadership have achieved some success in skill development, but the absence of institutional mechanisms to integrate these skills into national security structures means that gains are often not sustained (PeaceGov, 2023; UNDP, 2022). The disconnect between capacity-building efforts and institutional adoption underscores the need for more robust policies that go beyond symbolic participation, ensuring that women can influence peace and security outcomes meaningfully.

Protection Against Gender-Based Violence

In Bosnia and Herzegovina, conflict-related sexual violence has left a profound and enduring impact on the social fabric, with thousands of survivors still grappling with the physical, psychological, and social consequences of wartime abuses (UN Women, 2021). Although National Action Plans (NAPs) have been established to enhance support for survivors—through healthcare, legal aid, and counseling services—there are persistent gaps between policy frameworks and actual support (ARS BiH, n.d.). According to the Organization for Security and Cooperation in Europe (OSCE, 2020), the legal system often lacks the capacity and commitment to adequately prosecute sexual violence cases, hindered by outdated legal definitions, insufficient resources, and pervasive mistrust in institutions that survivors perceive as indifferent or even hostile. A report by NATO (2011) further emphasizes that "the societal stigma attached to survivors acts as a silencing mechanism," effectively obstructing their access to justice. This stigma is not merely a social issue but a significant barrier that perpetuates a cycle of impunity, allowing gender-based violence (GBV) to persist unchecked.

In Colombia, the use of sexual violence as a weapon of war by various armed groups has been systematically documented, with women and girls disproportionately affected (International Crisis Group, 2021). The peace agreements and NAPs explicitly addressed GBV by incorporating gender-sensitive provisions, including reparations and legal protections for survivors (Kroc Institute for International Peace Studies, 2023). However, the enforcement of these provisions has been plagued by

challenges. Residual armed groups and a weak state presence in rural areas create a precarious environment where survivors remain vulnerable. As highlighted by UN Women (2022), the Colombian justice system is fraught with patriarchal biases that frequently result in the re-victimization of women during legal proceedings. Moreover, security threats posed by armed actors deter women from seeking legal action, fearing retaliation or renewed violence. A study by the Colombian Ministry of Foreign Affairs (2023) points out that "the fear of reprisals is a major factor discouraging survivors from pursuing justice," revealing the ongoing dangers women face even post-conflict.

The Philippines presents a similarly complex landscape, particularly in conflict-affected regions like Mindanao, where GBV remains pervasive. The Philippine NAPs have introduced several initiatives, including gender-sensitive training for law enforcement and the establishment of women's help desks in police stations (Asian Development Bank, 2020; Georgetown Institute for Women, Peace, and Security, n.d.). Despite these measures, cultural norms deeply embedded within communities continue to stigmatize survivors, dissuading them from reporting incidents of violence. According to a report by the United Nations Development Programme (2022), many women endure the dual burden of social shame and fear of reprisals, which significantly hampers the effectiveness of protective measures. Additionally, local authorities are often perceived not as allies but as obstacles, hindered by corruption, incompetence, or biases that diminish the severity of GBV cases (PeaceGov, 2023). This perception "undermines the trust in protective systems designed to aid survivors," as noted by International Alert (2021), and underscores the critical need for more comprehensive institutional reforms to effectively combat GBV.

Integration of The Gender Perspective in Security Institutions

In Bosnia, gender sensitivity training mandated by NAPs often lacks depth, perceived as symbolic rather than substantive. UN Women (2021) notes that many security personnel still hold traditional views that marginalize women, limiting their access to leadership roles and perpetuating a male-dominated culture. This indicates a persistent disconnect between policy and practice, as highlighted by the OSCE (2020), where reforms are frequently superficial.

In Colombia, gender units and targeted training within the military and police have faced similar obstacles. According to the Kroc Institute for International Peace Studies (2023), these initiatives are not consistently applied, particularly in conflict zones where gender is deprioritized. Reports from the International Crisis

Group (2021) emphasize that without institutional commitment and resources, these units lack the influence necessary to transform entrenched power dynamics within security forces.

In the Philippines, efforts to promote gender-sensitive practices face cultural and institutional barriers, with initiatives often underfunded and poorly integrated into everyday security operations (Asian Development Bank, 2020). The establishment of women's help desks in police stations is a step forward, yet their impact is limited by inadequate training and persistent biases within the forces (PeaceGov, 2023). This underscores the need for stronger enforcement mechanisms and continuous institutional support to achieve meaningful gender integration.

Structural Challenges and Cultural Barriers

In Bosnia and Herzegovina, structural challenges are deeply connected to the fragmentation of the political system, which stems from the complex web of entities, cantons, and municipalities established by the Dayton Peace Agreement. This structure hinders the uniform implementation of gender policies. According to Kapur (2020), "institutional fragmentation not only slows down decision-making but also fosters local resistance to national gender equality policies, which are often seen as external impositions." Additionally, the legacy of conflict and the prominence of nationalist leaderships create a context where gender policies are sidelined in favor of ethnic and political priorities (Björkdahl & Selimovic, 2019). Culturally, machismo and traditional stereotypes about women's roles significantly limit their participation in security and politics, especially in rural areas where women are still primarily viewed as caregivers (Bailliet, 2021).

In Colombia, the implementation of NAPs faces multiple structural and cultural barriers that complicate the effective mainstreaming of gender perspectives into security institutions and peacebuilding processes. The persistent presence of armed groups and weak state presence in rural areas severely restrict the reach of gender policies. Restrepo and Moser (2021) highlight that "the lack of state infrastructure in conflict zones undermines efforts to protect women and implement gender-focused reforms." Moreover, the pervasive influence of machismo and patriarchal norms across all levels of society creates an environment where gender initiatives are often dismissed or poorly implemented within security sectors. Salcedo and Prieto (2022) argue that these entrenched biases within the military and police contribute to a "culture of resistance" against gender reforms, where women's participation is frequently marginalized. Additionally, the challenges are compounded

for Indigenous and Afro-Colombian women, whose roles are deeply intertwined with traditional cultural identities, making gender integration efforts more complex and requiring culturally sensitive approaches (O'Rourke, 2021).

In the Philippines, the structural and cultural barriers to implementing UNSCR 1325 are influenced by the decentralized governance system and strong traditional norms. Local political dynamics, particularly in Mindanao, often involve powerful clans and local elites who exert significant control over the implementation of policies, including those related to gender (Magno & Bautista, 2022). This decentralization allows local leaders to selectively enforce national gender mandates, often aligning with personal or political interests rather than broader gender equality goals. Cultural factors also play a critical role; the influence of the Catholic Church and Islamic traditions reinforce conservative gender roles, viewing women's involvement in security and decision-making as contrary to established norms. Alano and Tigno (2023) note that "religious leaders and traditional power structures significantly shape local attitudes towards gender, frequently viewing gender equality initiatives as external or irrelevant." This cultural resistance undermines the impact of gender policies, particularly in areas where religious and traditional authorities hold sway over governance and societal norms (Rigual, 2022).

Policy Effectiveness and Sustainability

The long-term effectiveness and sustainability of UNSCR 1325-inspired policies face a myriad of challenges across Bosnia and Herzegovina, Colombia, and the Philippines, rooted not just in funding and political shifts but in deeper systemic and structural limitations. In Bosnia and Herzegovina, international investment in gender-sensitive programs often lacks integration into national frameworks, resulting in initiatives perceived as externally imposed rather than locally owned. According to the OSCE (2020), these efforts are frequently ad hoc, with limited long-term commitment from local institutions. ARS BiH (n.d.) highlights that without embedding gender-sensitive practices into domestic reforms, these initiatives risk being seen as temporary rather than sustainable. Weak institutional capacities, compounded by political instability and frequent government changes, further undermine these efforts, reflecting a need for deeper integration into national governance structures.

The gender provisions in Colombia within the peace process with FARC initially represented a significant step forward; however, their sustainability remains vulnerable due to ongoing security issues and shifting political priorities. The Kroc

Institute for International Peace Studies (2023) notes that while early momentum existed, the focus on gender has waned as government attention diverted to immediate security challenges, leaving gender initiatives underfunded. Additionally, the persistent presence of armed groups, particularly in rural areas, obstructs the implementation of gender-sensitive policies (International Crisis Group, 2021). UN Women (2022) emphasizes the need for robust support systems that can endure political fluctuations and ensure that gender considerations are consistently embedded in peacebuilding efforts, even under adverse conditions.

In the Philippines, the effectiveness of gender policies is often compromised by a lack of systematic monitoring and evaluation mechanisms. The UNDP (2022) reports that although National Action Plans aim to advance gender equality, the absence of comprehensive data collection and assessment tools hampers the ability to track progress and make necessary adjustments. This deficiency weakens the case for sustained funding and political backing, as the impact of these policies remains difficult to quantify. Furthermore, the decentralized governance system in the Philippines leads to inconsistent implementation of gender policies, with significant disparities across regions depending on local leadership and resource allocation (Georgetown Institute for Women, Peace, and Security, n.d.). The Asian Development Bank (2020) notes that this fragmentation highlights the need for a more cohesive approach that ensures uniform policy execution and accountability across all levels of government.

Discussion

The analysis of Bosnia and Herzegovina, Colombia, and the Philippines reveals the multifaceted challenges of implementing UNSCR 1325, highlighting not only cultural dilemmas but also a broader set of structural and political barriers. A critical challenge that emerges is the tension between promoting gender equality and respecting local cultural and religious norms. While cultural sensitivity is crucial in ensuring community acceptance of gender initiatives, it also poses dilemmas when such norms conflict with human rights principles or hinder the progress of gender-sensitive reforms (Alano & Tigno, 2023). For example, in the Philippines, deeply ingrained gender roles influenced by religious beliefs often clash with international gender equality standards, raising the question of where to draw the line between respecting cultural practices and upholding women's rights. This dilemma extends to Bosnia and Herzegovina, where nationalist narratives and traditional

views on gender roles often limit the reach and acceptance of gender policies (Björkdahl & Selimovic, 2019).

Beyond cultural issues, the effectiveness of UNSCR 1325 initiatives is undermined by significant political and institutional barriers. Political instability and shifting government priorities frequently disrupt the momentum of gender initiatives. In Bosnia and Herzegovina, the fragmented political landscape leads to inconsistent policy implementation, as local and national authorities often prioritize ethnic agendas over gender equality (Kapur, 2020). Similarly, in Colombia, the ongoing conflict and the presence of armed groups severely restrict the application of gender-sensitive policies, particularly in regions where state presence is minimal (International Crisis Group, 2021). Political interests often shape the agenda, with gender reforms being deprioritized in favor of more immediate security concerns, revealing the fragile nature of these initiatives when confronted with broader national crises.

Institutional weaknesses also play a critical role in hindering the implementation of gender policies. In all three countries, limited institutional capacity and a lack of coordination between national and local entities contribute to the inconsistent application of NAPs. For instance, in the Philippines, the decentralized governance system results in significant disparities in how gender policies are enforced across regions, often reflecting the varying levels of commitment from local leaders (Asian Development Bank, 2020). Furthermore, inadequate funding remains a pervasive challenge, as gender initiatives frequently rely on external donors whose support can be unpredictable and insufficient. The UNDP (2022) highlights that without stable financial backing and comprehensive monitoring mechanisms, gender policies struggle to achieve long-term impact, often reduced to short-term projects rather than sustainable reforms.

Another critical barrier is the lack of integration between gender policies and other key sectors, such as education, healthcare, and economic development. These sectors are essential in supporting the broader goals of UNSCR 1325, yet they are often underfunded or overlooked in the design of gender initiatives. In Colombia, for example, gender provisions in the peace agreement are not fully supported by complementary social services, leaving gaps in areas like mental health support for survivors of gender-based violence (UN Women, 2022). This lack of a holistic approach underscores the need for more interconnected strategies that address the multifaceted needs of women in conflict-affected settings.

These findings open a critical discussion on the broader systemic issues that hinder the implementation of UNSCR 1325. Addressing these barriers requires not only culturally sensitive approaches but also a recognition of the need for stronger political will, institutional reform, stable funding, and cross-sectoral integration. This raises an important question: are UNSCR 1325 and similar resolutions adequately designed to effect change, or do they need to be accompanied by clear implementation pathways and capacity-building strategies to translate their goals into effective policies? The challenge of embedding these resolutions into real-world contexts suggests that without a structured roadmap and support mechanisms, these initiatives risk remaining aspirational rather than transformative.

Conclusion

This study of Bosnia and Herzegovina, Colombia, and the Philippines underscores the urgent need for tailored approaches to implementing UNSCR 1325 that go beyond general frameworks and address specific barriers unique to each context. To make gender policies more effective, it is essential to develop clear implementation roadmaps and capacity-building strategies that consider local realities, including political, cultural, and institutional constraints. Our findings suggest that fragmented governance in Bosnia, ongoing security threats in Colombia, and deeply ingrained cultural norms in the Philippines each demand customized strategies that incorporate gender considerations into broader reforms rather than treating them as isolated initiatives.

One crucial recommendation is to prioritize the integration of gender policies into national and local governance systems through mandatory, context-specific guidelines that hold institutions accountable. Building local capacity is key; training programs should be aligned with the socio-political realities of each country, ensuring that those tasked with implementing these policies have the skills, resources, and support needed to succeed. Developing dedicated funding streams and stable financial mechanisms can mitigate the disruptions caused by political changes, ensuring that gender initiatives remain resilient over time.

To bridge the gap between policy and practice, a stronger focus on cross-sector collaboration is necessary. Linking gender policies with education, healthcare, and economic development can create a more supportive environment that amplifies their impact. This interconnected approach can help address the broader needs of

women in conflict-affected areas, making gender policies not just aspirational but practically effective.

Moreover, engaging local communities, including religious and traditional leaders, in the design and promotion of gender initiatives can foster greater acceptance and reduce resistance. Creating culturally sensitive communication strategies that resonate with local values while challenging harmful norms can be a powerful tool in shifting attitudes. Lastly, enhancing monitoring and evaluation systems to track progress and adapt strategies in real time is essential for ensuring that gender policies are continuously refined and effectively implemented.

Ultimately, the success of UNSCR 1325 and similar frameworks depends on moving from high-level commitments to actionable, context-specific solutions that are deeply embedded in the realities of each society. By focusing on capacity building, stable funding, local engagement, and robust accountability, these policies can become more than symbolic gestures, driving genuine change and advancing the role of women in peace and security in a meaningful and sustainable way.

Given these insights, it is recommended that the United Nations accompany resolutions like UNSCR 1325 with detailed implementation guidelines and capacity-building support tailored to diverse contexts. Developing a clear, adaptable framework with practical steps for countries to follow, along with mechanisms for continuous evaluation and local adaptation, can significantly enhance the practical impact of these resolutions and ensure they are not just aspirational but truly transformative on the ground.

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European Unity and Security: From Post-War Integration to Modern Challenges in Defense and Governance

Teodora Tea Ristevska

Abstract

This article examines the historical evolution of European unity and traces the development of the European Union from the aftermath of the Second World War to the present day. Divided into six phases, it highlights the key political, economic, and institutional milestones that have shaped the EU's path. The study begins with the establishment of the European Coal and Steel Community and the formation of the European Economic Community and EURATOM. It examines the challenges of the Cold War era, the influence of key treaties on the deepening of integration, and the expansion of EU competencies. The analysis also covers the post-Lisbon period and looks at issues such as the Eurozone crisis, the migration crisis, Brexit, and the EU's response to the COVID-19 pandemic. It also discusses the adoption of the AI Act in 2024, progress on cybersecurity through the NIS2 Directive, and the increasing recognition of the need for a common defense strategy to ensure the security and stability of the Union. These developments underline the continued need for reforms to strengthen democratic legitimacy, cohesion, and collective security within the Union. It concludes that while the EU has made significant progress towards becoming a true political community, it must continue to adapt and evolve to address its democratic shortcomings and better meet the diverse needs of its member states and citizens. Through strategic reform, enhanced defense cooperation, and a renewed commitment to its founding principles, the EU can strengthen its unity and manage the complexities of the modern age.

Keywords: European Integration, European Union History, Institutional Development, Post-War Europe, European Treaties, AI Act, Cybersecurity, Common Defense

Introduction

The concept of a united Europe is almost as old as the idea of the sovereign state. However, for centuries, the idea of national sovereignty overshadowed any vision of European unity. It was only with the devastating consequences of the two world wars in the 20th century and the forces of globalization that the idea of the sovereign state began to lose its dominance (Schütze, 2012). The period after the Second World War marked a decisive turning point when European nations moved from a focus on coexistence within the framework of international law to a cooperative legal framework (Friedmann, 1962). The outbreak of the Cold War further divided Europe into East and West and shaped the continent's geopolitical landscape for almost four decades.

This article analyzes the history of Europe since 1945, focusing on the major political and socio-economic events that reshaped the continent. The historical development of European integration is examined through six distinct phases. Beginning with the establishment of the European Coal and Steel Community in 1951, followed by the creation of the European Atomic Energy Community (EURATOM) and the European Economic Community (EEC) in the 1950s, the dynamic integration efforts of the 1960s and 1980s. Moreover, important milestones, such as the Maastricht Treaty in the 1990s, led to a complex era of deeper integration. This development culminated in the post-Lisbon Treaty era, which began in 2010. The EU has faced new challenges and made significant progress towards greater unity in the middle of global and internal pressures. By examining these phases, this article provides an in-depth understanding of the development of European unification, focusing on the post-World War II period and the challenges Europe faced in its quest for unity.

In order to examine the development of European integration since 1945, this article adopts a historical-analytical approach. The study begins with a comprehensive overview of the existing literature, drawing on primary sources such as treaties and official documents, as well as secondary analyses. The article organizes the presentation chronologically and thematically and traces the development of European integration in six key phases. This approach highlights the patterns, challenges, and turning points in the European unification process, focusing on sovereignty, economic integration, and political cooperation. The analysis culminates in a reflection on current challenges such as the democratic deficit and Brexit, linking the historical insights to the current state of the European Union. The conclusion offers an outlook on the future of European integration and emphasizes the need

for continued reforms and adjustments to meet the different needs of member states and citizens.

The Idea of a United Europe Through Historical Distance

The idea of a united Europe can be traced back to the 9th century and the Medieval period, with Charlemagne (Carlo the Great) at the helm. Charlemagne, who ascended the Frankish throne in 768 and became King of Italy in 774, was crowned the first Holy Roman Emperor in 800. His reign was the first significant attempt to unite much of Western Europe since the collapse of the Western Roman Empire three centuries earlier and laid the foundations for modern France and Germany. The unification of Western Europe by Charlemagne, also known as the 'Father of Europe', is often seen as the first attempt to re-establish a unified European state after the fall of the Roman Empire (Collins, 1998). While this unification was a crucial historical milestone, it also laid the foundations for future conflict, as the struggle for control of the empire's throne led to numerous wars. As Sullivan (2010) notes, Charlemagne's renewal of the Roman Empire laid the ideological foundation for a politically united Europe, a concept that has inspired – and sometimes gotten Europeans into trouble – throughout history.

Over time, the political emancipation of medieval monarchies and the idea of territorial sovereignty took hold, leading to a growing sense of national identity and demarcation within national borders. The Protestant Reformation, which began in the 16th century, deepened the divisions in Europe not only along religious lines but also politically. The resulting Thirty Years' War was a direct consequence of these divisions. It was not until the Peace of Westphalia in 1648, which ended the Thirty Years' War, that a serious attempt was made to implement the principle of religious freedom. However, even this was not enough to guarantee lasting peace in Europe. Exhausted by the relentless power struggles, European rulers began to advocate a balance of power that would prevent any one state from gaining political supremacy. This idea first emerged as a reaction to the growing power of the Habsburgs and later the Bourbons, both of whom were seen as a threat to European peace (Sheehan, 1996).

The term 'Europe' gained prominence in political discourse in the second half of the 17th century, particularly as European states united to oppose the hegemonic ambitions of France under Louis XIV. The concept of Europe became increasingly associated with a policy of balance of power, religious tolerance, and expanding

trade networks of sovereign states (Schmidt, 1966). William Penn, in his "Essay Toward the Present and Future Peace of Europe" (1693), proposed one of the earliest significant peace plans for Europe. Penn argued that a parliament composed of different states should make decisions on international affairs and that only this body should have the power to use force in the event of disputes. His belief in people's innate sense of justice led him to reject the need for a permanent international police force once national armies were disbanded (Penn, 1983).

Another notable plan for European peace was the "Projet de traité pour rendre la paix perpétuelle en Europe" proposed by the French Abbé de Saint-Pierre in 1713. This plan was based on the recognition of the status quo within Europe and did not extend to non-European states. Saint-Pierre, who is often regarded as the first major proponent of peace, saw his ideas spread widely through the publication and dissemination of his works at a time when peace plans were gaining traction (de Saint-Pierre, 1713).

As Europe entered the 18th century, Napoleon Bonaparte sought to harness the power of nationalism as the intellectual seed of a new European order. After his defeat at the Battle of Waterloo in 1815, Napoleon said that his aim had been to create a unified European system, with a common European law and a supreme court – a single European nation. Had he succeeded, Europe would have become a united state in which the traveler would always feel at home (Mikkeli, 1998). The idea of economic integration persisted, albeit with limited support, during the 19th and early 20th centuries. After the Second World War, however, it experienced a revival and eventually paved the way for the establishment of the European Community (Thompson, 1994).

The Congress of Vienna convened after the defeat of Napoleon, was led by the four great powers – Britain, Russia, Prussia, and Austria – who had played a key role in his overthrow. The aim of the Congress was to stabilize the map of Europe after more than two decades of conflict. Although each participant was keen to ensure that none of the others became too powerful, the negotiators in Vienna largely succeeded in creating a lasting peace. The solutions they worked out remained effective for several decades and led to a 19th-century Europe characterized less by frequent wars and more by internal struggles, especially revolutions (Jarrett, 2013).

At the end of the 19th century, the Ottoman Empire was in decline, which led to a wave of independence movements in the Balkans. The Congress of Berlin in 1878 recognized Bulgaria as an autonomous principality within the Ottoman Empire

and granted full independence to Serbia and Romania, while Bosnia-Herzegovina was placed under Austro-Hungarian administration. As a result, the European territories of the Ottoman Empire continued to shrink, a process that had already begun at the beginning of the century with the independence of Greece. The subsequent Balkan wars were precursors to the First World War, which shattered the dreams of both the internationalism of the workers' movement and the imperialism of the European states. The trauma of the First World War led to widespread pessimism about the future of Western civilization and Europe in particular.

After the First World War, the League of Nations was founded on January 10, 1920, as part of the Paris Peace Conference. It was the first intergovernmental organization with the primary task of maintaining world peace. The main objectives of the League of Nations were the prevention of war through collective security and disarmament and the settlement of international disputes through negotiation and arbitration (Convention of the League of Nations, 2011). At its height, the League of Nations had 58 member states, but its failure to prevent the outbreak of World War II revealed its fundamental weaknesses. Among the factors that contributed to its failure were internal shortcomings and the decision of the United States not to join the organization (Northedge, 1986).

European History Since 1945: Six Phases of European Unification after the Second World War

In 1945, within just three decades, Europe had left behind the devastation of two catastrophic world wars that had left the continent in ruins, both physically and psychologically. The scale of the destruction forced European leaders to look for ways to ensure that such conflicts would never happen again. The growing threat of Soviet Union expansionism and the spread of communism emphasized the need for a strong and united Western Europe that could serve as a counterweight. Paul-Henri Spaak, a key figure in European integration and one of the architects of the Treaty of Rome, noted in his memoirs that although many heads of state were addressed as the "fathers of European integration," it was in fact Joseph Stalin's actions that indirectly spurred Western Europe into closer cooperation. The fear of communism drove Western European nations to unite, laying the foundation for the European project (Spaak, 1969).

Immediately after the Second World War, Europe faced the enormous challenge of rebuilding itself from the ashes. Bruno Foa, reflecting on the post-war crisis, noted

that the economic and social upheavals Europe faced were far more profound than the turmoil of the war itself. The conflict had shattered the continent's old structures and plunged Europe into what he called a "new dark age," creating an atmosphere ripe for nihilism and despair (Foa, 2000, p. 284). This period, often referred to as the 30-year European Civil War, completely destroyed the old European order – politically, socially, culturally, and psychologically. In order to restore stability and find new meaning in the chaotic post-war reality, Europe had to shed outdated paradigms and adopt a more progressive, cooperative approach to governance and integration. Philip Ruttley summarizes this change by highlighting that European integration over the last fifty years has been expressed primarily through legal frameworks. The former enemies of two devastating world wars have interwoven their economies and legal systems so deeply that the prospect of a future conflict between the major European powers now seems almost unthinkable. Ruttley even assumed that a comprehensive economic, monetary, and political union between the member states of the European Union could become a reality within a few decades (Ruttley, 2000, p. 288).

The development of European integration in the post-war period can be traced through six distinct phases, each characterized by significant institutional developments and a deepening of cooperation. This path reflects a methodical approach to constructing a united Europe from the ruins of a shattered continent.

The First Phase: 1945–1955

Key federalist politicians such as Robert Schuman, Jean Monnet, Paul-Henri Spaak, and Jacques Delors played a decisive role in guiding Europe through the most critical phases of integration. The experience gained by the Organization for European Economic Cooperation (OEEC), founded in 1948, in administering the Marshall Plan was a valuable model for intergovernmental cooperation. Although the OEEC primarily promoted political alliances, it also laid the foundations for meaningful economic cooperation between states. British skepticism about deeper integration, however, led to the creation of a more limited body, the Council of Europe, which established a Committee of Ministers (meeting every two years) and a Parliamentary Assembly with limited powers to make recommendations to the Council (History of the EU, n.d.).

The turning point came with Jean Monnet's bold proposal to merge the coal and steel industries of France and Germany, particularly in the heavily industrialized

regions of the Ruhr and Saar, which had been contested since the 1870s. Robert Schuman, the French Foreign Minister, strongly supported this visionary plan, which led to the creation of the European Coal and Steel Community (ECSC). In contrast to earlier efforts at intergovernmental cooperation, the ECSC represented a groundbreaking step towards European unification. It created a supranational High Authority with far-reaching regulatory powers, a Council with legislative functions, a politically representative Assembly, and a European Court of Justice to monitor compliance. For the first time, the European states created a supranational entity with independent institutions capable of binding its member states. The ECSC Treaty of Paris, signed in 1951 by France, Germany, Italy, Luxembourg, Belgium, and the Netherlands, was intended as a prototype for more comprehensive European integration. The scope of the treaty went beyond the mere pooling of coal and steel production; it set a precedent for future European cooperation (Duchene, 2004).

The Second Phase, 1955–1968

In 1955, a conference of the six ECSC foreign ministers was held in Messina, Italy, without the participation of the United Kingdom. Under the leadership of Belgian Prime Minister Paul-Henri Spaak, a far-reaching proposal was drawn up for a European Economic Community and a European Atomic Energy Community (EAEC). The basic idea of the EEC was the creation of a trading bloc with a customs union and the removal of barriers to internal trade (such as the free movement of persons, goods, services, and capital).

In addition, this "common market" was to harmonize the national economic, fiscal, and social policies of the six participating states. Accordingly, the six ECSC states founded a far-reaching and radical European Economic Community with the Treaty of Rome in 1957. The reasons for EURATOM were, of course, different from those for the ECSC and the EEC. Moreover, the six states realized that they (individually) were not in a position to match the resources and technological strength of the United States or the USSR in the field of nuclear energy. Consequently, their best option was to combine their individual strengths in a joint undertaking, EURATOM (Pagden. 2002, pp. 235–237). Moreover, the EURATOM Treaty had the same institutional pattern as its sister communities: a Council, a Commission, an Assembly, and a Court of Justice. In 1965, the six states concluded a merger treaty to merge the institutions created by the ECSC, the EEC, and EURATOM into a

common Council Commission, a common Parliament, and a common Court of Justice. From then on, the Commission became a single Commission with the powers of all three founding treaties of the EC in the areas covered by its provisions (see Consolidated version of the Treaty establishing the European Atomic Energy Community, 2010).

Finally, the Treaty establishing the European Economic Community was, in its original form, a far-reaching treaty on economic and political cooperation. Its aim was to increase the prosperity of the citizens of the EEC states: The Community shall have as its task establishing a common market and an economic and monetary union by implementing the common policies and activities referred to in Articles 3 and 3a. To be concrete, to promote throughout the Community a harmonious and balanced development of economic activities, sustainable, non-inflationary and environmentally sustainable growth. Also, a high degree of convergence of economic performance, a high level of employment and social protection, the raising of the standard of living and quality of life, economic and social cohesion, and solidarity among Member States (European Community Treaty, Article).

The Third Phase: 1965–1987

The third phase of European integration, which lasted from 1965 to 1987, was regarded as both active development and significant internal conflicts. This period was characterized by the tension between nationalist ambitions, particularly those of France under General Charles de Gaulle, and the growing vision of a more integrated European Community. De Gaulle's opposition to supranational governance and his vision of a Europe of sovereign states led to challenges within the Community, particularly as it sought to expand its membership.

The enlargements of the European Community in 1973 and 1980, which saw the accession of the United Kingdom, Denmark, Ireland, Greece, Spain, and Portugal, dramatically changed the political and social landscape of the Union. These new members brought with them different political traditions and economic conditions that complicated the integration process but also enriched the collective experience of the Community. However, the 1980s were also a period of political and institutional stagnation in which the European Communities seemed to have lost momentum and struggled to maintain the pace of integration achieved in earlier decades.

Externally, the Community began to show a stronger presence and, despite its internal complexity, gradually found a unified voice in international affairs. In 1961, the United Kingdom, which had rethought its global strategy in the face of the dissolution of its empire and self-government movements in its former colonies, recognized the growing economic potential of the European Economic Community. Consequently, the UK applied for membership in the EEC in 1961, but de Gaulle vetoed the application and repeated his veto on the UK's second application in 1967 (Pagden, 2002, p. 252).

After de Gaulle stepped down from power following the events of May 1968, the path to enlargement became clearer. The United Kingdom, Ireland, and Denmark successfully joined the EEC on January 1, 1973, increasing the number of member states from six to nine. Norway, on the other hand, rejected membership following a national referendum in 1973. Greece joined as the tenth member after the fall of its military regime in 1981, while Portugal and Spain, also in transition from dictatorship to democracy, were admitted in 1986. These enlargements underlined the ongoing tension between national sovereignty and the collective power of the European Union, an issue that would continue to shape the Union's development.

The integration process at this stage was also characterized by the need to reconcile national interests with the growing demand for a more unified European identity. The United Kingdom, for example, required a national referendum in 1975 to confirm the approval of its electorate for EC membership, reflecting the deep-seated concerns about national sovereignty that persisted even after countries joined the Community.

The Fourth Phase: The Single European Act of 1987

In response to opposition from some member states, particularly the UK, to further political integration, European leaders took a more nuanced approach and focused on economic integration. The aim was to drive economic, monetary, and fiscal integration through the creation of a "core" single market rather than pushing for immediate political union. The Single European Act (SEA) of 1987 was a landmark treaty that introduced significant institutional reforms to deepen economic integration. It created European Political Cooperation (EPC), which provided a formal mechanism for member states to reach common international positions, giving treaty status to previously informal cooperation (Weiler, 1991, p. 2457). The SEA also changed the Community's decision-making processes by introducing a

"cooperation procedure" whereby the European Parliament had to be consulted before new legislation was adopted. In addition, the Parliament was granted a right of veto on the accession of new member states and on the conclusion of association agreements with non-member states. This marked a significant change in European Community policy, reducing the dominance of the Council (made up of the governments of the Member States) and strengthening the European institutions, which could transcend narrow national interests.

By focusing on economic and fiscal integration while avoiding politically controversial issues, the EEA succeeded in reconciling two competing visions of European integration. It satisfied both the integrationists, who sought deeper unification, and the sovereigntists, who did not want to give up too much national power. As one commentator noted, financial, fiscal, and monetary policy lie at the heart of national sovereignty, which made the proposals for greater Community centralization in these areas particularly controversial. Nevertheless, the original six member states managed to agree on the principle of a monetary union, setting the course for the future development of European unification (The European Single Act, n.d.).

The Fifth Phase: The Maastricht Treaty, the Treaty of Amsterdam, and the Lisbon Treaty

The transition from the European Community to the European Union was set into motion in 1989 when the European Council agreed to initiate the first stage of economic and monetary union, starting with the freedom of capital movement in July 1990. Simultaneously, negotiations began in Rome on a draft treaty that would lay the groundwork for the future European Union. The geopolitical landscape of Europe had shifted dramatically with the fall of the Berlin Wall, which increased Germany's population by 30% and expanded its economy by 40%. This significant change changed the balance of power within Europe, prompting French President François Mitterrand and German Chancellor Helmut Kohl to accelerate efforts to construct a new political framework for Europe. Their joint efforts culminated in the Maastricht Treaty, which formally established the European Union in 1993. The Treaty, finalized in December 1991 and signed on February 7, 1992, came into force on November 1, 1993, marking the official birth of the EU. The process of postwar integration in Europe, far from being a continuous progression, had been characterized by gradual evolution punctuated by decisive moments of action (Mikkei, 1998, pp. 109–113).

The Maastricht Treaty represented a significant deepening of integration, introducing a political dimension that extended beyond economic cooperation and began to overlap with national sovereignty. The Treaty structured the EU around three pillars: the first, supranational, pillar comprised the European Communities (which unified the existing European Communities); the second and third pillars were intergovernmental, focusing on the Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA), respectively. One of the Treaty's most notable innovations was the creation of European citizenship, which conferred new democratic rights, including the right to vote and stand as a candidate in European and municipal elections, regardless of the member state of residence, and the right to petition the European Parliament and submit complaints to the Ombudsman. The Treaty also introduced the co-decision procedure, granting the European Parliament the power to block proposed legislative acts, thereby enhancing its role in the legislative process. The alignment of the European Commission's mandate with that of the Parliament further strengthened the Parliament's political influence, making its approval of the College of Commissioners a significant political decision. This development marked a crucial step in enhancing the democratic legitimacy of the EU, indirectly empowering European citizens to influence the composition of the Commission (Maurer, 2001, p. 10).

Democracy became a fundamental principle in the EU's foreign and security policy, as well as in its internal affairs, with the Treaty on European Union (TEU). The Treaty of Amsterdam, signed in 1997, further amended the Maastricht Treaty, placing greater emphasis on citizenship and individual rights. It also expanded the powers of the European Parliament, particularly through the co-decision procedure, which became the standard legislative process for much of the EU's secondary legislation. Article 6 of the Amsterdam Treaty, amending Article F of the TEU, asserted that the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (Treaty of Amsterdam, 1997, p. 10). The Treaty also specified that potential EU members must have stable institutions guaranteeing democracy, thereby setting a democratic standard for enlargement (Article 49).

The Lisbon Treaty, which entered into force on December 1, 2009, marked the beginning of a new era for the EU. It introduced several significant changes aimed at making the EU more democratic and closer to its citizens. Giandomenico Majone argues that the Lisbon Treaty exposed a fundamental flaw in the European structure: the gap between elite and popular opinion on the scope, aims, and achievements of

the integration project (Majone, 2009). The Treaty introduced principles of democratic equality, representative democracy, and participatory democracy to bring the EU "even closer" to its citizens. However, the ratification process emphasized the EU's ongoing democratic challenges. The failed referenda in France and the Netherlands in 2005 to ratify the EU Constitution and the initial rejection of the Lisbon Treaty by Irish voters in 2008 underscored the perception of the EU as an elitist and technocratic project, distant from its citizens. These events indicated the need for the EU to strengthen its democratic legitimacy, with the Lisbon Treaty aiming to address these concerns.

The Lisbon Treaty brought several key innovations: it expanded the areas where legislation would be passed through the ordinary legislative procedure (formerly the co-decision procedure), requiring the approval of both the European Parliament and the Council of Ministers. The Treaty also broadened the Parliament's powers in areas such as agriculture, trade, and home affairs and clarified the distribution of competencies between the Union and member states, making it easier for citizens to understand "who does what." Moreover, the Treaty introduced special arrangements to fully involve national parliaments in the EU legislative process, effectively turning them into "watchdogs" of the subsidiarity principle (Matarazzo, 2011).

The Current State of the Union: Post-Lisbon Developments (2010–Present)

Since the Lisbon Treaty, the European Union has undergone significant evolution, revealing both its strengths and the persistent challenges it faces. The Treaty of Lisbon was a critical milestone in addressing the EU's democratic deficit by empowering the European Parliament, introducing new mechanisms for citizen participation, and clarifying the division of competencies between the EU and its Member States (European Parliament, 2009). However, to remain relevant and resilient in a rapidly changing world, the EU must continue to adapt and evolve.

In the decade following the Lisbon Treaty, the EU has confronted a series of existential challenges that have tested its unity and governance structures. The Eurozone crisis of 2010-2012 exposed significant weaknesses in the EU's economic governance framework. In response, the EU introduced key mechanisms such as the European Stability Mechanism (ESM) and the banking union (European Stability Mechanism, 2012). While these measures were crucial in stabilizing the Eurozone,

they also pointed to the limitations of economic integration when not accompanied by deeper political union.

The migration crisis of 2015 further strained the EU, revealing deep divisions among Member States regarding border control, asylum policies, and burden-sharing (Carrera & Guild, 2015). This crisis displayed the urgent need for a more unified and coherent approach to managing external borders and migration – a challenge made more complex by the strong emphasis many Member States place on national sovereignty in these areas.

The United Kingdom's decision to leave the European Union (Brexit) in 2016 represented a profound setback for the EU, shaking its foundations and prompting serious reflections on the future of European integration (Bulmer & Quaglia, 2018). Brexit underscored the difficulties of maintaining cohesion within a union of diverse nations, each with varying levels of commitment to the concept of "ever closer union."

The COVID-19 pandemic presented another major test for the EU, one that it met with unprecedented solidarity. In 2020, the EU agreed on the Next Generation EU recovery plan, which includes the largest stimulus package ever financed through the EU budget (European Commission, 2020). This agreement, which involved collective debt issuance – a previously unthinkable step – signals a move towards deeper fiscal integration and showcases the EU's capacity to respond to crises with unity and resolve.

However, internal challenges related to the rule of law persist, particularly in Member States like Hungary and Poland, where democratic backsliding has raised serious concerns about the EU's ability to uphold its core values (Bugaric, 2019). The activation of the Rule of Law Mechanism, which links EU funding to adherence to democratic principles, reflects the ongoing struggle to balance national sovereignty with the enforcement of common standards across the Union (Pech & Scheppele, 2017).

Despite these enormous challenges, the EU has also made significant progress. The adoption of the European Green Deal in 2019 underlines the EU's commitment to lead the global fight against climate change (European Commission, 2019). This ambitious plan, which aims to make Europe the first climate-neutral continent by 2050, reflects a strategic shift towards sustainability that could determine the future course of European integration.

In addition to its environmental leadership, the EU has also taken proactive steps in the area of digital transformation and technological regulation. The adoption of the AI Act in 2024 is an important milestone in the EU's efforts to regulate artificial intelligence, balancing innovation, ethical standards, and fundamental rights (European Parliament, 2024). By setting global precedents for AI governance, the EU aims to ensure that AI technologies are developed and deployed in a way that is trustworthy, transparent, and in line with European values.

Moreover, the EU has made significant progress in improving its cybersecurity framework. Faced with the increasing threat of cyber-attacks in an interconnected world, the EU has taken a number of measures to strengthen its collective cybersecurity resilience. These include the revised Network and Information Security Directive (NIS2) and the establishment of the European Cybersecurity Competence Center for Industry, Technology and Research (NIS2 Directive, 2022). These advances not only protect the EU's digital infrastructure but also strengthen the EU's role as a global leader in setting cybersecurity standards.

In parallel with these technological advances, the EU has increasingly recognized the need for a common defense strategy to ensure the security and stability of the Union. The geopolitical landscape, characterized by growing tensions and global security threats, has underlined the importance of a unified defense policy. Recent initiatives such as the Permanent Structured Cooperation (PESCO) and the European Defense Fund reflect the EU's determination to improve its military capabilities and promote greater cooperation between member states in the field of defense. A common defense strategy is seen as crucial to protect the EU's values, safeguard its sovereignty, and ensure the security of its citizens in a volatile global environment.

Looking to the future, the EU faces the critical task of reforming its institutions to better reflect the realities of an increasingly diverse and complex union. The Conference on the Future of Europe, launched in 2021, is a significant initiative aimed at directly engaging citizens in shaping the future of the EU, potentially paving the way for further treaty changes (European Commission, 2021). This initiative underscores the EU's recognition of the need to bridge the gap between its institutions and its citizens – a gap that has long been a source of tension within the Union.

Conclusion

The future of the European Union depends on its ability to transform itself into a new and dynamic political project. It needs more than the mere idea of a "just political and social order;" it needs a vision that is – politically, economically, culturally, and intellectually more convincing than the existing structures in its member states. As Antony Pagden (2002) argued, if the EU is to succeed, it must offer a future that is not only equal to the status quo but also clearly superior to it. It must offer a brighter and more unified vision that encourages people to transcend their national identities.

The most urgent challenge facing the EU today is the need to evolve into a true political community by addressing its democratic deficit. While considerable progress has been made in improving the democratic foundations of the EU, there is still a widespread perception that these efforts are insufficient. Many Europeans still feel that the European Parliament, despite being the only directly elected EU institution, does not exercise the same power and influence as national parliaments. As Majone (2009) notes, the European Parliament cannot represent a non-existent European people in the same way that national parliaments represent their historical people. National interests are still deeply rooted at the level of individual countries and naturally find expression in national parliaments and political parties.

Extending the powers of the European Parliament to those of national parliaments could potentially reduce the influence of the Council, which represents the governments of the Member States. However, such a shift could challenge the balance of national sovereignty within the EU and push it towards a more federal structure. While this prospect may allay some democratic concerns, it is unlikely to meet with widespread approval from member states, many of whom are unwilling to give up significant parts of their sovereignty.

Even if such a transformation were to occur, it would not completely solve the EU's democratic challenges. What the EU needs most is a clearer separation of powers that ensures that each institution can fulfill its role more effectively. In addition, the EU must continue to develop a common defense strategy, recognizing that collective security is essential for maintaining the stability of the Union and protecting its values in a volatile global environment (NIS2 Directive, 2022). Initiatives such as the Permanent Structured Cooperation (PESCO) and the European Defense Fund are steps in the right direction and underline the need for greater

military cooperation between member states to protect the sovereignty of the Union and ensure the security of its citizens.

The road ahead is undoubtedly full of challenges, but by embracing reform and seeking greater democratic legitimacy, the EU has the potential to transform itself into a more unified and resilient political community, capable of tackling the complexities of the modern world and fostering a shared sense of purpose among its diverse member states.

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The Concept of Media-Self Regulation as Goalkeeper of Freedom of Expression in Contemporary Society

Vesna Poposka

Abstract

The global landscape has changed. Beyond traditional actors of global politics - the states, we are now facing the fact that even a tiny piece of information on one side of the globe can seriously shake traditional structures of power. Traditional media outlets, once dominated by the official press, now coexist alongside citizen journalists, independent bloggers, and online-only news websites. In the digital age, the definition of a journalist become fluid. An enabling legal and regulatory environment is essential for guaranteeing freedom of expression and, in particular, media freedom. That is why the concept of media self-regulation has become even more popular than before; thus, however, there is an ongoing debate on whether it is enough and how it shall be modified and adapted to the new digital realm.

Keywords: media, self-regulation, freedom, international, law

The Notion of Media Self-regulation

Media self-regulation is a process where media organizations and professionals establish and pursue their own set of regulations and ethical standards without direct government intervention. This approach aims to ensure responsible journalism maintains public trust and provides accurate, fair, and ethical reporting while preserving the independence of the media and preventing censorship. This system helps balance the media's freedom, fostering a democratic media landscape and preventing the so-called "chilling effect." The "chilling effect" in media self-regulation refers to the phenomenon where journalists and media organizations may avoid certain topics or self-censor their content due to fear of repercussions, such as legal action, fines, or loss of reputation. This effect can undermine the freedom of the press and the public's right to information (CIMA, 2023).

Media self-regulation is seen to uphold the quality and credibility of journalism while protecting freedom of expression. It allows the media to operate independently from government control, fostering a more open and democratic society (Poposka, 2023).

Self-regulatory instruments can take the form of ethics codes, press and media councils, and professional guidelines.

The general resistance to regulation outside the media world rests on two basic assumptions. The first is that the market is a self-correcting set of mechanisms and that interfering with it will produce distortions, inefficiencies, and sub-optimal outcomes. The second is that regulation is an intrusion on individual liberty; that individuals know best what is good for them, and that no external state body should impose such choices on them (Finkelstein and Tiffen, 2015). In the case of media, such theses become even more visible and sensitive. As regards the press, Cohen-Almagor states: "As it is unthinkable to allow other agents of power in society to act without proper professional standards, so it is unthinkable to allow journalists to act with complete freedom and oblivious attitude to risks and harmful consequences (Cohen-Almagor, 2014).

Media self-regulation is a joint endeavor by media professionals to set up voluntary editorial guidelines and abide by them in a learning process open to the public. By doing so, the independent media accept their share of responsibility for the quality of public discourse in the nation while fully preserving their editorial autonomy in shaping it (OSCE, 2008).

Self-regulation is a solemn promise by quality-conscious journalists and media to correct their mistakes and to make themselves accountable. But for this promise to be fulfilled there must be two conditions: journalists and media have to behave ethically, and governments should not interfere in the media or use legal means to monitor and control the work of journalists.

Self-regulation in the media sector usually has one or both of the following components:

- a code of conduct;
- a body, typically a council and/or an ombudsperson, charged with the promotion or enforcement of the code, although, as indicated above, the duties of the body may be

By promoting standards, self-regulation helps maintain the media's credibility with the public. This is particularly welcome in new democracies, most of which are also new to an independent press.

Media self-regulation helps convince the public that the free media are not irresponsible. At the same time, self-regulation protects the right of journalists to be independent and to be judged for professional mistakes not by those in power but by their colleagues. When it comes to correcting factual errors or violations of personal rights by the press, satisfaction over the judgments of self-regulatory bodies lessens the pressure on the judiciary system to sanction journalists (UNESCO, 2011).

The other option rather than self-regulation is governmental regulation, which can be harmful to media freedom even if it is created with the best possible intention. Undue legal restrictions passed by freely elected governments can be almost as oppressive for the press as the dictatorial arbitrariness of the past.

This is especially the case when legal restrictions are created (or misused) with the clear intention of eliminating independent reporting and opinion. Such malicious media laws might, for example:

- Discriminate against non-state media outlets, in favor of the still-existing state-owned press, for example, in the administration of such spheres as registration, taxation, printing, subscription, and distribution;

- Unfairly control the issue of broadcast licenses;
- Criminalize dissenting views or unwelcome investigative stories;
- Use a selective approach in the application of criminal or civil provisions protecting personal rights (OSCE, 2008).

The Nature of Self-regulation

The spirit of media self-regulation is a complex structure that affects the voluntary obedience to ethical guidelines and standards by media organizations without direct government intervention or oversight. Self-regulation in the media industry encompasses various mechanisms and practices sought to uphold ethical communication and maintain professional standards. These methods can include codes of ethics, guidelines, newsroom statutes, press councils, audio-visual councils, ombudspersons, and media and social media observatories. In recent years, self-regulation initiatives have gained momentum, particularly in the realm of social media (Aznar, 2019).

The rise of social media has presented new challenges and opportunities for self-regulation in the media industry.

With the active policy of the European Commission, self-regulation initiatives in social media have emerged, addressing issues such as online disinformation. For instance, in 2018, major social media platforms such as Facebook, Google, Twitter, and Mozilla signed the Code of Practice to Fight Online Disinformation (EC, 2018).

This code aimed to combat online disinformation by promoting transparency, authenticity, and accountability in digital media platforms (EC, 2022).

It is important to emphasize that the nature of media self-regulation is never about political context. It is about how is journalistic profession practiced, enabling standards and excellence. Self-regulation is not censorship and not even self-censorship. It is about creating bottom principles on ethics, truthfulness, personal rights and so on while fully preserving editorial freedom on what to report and what opinions to express.

Self-regulation is likewise a pledge by quality-conscious media professionals to maintain a dialogue with the public, as well as the political establishments and public figures. A complaint mechanism is set up to deal with justified concerns rationally and autonomously. Self-regulation can be set up both industry-wide and in-house (OSCE, 2008).

As soon as the pandemic of Covid-19 started spreading and the demand of citizens to access reliable information about the crisis increased, press and media councils reacted by reminding journalists and media across their countries about their codes of ethics (SEMM, 2020).

Self-regulatory Mechanisms

Code of Ethics

Codes of ethics are the basis for conducting ethical journalism. No matter how much they differ from country to country or from organization to organization, they always recall the minimum standards of journalistic profession and Ethical journalism that should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information, minimizing harm and acting independently (SPJ, 2023).

Codes of ethics openly define the functions, rights, and duties of journalists and thus provide journalists with guiding principles on how to best exercise their profession. The names of these codes vary ethics standards, ethics charter, code of conduct, code of practice, code of ethics, etc. However, they all have similar purposes: safeguarding the autonomy of the profession and serving the public interest.

There is not a unified code of ethics to be taken as an example. This is because firstly, backgrounds of journalism differ from one country to another. Secondly, some countries act or react more gradually than others to develop and amend their guidelines. Thirdly, and most importantly, there are diverse understandings within every society based on the nature of democracy and the socio-cultural-ethnic-religious codes of conduct. These sensitivities are often reflected in the news content. News outlets are aware of and influenced by the variety of national, local, and private codes. This promotes good standards.

As a form of global policy to be looked upon, the International Federation of Journalists Global Charter of Ethics for Journalists was adopted at the 30th IFJ World Congress in Tunis on 12 June 2019. It completes the IFJ Declaration of Principles on the Conduct of Journalists, known as the "Bordeaux Declaration". This international declaration specifies the guidelines of conduct for journalists in the research, editing, transmission, dissemination, and commentary of news and information and in the description of events in any media whatsoever (IFJ, 1954).

Different codes can coexist in the same country. Newspapers, radio stations, television channels, and Internet sites are as diverse and fluid as the content of journalism itself. Every news outlet can develop its code of ethics according to its needs. It may be appropriate to have one common code, one for print and one for broadcast. A code widely approved nationwide may serve as the main source for various types of individual codes. International practice shows that what matters is the

commitment of each news outlet to its standards. Indeed, in rare cases, a common code might even cause indifference or neglect.

The codes should be drafted by Journalists. The quality of a newspaper is defined by certain components – accuracy, fairness, balance, honesty, and so on — that place responsibility for drafting a code of ethics in the hands of the professionals who contribute to its production. The industry groups/media owners can be consulted, but it is not a necessity. If media owners are active journalists in the news outlet, they should be consulted. In some rare cases, the code may be subject to the approval of the industry. But the ultimate responsibility should rest with the editors.

Developing a code of ethics is only the first step towards effective media self-regulation. It is crucial to establish a body to supervise it and provide sanctions against those who break its rules (self-regulatory bodies). These bodies may have various forms. The main types are ombudsperson and self-regulatory press councils.

Self-regulatory bodies can appropriately be used to oversee all types of media. They may be best suited to dealing with editorial matters, however, rather than the type of technical issues that can arise about broadcasting.

Broadcast media may require more specific regulations because they are licensed in a way that print media is not. Indeed, the licensing process requires particular oversight.

Self-regulatory mechanism - The Press Council

"Press council" (The archetype of a self-regulatory body) is the most common form of a self-regulatory body. Mainly composed of media professionals, these councils are independent of political influence and serve as safeguards against abuse of power. Their main task is to deal with complaints about the work of the media through collective decision-making, usually but not necessarily on a national level (OSCE, 2008).

The importance of an efficient press council is virtually growing by the day. In their role as 'the watchdogs of democracy,' the media are, to an increasing extent, held publicly accountable for their behavior. In that context, it is important to note that the media are undergoing major developments in contemporary society. Take the rise of the new media, the emergency of citizen journalism, and the development of cross-media, for example. More and more, it prompts the question of what constitutes journalistic activity and who can be held accountable for it (Koene, 2009).

Each established press council is unique, the result of its country's particular history and media environment. It should include representatives of all stakeholders — journalists, editors, media owners, and members of the public. Usually, every press council has an organ to act upon petitions and complaints. The number of members that should be responsible for handling complaints differs. This depends on how many media outlets are involved in self-regulation and on national circumstances. The number should be large enough for different views to be heard, which helps to preserve the council's objectivity and build trust in the idea of self-regulation, but not so large that it cannot reach a common conclusion. The number should be uneven to avoid tied votes. An optimum number could be between 7 and 11 members. These members do not have to have a judicial background; they are usually also journalists or media professionals (OSCE, 2008).

The code of ethics is not an official legal document, and the council does not make juridical decisions. Members need personal and professional moral integrity rather than any law-related knowledge. Unlike court decisions that combine justice with punishment, press council decisions are corrective, upholding journalistic standards and defending society's right to receive objective information. These decisions do not prevent a possible court case on behalf of the complaining side (UNODC, 2018).

The most common governance model for organizations considered is to include a mixture of industry and independent or public representatives on the Press Council and on subcommittees that decide on complaints (if the full council does not adjudicate). However, some also specifically include judges, some include academic voices, while one (Germany) has a Press Council composed entirely of industry figures and argues that this is true 'self-regulation'. In some of the countries considered here an industry-only or industry-majority, the management board sits alongside the more public-facing council and is responsible for the Press Council's funding, constitution, code of practice, and/or appointments to the Press Council itself (Fielden, 2012).

The main duties of the press council are:

1. To accept complaints from any person towards any journalistic article or publishing to check the quality of the form and content;
2. To verify that they fall within the responsibility of the code of ethics;
3. To evaluate it;

4. To serve as a mediator between the plaintiff and the media;
5. To make decisions on complaints based on rules and regulations with fairness;
6. To single out the media for breaching ethics guidelines;
7. To secure transparency and publicity of all decisions taken;
8. To analyze and comment on media trends and provide guidance about the code's requirements;
9. To suggest amendments to the code of ethics (if mandated to do so);
10. To set journalistic professional standards;
11. To defend press freedom.

Approaching the press council does not prevent court action or action of law enforcement agents when they have jurisdiction over specific cases, thus however this may vary from country to country due to state practice and democratic culture.

The financing of the press council is a special concern toward ensuring neutrality and independence. Press Councils may be funded by the publishing industry alone, by the journalists, or by a combination of both, and sometimes with government assistance. A Press Council will usually publish a code of conduct with the approval of journalistic and media organizations (Article 19, 2005).

Media Ombudsperson

The ombudsperson promotes dialogue between those who read, listen, and watch a news outlet and those who work for it. The idea is to bid a contract for the users and, by encouraging self-criticism, to enhance the trustworthiness of the news outlet, especially if its image is not particularly good. The ombudsperson ensures respect for the rules and customs established by the media outlet, providing a sort of internal quality control. The ombudsperson collects criticisms and suggestions from media users as well as explanations from the editorial board, management or administration. Besides acting as a mediator, the ombudsperson also considers how the news outlet operates and points out deviations from the implicit contract with the readership. For print media, all these aspects are made public in a regular column.

The origins of the concept emerge from the popular French newspaper "Le Monde". In the 1960s, the director, assisted by a deputy, replied to letters himself by publishing extracts and ensuring that all identified errors were rectified. In 1994, following a serious crisis of confidence and loss of readership, an ombudsperson was

appointed to head the readers' letters department and renew dialogue between readers and editors. It worked, even though after some years, relations between management and the ombudsperson became strained. The ombudsperson is independent of the editor-in-chief and answerable only to the managing director, who decides on the appointment. The ombudsperson cannot impose sanctions but expresses opinions in a weekly column, being free to choose the topic to be discussed. The column cannot be edited, cut, or modified by others without the ombudsperson's permission (OSCE, 2008).

The ombudsperson is totally independent of the editor-in-chief and answerable only to the managing director, who decides on the appointment.

The ombudsperson cannot impose sanctions but expresses opinions in a weekly column, being free to choose the topic to be discussed. The column cannot be edited, cut, or modified by others without the ombudsperson's permission. De facto, the ombudsperson acts like some kind of internal quality control.

The role of the ombudsperson is different in different media outlets. There are different ways ombudsperson can react. When criticism arrives (by letter, e-mail, telephone call, etc.), the ombudsperson first decides whether it is justified or not and takes appropriate measures that are in his or her power.

The media ombudsperson can be an individual with a background in journalism or media ethics, possessing a deep understanding of the principles and standards of responsible journalism. Additionally, the media ombudsperson must be impartial and free from any form of bias. Furthermore, the media ombudsperson should have high moral character, impartiality, integrity, and qualifications. This ensures that they are capable of fulfilling their role objectively and fairly (Poposka,2023).

The first step towards creating an ombudsperson is establishing a media users' correspondence department to receive messages (by post, e-mail, or telephone), process them, reply, pass on comments to the people concerned, and, if necessary, publish extracts from the messages (OSCE, 2008).

Contemporary Challenges to the Concept of Media Self-regulation

Self-regulation had a great potential to work effectively in traditional media outlets, where editorial and journalists' responsibilities could be tracked easily. Thus, however, in the digital world, due to the Internet and fast development of artificial intelligence, it remains quite a challenge.

User-generated content (UGC) indicates that today, everybody can produce their own media or media-like content and distribute it on the Internet without considerable financial investment or technical skills. This does not make user-generated content professional journalism, let alone valuable content, but the basic human right to freedom of expression is not reserved for editorial offices or conventional media outlets. It is important to ponder that the right to freedom of expression also applies to individual users and citizens, online as well as offline. There is a huge debate over who should control the user-generated world. Basically, it should be decided on case-by-case analysis since it depends on the type of content that should be removed. Trivial offenses can be resolved by interaction with the person that uploaded the content in question. Criminal offenses need to be dealt with by law enforcement organs and institutions. Sometimes, it would be appropriate for the service provider to suspend the content if the content represented an imminent physical threat to one or more people.

There is not a common definition of who is a journalist and the notion of what a journalist is has changed in the online world. According to the Council of Europe recommendations, any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication" qualifies as a journalist.

Unlike government regulations, self-regulatory bodies often lack the authority to enforce their decisions. This can make it difficult to hold media organizations accountable when they violate ethical standards. Since self-regulation is voluntary, not all media outlets may choose to participate. This can lead to inconsistencies in the application of ethical standards across different media organizations. Media organizations may face conflicts of interest, especially when financial considerations or relationships with advertisers influence editorial decisions. This can undermine the credibility of self-regulation. The fast-paced evolution of digital media and social platforms presents new ethical challenges that traditional self-regulatory frameworks may struggle to address, such as misinformation, fake news, and the role of algorithms in content distribution. Smaller media organizations may lack the resources to implement and adhere to comprehensive self-regulatory measures. This can create disparities in the quality of journalism between larger and smaller outlets. Media organizations often operate across borders, making it challenging to apply consistent self-regulatory standards internationally. Different cultural and legal contexts can complicate the implementation of universal ethical guidelines.

Conclusion

Adapting media self-regulation to digital challenges is crucial for maintaining ethical standards in the rapidly evolving media landscape. Traditional ethical guidelines need to be revised to address new issues such as misinformation, fake news, and the ethical use of algorithms. This includes setting standards for transparency in content creation and distribution. Leveraging technology to monitor and report on ethical breaches in real time can help self-regulatory bodies respond more quickly and effectively. This might involve using AI and machine learning to detect and flag problematic content. Media organizations should work closely with social media platforms and tech companies to ensure that ethical standards are upheld across all digital channels. This includes developing joint initiatives to combat misinformation and promote accurate reporting. Given the global nature of digital media, establishing international standards for ethical journalism can help create a more consistent regulatory environment. Collaboration between self-regulatory bodies across different countries can facilitate the sharing of best practices and resources. Media organizations and tech companies should be transparent about how their algorithms work. This includes disclosing the criteria used for content ranking and recommendation, which can help identify and address potential biases. Ensuring that the data used to train algorithms is diverse and representative can reduce bias. This involves including data from various demographic groups and perspectives to avoid reinforcing existing prejudices. Conducting regular audits of algorithms can help detect and correct biases. These audits should be performed by independent bodies to ensure objectivity and credibility. Combining algorithmic decision-making with human oversight can help catch biases that algorithms might miss. Human editors can review and adjust algorithmic outputs to ensure they align with ethical standards. While self-regulation is key, engaging with policymakers to advocate for regulations that address algorithmic bias can also be beneficial. Media organizations can provide expertise and insights to help shape policies that promote ethical AI use.

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